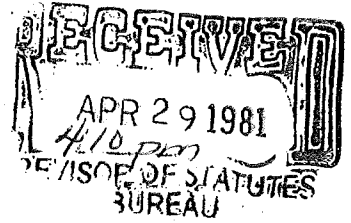


H 44, HSS 144

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)



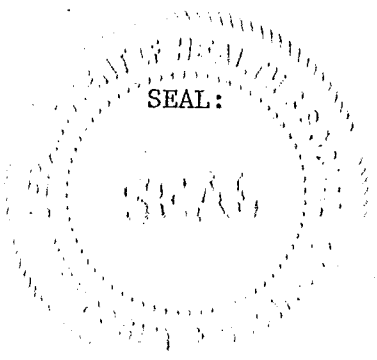
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to immunization requirements for all elementary, middle, junior and senior high school students and for children attending day care centers were duly approved by this department on April 29, 1981.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 29th day of April, A.D. 1981.

Donald E. Percy, Secretary
Department of Health and Social Services



Order of the
Department of Health and Social Services
Repealing and Adopting Rules

Relating to rules concerning immunization requirements for all elementary, middle, junior and senior high school students and for children attending day care centers.

Analysis

Prepared by the Department of Health and Social Services

Chapter 334, Laws of 1979, repealed and recreated Section 140.05(16), Wis. Stats., establishing immunization requirements for all school-children and children attending day care centers, establishing a penalty for noncompliance and granting rulemaking authority to the DHSS.

Chapter HSS144, Immunization of Students, contains definitions of terms used in the statute, delineates procedures for compliance by parents, including instructions for obtaining waivers, and explains the responsibilities of the schools, day care centers, parents, public health agencies and the Department of Health and Social Services.

Pursuant to authority vested in the Department of Health and Social Services by Section 140.05(16)(g), Wis. Stats., the Department of Health and Social Services hereby repeals and adopts rules interpreting Section 140.05(16), Wis. Stats., as follows:

SECTION 1. Chapter H44 of the Wisconsin Administrative Code is repealed.

SECTION 2. Chapter HSS144 of the Wisconsin Administrative Code is adopted to read:

CHAPTER HSS144
IMMUNIZATION OF STUDENTS

| | | | |
|-----------|---|-----------|--|
| HSS144.01 | Introduction | HSS144.06 | Responsibilities of parents and adult students |
| HSS144.02 | Definitions | HSS144.07 | Responsibilities of schools and day care centers |
| HSS144.03 | Minimum immunization requirements | HSS144.08 | Responsibilities of local public health agencies |
| HSS144.04 | Waiver for health reasons | HSS144.09 | Responsibilities of the department |
| HSS144.05 | Waiver for reason of religious or personal conviction | | |

HSS144.01 Introduction. (1) PURPOSE AND AUTHORITY. The purpose of immunization is to prevent disease and suffering and any permanent disability resulting from the disease. These rules implement s.140.05(16), Stats., which as public policy seeks to identify and immunize those students who are still susceptible to measles, rubella, polio, diphtheria, tetanus, and pertussis upon admission to an elementary, middle, junior or senior high school or a day care center, in order to prevent transmission of these diseases.

(2) RELATIONSHIP TO INFANT AND PRESCHOOL IMMUNIZATION SCHEDULES. The emphasis placed in this chapter on meeting minimum immunization requirements upon entry to Wisconsin schools at any grade level or to a day care center complements efforts by the department to promote early immunization of infants and preschoolers according to accepted immunization schedules. Children immunized according to accepted immunization schedules will exceed the minimum requirements set forth herein for all ages and grades.

HSS144.02 Definitions. (1) "Day care center," has the meaning prescribed in s.48.65, Stats., and includes nursery schools that fit that definition.

(2) "Department" means the Wisconsin Department of Health and Social Services unless otherwise specified.

(3) "DTP/DT/Td" means any combination of diphtheria, tetanus, and pertussis vaccine; pediatric type diphtheria and tetanus vaccine; or adult type tetanus and diphtheria vaccine.

(4) "Local public health agency" means any agency or official specified in ss.140.09, 141.01, 141.015, 141.02, 141.04, 141.06, Stats.

(5) "Municipality" means any town, village, city or county.

(6) "Parent" means the parent, parents, guardian, legal custodian, or person or persons acting in loco parentis of any minor student.

(7) "Physician," has the meaning prescribed in s.448.01(5), Stats., namely a person holding a license or certificate of registration from the medical examining board and includes physicians, surgeons and osteopaths.

(8) "School" means any public or private elementary, middle, junior or senior high school, which provides educational instruction to students in any grade kindergarten through twelve, or in an ungraded educational setting, or to preschool children enrolled in early childhood programs.

(9) "School day" in reference to schools has the meaning prescribed in s.115.01(10), Stats. A school day for a day care center is any day that the center is open and caring for children.

(10) "Student" means any individual enrolled in a school or day care center or attending a school or day care center.

(11) "Subsided" in reference to substantial outbreak means passage of two incubation periods for the disease causing the outbreak without additional cases unless a shorter period of time is judged adequate by the department.

(12) "Substantial outbreak" means an occurrence of a vaccine-preventable disease covered by s.140.05(16), Stats., in a given school or municipality with an incidence exceeding one of the following, whichever is smaller:

(a) Twice the incidence of that disease in the nation as a whole;

(b) The following absolute limits:

1. Measles - 2% of the susceptible population involved becomes infected.
2. Rubella - 2% of the susceptible population involved becomes infected.
3. Polio - 2 cases of the same wild-virus type in a 90 day period.
4. Pertussis - 2 cases in a 30 day period.
5. Diphtheria - 1 case.

(13) "Written evidence of immunization" means a record of at least the month and year that each required dose of vaccine was administered or the results of a laboratory test indicating immunity to the disease. Students who have not previously attended a Wisconsin school and who enter after the 1980-81 school year must provide the month, day and year for each required dose of vaccine.

HSS144.03 Minimum immunization requirements. (1) INDIVIDUALS INCLUDED.

The minimum immunization requirements authorized by s.140.05(16), Stats., apply to any student admitted to a Wisconsin elementary, middle, junior or senior high school or to a Wisconsin day care center.

(2) REQUIREMENTS FOR 1980-81 SCHOOL YEAR. Table I lists the number of doses of each required vaccine that each student shall have received since birth for the age or grade of the student. These comprise the minimum basic and recall booster immunizations required by s.140.05(16), Stats. They do not, however, represent all of the recommended immunizations for those individuals who begin immunizations in infancy and follow currently accepted immunization schedules.

Table I (For the 1980-81 School Year)

| <u>Age/Grade</u> | <u>Required Immunizations (Number of Doses)</u> | | | |
|-----------------------------|---|----------|------------|------------------|
| 15 months through 23 months | 3 DTP/DT, | 2 Polio, | 1 Measles, | 1 Rubella |
| 2 years through 4 years | 4 DTP/DT, | 3 Polio, | 1 Measles, | 1 Rubella |
| kindergarten | 4 DTP/DT/Td, | 4 Polio, | 1 Measles, | 1 Rubella |
| grades 1 through 6 | 3 DTP/DT/Td, | 3 Polio, | 1 Measles, | 1 Rubella |
| | | | | (through age 11) |
| grades 7 through 9 | 3 DTP/DT/Td, | 3 Polio, | 1 Measles | --- |
| grades 10 through 12 | --- | --- | 1 Measles | --- |

(a) Immunization against measles and rubella must have been received on or after the date of the first birthday.

(b) An exception may be made for the fourth dose of DTP/DT/Td and polio vaccines. Those who receive the third dose after their fourth birthday are not required to receive further doses of DTP/DT/Td and polio vaccines.

(c) For students in ungraded schools or above age 4 in day care centers, the immunization requirements are those for the grade which would normally correspond to the individual's age. Immunization against measles is also required for all students over age 18.

(3) REQUIREMENTS FOR SCHOOL YEARS FOLLOWING 1980-81. (a) Each year for twelve school years following the 1980-81 school year, the grade-specific requirements for doses of DTP/DT/Td, polio and measles (not rubella) vaccines shall advance one grade for students in grades kindergarten through 12. The requirements for students 15 months through 4 years of age remain the same as those for the 1980-81 school year.

(b) An exception may also be made in requirements for school years following 1980-81 for the fourth dose of DTP/DT/Td and polio vaccines. Those who receive the third dose after their fourth birthday are not required to receive further doses of DTP/DT/Td and polio vaccines.

(c) For students in ungraded schools or above age 4 in day care centers, the immunization requirements shall be those for the grade which would normally correspond to the individual's age. Immunization against measles is also required for all students over age 18.

NOTE: To illustrate, the grade-specific requirements for the 1981-82 school year would be:

| <u>Grade</u> | <u>Required Immunizations (Number of Doses)</u> | | | |
|--------------|---|---------|-----------|-------------------------------|
| K and 1 | 4 DTP/DT/Td | 4 Polio | 1 Measles | 1 Rubella |
| 2 through 6 | 3 DTP/DT/Td | 3 Polio | 1 Measles | 1 Rubella (through age 11) |
| 7 through 10 | 3 DTP/DT/Td | 3 Polio | 1 Measles | --- |
| 11 and 12 | --- | --- | 1 Measles | --- |

For the 1982-83 school year these requirements would be:

| <u>Grade</u> | <u>Required Immunizations (Number of Doses)</u> | | | |
|--------------|---|---------|-----------|-------------------------------|
| K through 2 | 4 DTP/DT/Td | 4 Polio | 1 Measles | 1 Rubella |
| 3 through 6 | 3 DTP/DT/Td | 3 Polio | 1 Measles | 1 Rubella (through age 11) |
| 7 through 11 | 3 DTP/DT/Td | 3 Polio | 1 Measles | --- |
| 12 | --- | --- | 1 Measles | --- |

The requirements for the 1992-93 school year and each succeeding year would be:

| <u>Grade</u> | <u>Required Immunizations (Number of Doses)</u> | | | |
|--------------|---|---------|-----------|-------------------------------|
| K-6 | 4 DTP/DT/Td | 4 Polio | 1 Measles | 1 Rubella (through age 11) |
| 7-12 | 4 DTP/DT/Td | 4 Polio | 1 Measles | --- |

(4) FIRST DEADLINE. Within 30 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having completed at least the first dose of each vaccine required for that student's age or grade. These first doses shall include the only required dose of both measles and rubella vaccines.

(5) SECOND DEADLINE. Within 90 school days after being admitted, each student who has not filed a waiver form shall submit written evidence of having received at least the second dose of both DTP/DT/Td and polio vaccines; written evidence of immunization against measles and rubella having already been submitted within the 30 school day limit if required for the student's age or grade.

(6) FINAL DEADLINE. Within 30 school days after having been admitted to school for the following school year each student who has not filed a waiver form shall submit written evidence of having received the third and, if required, the fourth dose of both DTP/DT/Td and polio vaccines.

(7) RECORDS OF VACCINATION. Any person who immunizes a student under s.140.05(16), Stats., shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the student. Records of vaccination required under s.140.05(16)(a) shall be included on a form, "Important Information About Vaccines," copies of which are available free from the department at 1 West Wilson Street, Madison, Wisconsin 53702.

HSS144.04 Waiver for health reasons. Upon certification by a licensed physician that an immunization required under s.140.05(16), Stats., is or may be harmful to the health of a student, the requirements for that immunization shall be waived by the department. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

HSS144.05 Waiver for reason of religious or personal conviction. Immunization requirements under s.140.05(16), Stats., shall be waived by the department upon presentation of a signed statement by the parent or guardian of a minor student or by the adult student which declares an objection to immunization on religious or personal conviction grounds. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

HSS144.06 Responsibilities of parents and adult students. The parent of any minor student or the student, if an adult, shall secure the immunizations required under s.140.05(16), Stats., from available medical sources such as physicians, hospitals or public health agencies, or shall submit the waiver form.

HSS144.07 Responsibilities of schools and day care centers. The responsibilities of schools under these rules shall be those of the local school board and the school administrator. The licensee for each day care center shall be responsible for compliance with these rules. The school or day care center shall assure compliance with s.140.05(16)(b), Stats.

(1) The school or day care center shall notify any adult student and the parent of any minor student who has not submitted either written evidence of immunization or a waiver form within 25 school days of being admitted. Notification shall include instructions for complying with the s.140.05(16), Stats., including a list of missing immunizations, the availability of waivers for reasons of health, religion or personal conviction, and an explanation of the penalty for noncompliance.

(2) For any student who has received the first dose of each immunization required for that student's age or grade under s.HSS144.03, but who has not received all of the required doses, the school shall obtain written evidence that the student has received the required subsequent doses of immunization as they are administered, but no later than the deadlines described in s.HSS144.03.

(3) Should any minor student for whom a waiver form is not filed fail to comply with the immunization requirements described in s.HSS144.03, the school or day care center shall, within 10 school days of that failure to comply, notify the district attorney in writing including the student's name and the name and address of the student's parent and request the district attorney to seek a court order under Ch. 48, Stats. The school or day care center shall keep the district attorney apprised of the subsequent compliance of any of the students initially reported to the district attorney.

(4) The school shall report to the local public health agency and the day care center shall report to the department:

(a) The degree of compliance with s.140.05(16) Stats., by students in that school or day care center; and

(b) The name and immunization history of any incompletely immunized student, including those students with waivers and those students in the process of being immunized.

(c) These reports shall be in a format prescribed by the department and shall be made by schools within 40 school days after the beginning of the term and by day care centers at intervals prescribed by the department. Updated reports shall be filed by the school on students who are in the process of being immunized. These updated reports shall be filed within 10 school days after the deadlines listed in s.HSS144.03.

(5) The school and the day care center shall maintain on file the immunization history for each student and any waiver form submitted. Immunization histories shall be updated with information supplied by the local public health agency, parents, or private physicians.

(6) The school or day care center shall maintain a current roster listing the name and immunization history of each student who does not meet all immunization requirements for that student's grade or age.

(7) The immunization record of any student who transfers from one school or day care center to another shall be forwarded to the new school or day care center within 10 school days of the request for record transfer. The records of day care students shall be transferred to a school if requested.

(8) All suspected cases of diseases covered by s.140.05(16)(a), Stats., which occur among students or staff shall be reported immediately by telephone to the local public health agency.

(9) If one of the diseases covered by s.140.05(16)(a), Stats., occurs in a student or staff member, the school or day care center shall assist the local public health agency and the department in immediately identifying any unimmunized students, notifying their parents of the possible exposure, and facilitating the disease control activities.

(10) If a substantial outbreak as defined in s.HSS144.02(12) occurs in a school or day care center, or in the municipality in which a school or day care center is located, the school or day care center shall exclude unimmunized students when ordered to do so by the department. The exclusion shall last until the student is immunized or until the department determines that the outbreak has subsided.

HSS144.08 Responsibilities of local public health agencies. (1) Each local public health agency shall be responsible for making available those immunizations required under s.140.05(16), Stats., insofar as the vaccine is available without charge from the department. Vaccines made available free from the department shall be administered without charge to the patient. By mutual agreement, responsibility for making the needed immunizations available may be transferred from the local public health agency to a school or day care center.

(2) By November 15 of each year each local public health agency shall report to the department statistical information concerning the degree of compliance with s.140.05(16), Stats., of students within its service area. These reports shall be made on a form prescribed by the department.

(3) The local public health agency shall assist the department in informing schools and day care centers of the provisions of s.140.05(16), Stats., and this chapter.

HSS144.09 Responsibilities of the department. (1) The department, in cooperation with local school boards, school administrators and other agencies as appropriate, shall provide guidance to parents, physicians, schools and local public health agencies in understanding the minimum immunization requirements, the reasons behind their establishment and the process for implementing them.

(a) The department shall undertake a public awareness campaign to acquaint parents with the requirements and rights under s.140.05(16), Stats.

(b) The department shall design, print and distribute the appropriate reporting and waiver forms. Copies of these forms are available free from the department at 1 West Wilson Street, Madison, Wisconsin 53702.

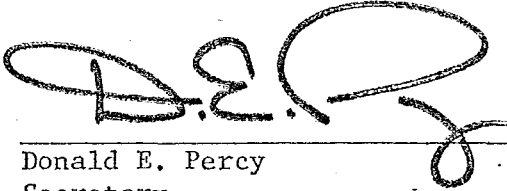
(2) A surveillance system designed to detect occurrences of vaccine preventable diseases covered by s.140.05(16) shall be maintained by the department and outbreaks shall be investigated to confirm the diagnosis and to determine the source and probable pattern of spread of the infection.

The repeal and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in 227.026(1), Wis. Stats.

Department of Health and
Social Services

Dated this 29th day
of April, 1981

By: _____


Donald E. Percy
Secretary

SEAL:



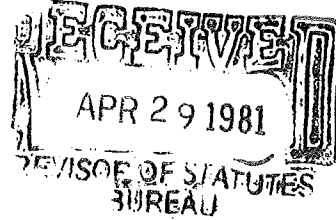


State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

April 29, 1981



Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 144 relating to immunization requirements for all elementary, middle, junior and senior high school students and for children attending day care centers. Simultaneously H 44, Wis. Adm. Code, is being repealed.

These rules are being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

A handwritten signature in black ink, appearing to read "D.E.P." with a large flourish at the end.

Donald E. Percy
SECRETARY

Enclosure