

CR 94-168

CERTIFICATE

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

I, Richard W. Lorang, Acting Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to vaccine-preventable diseases were duly approved and adopted by this Department on March 9, 1995.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the 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 9th day of March, 1995.

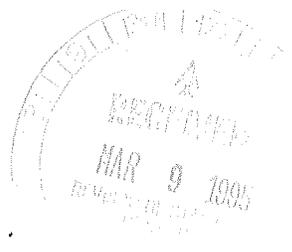
SEAL:



Richard W. Lorang, Acting Secretary
Department of Health and Social Services



ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES



To create chapter HSS 146, relating to vaccine-preventable diseases.

Analysis Prepared by the Department of Health and Social Services

The Department for many years, under s. 140.05(16)(a), 1991 Stats., has been carrying out a statewide immunization program to eliminate mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough) and poliomyelitis, and to protect against tetanus. One part of the statewide immunization program has been promotion of early immunization of infants and preschoolers according to accepted immunization schedules. Another part of the program has been implementation of the mandatory school entry immunization law under s. 140.05 (16)(b) to (f), 1991 Stats. A third part of this statewide program has been the provision of vaccines without charge to local health departments and school districts at their request for immunization of people against the vaccine-preventable diseases specified in s. 140.05(16)(a), 1991 Stats., on condition that persons immunized not be charged for the vaccines.

A recent session law, 1993 Wisconsin Act 27, renumbered s.140.05(16)(a), Stats., to be s.252.04(1), Stats., and amended the renumbered statute to permit the Department to add, by rule, other diseases to the list of vaccine-preventable diseases in that statute. If a disease is included in that list, the Department may, under s.252.04(8), Stats., as renumbered and amended by Act 27, purchase vaccines for immunization of people against those diseases and distribute the vaccines without charge to local health departments and school districts. The Department for many years has been distributing free vaccines for immunization of people against the diseases listed in the statute. For the past few years the Department has also been purchasing and distributing free vaccines to prevent hepatitis B, hemophilus influenza b and hepatitis A. The Department cannot continue to purchase and distribute free vaccines for immunization against diseases that are not on the statutory list without promulgating rules to add those diseases to the list of diseases in s. 252.04(1), Stats., as renumbered by Act 27. Those diseases were added to the statutory list of vaccine-preventable diseases by emergency order published August 25, 1994 because sickness and death caused by those diseases have diminished dramatically since the vaccines were first used, and if the vaccines would not continue to be available without charge there could be outbreaks of those preventable diseases. These are permanent rules to replace the emergency rules.

The Department's authority to create these rules is found in s. 252.04(1) and (10), Stats., as renumbered and amended by 1993 Wisconsin Act 27. The rules interpret s. 252.04(1), (8) and (9), Stats., as renumbered and amended by 1993 Wisconsin Act 27.

SECTION 1. Chapter HSS 146 is created to read:

CHAPTER HSS 146

VACCINE-PREVENTABLE DISEASES

- HSS 146.01 Authority and purpose
- HSS 146.02 Definitions
- HSS 146.03 Vaccine-preventable diseases
- HSS 146.04 Purchase and distribution of vaccines

HSS 146.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 252.04(1) and (10), Stats., to specify vaccine-preventable diseases in addition to those listed in s. 252.04(1), Stats. The department is directed by s.252.04(1), Stats., to carry out a statewide immunization program to eliminate vaccine-preventable diseases or otherwise protect people from them, and by s.252.04(8), Stats., to provide vaccines without charge to immunize people against those diseases, if federal or state funds are available to purchase the vaccines and if a school district or local health department requests the vaccines and the local immunization effort is supervised by a physician.

HSS 146.02 DEFINITIONS. In this chapter:

- (1) "Department" means the Wisconsin department of health and social services
- (2) "Local health department" has the meaning prescribed in s. 250.01(4), Stats.
- (3) "Physician" means a person licensed under ch. 448, Stats., to practice medicine or osteopathy.

HSS 146.03 VACCINE-PREVENTABLE DISEASES. The following are vaccine-preventable diseases for purposes of the statewide immunization program under s.252.04(1), Stats., including for purposes of purchasing and distributing vaccines without charge under s. 252.04(8), Stats.:

- (1) Diphtheria;
- (2) Hemophilus influenza b;
- (3) Hepatitis A;
- (4) Hepatitis B;
- (5) Measles;
- (6) Mumps;
- (7) Pertussis (whooping cough);
- (8) Poliomyelitis;

(9) Rubella (German measles); and

(10) Tetanus.

Note: This is not the list of diseases for which immunizations are required as a condition of admission to an elementary, middle, junior high or senior high school or a day care center. See ch. HSS 144 for those requirements.

HSS 146.04 PURCHASE AND DISTRIBUTION OF VACCINES. (1) PURCHASE BY DEPARTMENT. The department shall purchase vaccines against the diseases listed in s. HSS 146.03 with federal or state funds, if funds are available for this purpose, and shall distribute the vaccines, in amounts to be determined by the department, without charge to school districts and local health departments requesting the vaccines for local immunization programs.

(2) REQUESTS FOR VACCINES. A school district or local health department may request free vaccines from the department for a program of immunization against one or more vaccine-preventable diseases. The request shall be in writing and shall be addressed to the department's immunization program.

Note: A request for vaccines should be sent to Immunization Program, Division of Health, P.O. Box 309, Madison, WI 53707-0309.

(3) DEPARTMENT CONSULTATION AND WRITTEN PROTOCOLS. The department shall provide consultation to school districts and local health departments receiving free vaccines under sub. (2) on developing and implementing a local immunization program and, as required under s.252.04(9)(a), Stats., shall provide written protocols for the administration of immunizations.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: March 9, 1995

By: 
Richard W. Lorang
Acting Secretary

SEAL:

