

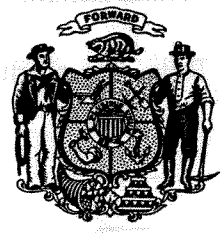
JAN 04 2001

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-171

AN ORDER to amend HFS 144.01 (1) and 144.03 (3) (a) and (6); to repeal and recreate HFS 144.03 (2) (title) and (a) and Table 144.03-A; and to create HFS 144.02 (13m) and 144.03 (2) (f) and (g) and (3m), relating to immunization of students.

Submitted by **DEPARTMENT OF HEALTH AND FAMILY SERVICES**

- 12-08-00 RECEIVED BY LEGISLATIVE COUNCIL.
- 12-29-00 REPORT SENT TO AGENCY.

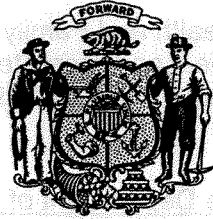
RS:RW:jal;tlu

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson
Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 00-171

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The reference in the analysis to the "Centers for Disease Control's annually updated Recommended Childhood Immunization Schedule" would be clearer if the reference were more specific. For example, the reference could cite a specific date or year for the "updated schedule."

b. Did the agency consider amending s. HFS 144.01 (12) to include an appropriate reference to varicella cases in schools or day care centers?

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Department of Health and Family Services proposes to amend HFS 144.01 (1), 144.03 (3) (a) and 144.03 (6); to repeal and recreate HFS 144.03 (2) (title), (a) and Table 144.03-A; and to create HFS 144.02 (13m), 144.03 (2) (f) and (g) and 144.03 (3m), relating to immunization of students.

Analysis Prepared by the Department of Health and Family Services

These are amendments to the Department's rules for immunization of children before they enter school and while in school. The rules apply to children attending elementary school, middle school, junior or senior high school or a day care center. The rules implement s. 252.04 (1) to (7) and (10), Stats.

This rulemaking order adds varicella (chickenpox) to the list of diseases against which students are to be immunized. Section 252.04 (1), Stats., mandates the Department's implementation of a statewide immunization program to eliminate mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough), poliomyelitis and other diseases that the Department specifies by rule, and to protect against tetanus. To these diseases, the Department has previously added hepatitis B. The Department is authorized under s. 252.04 (1) and (2), Stats., to add diseases to that list by rule.

The Department has decided to add varicella to the list of diseases specified in ch. HFS 144 based on recommendations of the federal Centers for Disease Control Advisory Committee on Immunization Practices that children entering child care facilities and elementary and middle schools either receive varicella vaccine or have other evidence of immunity to varicella. Varicella causes more illness than any other childhood vaccine-preventable disease. In 1998, 4,446 cases of varicella were reported in Wisconsin. Complications from varicella can lead to hospitalization and even death. Before the availability of varicella vaccine, varicella caused an estimated 11,000 hospitalizations and 100 deaths per year in the United States. Since children affected by the rule may have already had varicella, parents will be able to comply with the requirement by indicating that their child has had the disease.

The Department proposes to phase-in the requirement for immunization against varicella beginning with the 2001-02 school year. For the 2001-02 school year, the requirement will apply to any child entering a day care center or kindergarten. The requirement would apply to all grades by the 2005-06 school year.

This rulemaking order also proposes:

1. Increasing by 4 months the age at which measles-mumps-rubella (MMR) vaccine is required from the currently specified 12 month age to conform to the Centers for Disease Control's annually updated Recommended Childhood Immunization Schedule;
2. Clarifying that the requirement for a dose of DTP/DTaP/DT/Td vaccine (i.e., any combination of diphtheria, tetanus and pertussis vaccine; diphtheria, tetanus and acellular pertussis vaccine; pediatric type diphtheria and tetanus vaccine; or adult type tetanus and diphtheria vaccine) to be received after the 4th birthday applies to children in kindergarten only; and

3. Reducing the Hep B (hepatitis B) requirement from 3 doses to 2 doses for students who receive a licensed two-dose formulation of Hep B vaccine.

The Department's authority to amend, repeal and recreate, and create these rules is found in s. 252.04 (1), (2) and (10), Stats. The rules interpret s. 252.04 (1) to (7) and (10), Stats.

SECTION 1. HFS 144.01 (1) is amended to read:

HFS 144.01 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. 252.04, Stats., which as public policy seeks to identify and immunize those students who are still susceptible to measles, mumps, rubella, polio, hepatitis B, varicella, diphtheria, tetanus and pertussis upon admission to an elementary, middle, junior or senior high school or a day care center, or Haemophilus influenzae b upon admission to a day care center, in order to prevent transmission of these diseases.

SECTION 2. HFS 144.02 (13m) is created to read:

HFS 144.02 (13m) "Var" means varicella vaccine. Varicella is commonly known as chickenpox.

SECTION 3. HFS 144.03 (2) (title), (a) and Table 144.03-A are repealed and recreated to read:

HFS 144.03 (2) **REQUIREMENTS FOR THE 2001-02 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE 2001-02 SCHOOL YEAR.** (a) Table 144.03-A as qualified by pars. (b) to (f) lists the number of doses of each required vaccine that each student in the 2001-02 school year and following school years shall have received since birth for the age or grade of the student. These comprise the minimum basic and booster immunizations required under s. 252.04 (2), Stats. They do not, however, represent all the recommended immunizations for those individuals who begin immunizations in infancy and follow currently accepted immunization schedules.

TABLE 144.03-A
REQUIRED IMMUNIZATIONS FOR THE 2001-02 SCHOOL YEAR AND
THE FOLLOWING SCHOOL YEARS

Age/Grade	Required Immunizations (Number of Doses)					
5 months through 15 months	2 DTP/DTaP/DT	2 Polio	--		2 Hep B	2 Hib
16 months through 23 months	3 DTP/DTaP/DT	2 Polio	1 MMR		2 Hep B	3 Hib ⁴
2 years through 4 years	4 DTP/DTaP/DT	3 Polio	1 MMR	1 Var	3 Hep B	3 Hib ⁴
Kindergarten through grade 8	4 DTP/DTaP/DT/Td ¹	4 Polio	2 MMR	1 Var ²	3 Hep B ³	
Grade 9 through grade 12	4 DTP/DTaP/DT/Td	4 Polio	2 MMR	2 Var ²	3 Hep B ³	

1. For kindergarten only, at least one dose to be received after 4 years of age unless medically contraindicated.
2. Required on entrance to kindergarten, beginning 2001-02 school year. See sub. (3m) for phase-in of other grades.
3. Required for students in grades kindergarten through 4 and 7 through 11 in the 2001-02 school year. See sub. (3) for phase-in of other grades.
4. At least one dose to be received after 12 months of age unless medically contraindicated.

SECTION 4. HFS 144.03 (2) (f) and (g) are created to read:

HFS 144.03 (2) (f) Exceptions may be made in requirements for Var vaccine under any of the following circumstances:

1. Students who have a reliable history of varicella disease are not required to receive Var vaccine. A parent of a minor student or an adult student may indicate a reliable history of varicella by signing a statement that the student has had varicella disease.

2. Students who received one dose of Var vaccine before their 13th birthday are not required to receive a second dose of that vaccine.

(g) Exceptions may be made in requirements for the third dose of Hep B vaccine. Students who receive two doses of a licensed two-dose formulation of Hep B vaccine are not required to receive a third dose of Hep B vaccine.

SECTION 5. HFS 144.03 (3) (a) is amended to read:

HFS 144.03 (3) (a) Beginning with the 1997-98 school year, students entering day care centers, kindergarten and 7th grade shall have received Hep B vaccine in addition to the other required vaccines listed in Table 144.03-A as qualified by sub. (2) (b) to (e)(g).

SECTION 6. HFS 144.03 (3m) is created to read:

HFS 144.03 (3m) VAR VACCINE COVERAGE PHASE-IN. (a) Beginning with the 2001-02 school year, students entering day care centers and kindergarten shall have received Var vaccine in addition to the other required vaccines listed in Table 144.03-A as qualified by sub (2) (b) to (g).

(b) For the 2002-03 school year, the requirements for Var vaccine listed in par. (a) that apply to students in grade kindergarten shall apply to students in grades kindergarten through 1; to students in grades kindergarten through 2 in 2003-04; to students in grades kindergarten through 8 in 2004-05; and to students in grades kindergarten through 12 in 2005-06 and thereafter.

SECTION 7. HFS 144.03 (6) is amended to read:

HFS 144.03 (6) FINAL DEADLINE. Within 30 school days after having been admitted to a school or day care center 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/DTaP/DT/Td and polio vaccines and the ~~third~~ final dose of Hep B in grades required under sub. (3) and, for students in day care centers, the final dose of Hib vaccine, if a dose has not been received at or after 15 months of age.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Health
and Family Services

Date:

By: _____

Joe Leean
Secretary

SEAL: