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**IDAPA 16
TITLE 02
CHAPTER 11**

**16.02.11 - IMMUNIZATION REQUIREMENTS FOR CHILDREN ATTENDING
LICENSED DAY CARE FACILITIES IN IDAHO**

000. LEGAL AUTHORITY.

The Idaho Legislature has granted to the Idaho Board of Health and Welfare the authority to adopt rules for the administration and enforcement of an immunization program for children attending licensed day care facilities in Idaho, pursuant to Section 39-1118, Idaho Code. (5-24-91)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 02, Chapter 11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho". (5-24-91)

02. Scope. These rules contain the legal requirements for the administration and enforcement of an immunization program for children who attend licensed day care facilities in Idaho. (5-24-91)

002. -- 004. (RESERVED).

005. DEFINITIONS.

01. Board. The Idaho State Board of Health and Welfare. (12-31-91)

02. Board of Medicine. The Idaho State Board of Medicine. (5-24-91)

03. Child. A person less than twelve (12) years of age. (5-24-91)

04. Department. The Idaho Department of Health and Welfare. (5-24-91)

05. Director. The Director of the Idaho Department of Health and Welfare, or designated individual. (12-31-91)

06. Immunization Document. A medical or other written record initiated and retained by a licensed day care facility which gives the month, day and year of each immunization a child has received. (5-24-91)

07. Immunization Record. A written document signed by a physician or a physician's representative which states the month, day and year of each immunization a person has received. (5-24-91)

08. Initial Attendance. The first admission of a child to any licensed day care facility in Idaho. (5-24-91)

09. Laboratory Proof. A written or typed document or certificate from a medical laboratory licensed by the Department's Bureau of Laboratories or by a substantially similar body in another state or jurisdiction within the United States, stating the type of test performed, the date of each test and the results. Tests performed must meet the requirements of Idaho Department of Health and Welfare Rules, IDAPA 16.02.06, "Rules Governing Quality Assurance For Idaho Clinical Laboratories". (12-31-91)

10. Licensed Day Care Facility. Any Idaho day care facility maintained by an individual, organization or corporation and licensed by an authorized governmental entity to provide care to children. (5-24-91)

11. Licensed Day Care Facility Operator. Any person(s) who owns and operates or is designated by the individual, organization or corporation owner(s) to manage the day-to-day operation of a licensed day care facility described in Subsection 005.10. (12-31-91)

12. Parent, Custodian Or Guardian. The legal parent, custodian or guardian of a child or those with limited power of attorney for the temporary care or custody of a minor child. (5-24-91)

13. Physician. A medical doctor or osteopath licensed by the Idaho State Board of Medicine, or by a substantially similar body in another state or jurisdiction within the United States recognized by that Board. (5-24-91)

14. Physician's Representative. Any person appointed by or vested with the authority to act on behalf of a physician in matters concerning health. (5-24-91)

15. Regulatory Authority. The Director of the Idaho Department of Health and Welfare or the Director's designee. (5-24-91)

006. -- 099. (RESERVED).

100. IMMUNIZATION PROGRAM.

In accordance with medical standards recognized by the Board of Medicine and the "Immunization Recommendations" available from the Department's Bureau of Preventive Medicine, within fourteen (14) days of a child's initial attendance to any licensed day care facility in Idaho, the following immunizations are required and must be administered, appropriate for age, to children four (4) months of age and older: (5-24-91)

01. Diphtheria, Tetanus And Pertussis (DTP). Four (4) or more doses of DTP (Diphtheria, Tetanus and Pertussis) vaccine are required and must be administered to the child unless fewer doses are medically recommended. (3-14-95)L

02. Polio. Three (3) or more doses of polio vaccine are required and must be administered to the child unless fewer doses are medically recommended. (5-24-91)

03. Measles, Rubella And Mumps. One (1) dose of measles, rubella and mumps vaccine is required and must be administered to the child on or after age fifteen (15). (5-24-91)

04. Haemophilus Influenza Type B. Haemophilus influenzae type b (HIB) vaccine is required and must be administered to the child as recommended by the Idaho Immunization Program. (3-14-95)L

05. Hepatitis B. Three (3) doses of hepatitis B vaccine administered to children born after November 22, 1991, unless fewer doses are medically recommended (see Subsection 110.01). (3-14-95)L

101. TIME PERIOD FOR COMPLIANCE.

The parent, custodian or guardian of a child must comply with the provisions contained in this chapter within fourteen (14) days of initial attendance to any licensed day care facility in Idaho. (12-31-91)

102. EVIDENCE OF IMMUNIZATION STATUS.

01. Immunization Certification Statement. Within the deadlines established in Section 101, a parent, custodian or guardian of each child must present to the licensed day care facility operator(s) an immunization record or a true and correct copy of an immunization record signed by a physician or a physician's representative stating the type, number and dates (month, day and year) of immunizations received. (12-31-91)

02. Schedule Of Intended Immunizations. A statement by a parent, custodian or guardian of any child who has not received the required immunizations described in Subsections 100.01 through 100.05, excepted in Section 105, exempted in Section 110, or who is in the process of receiving, or has been scheduled to receive the required immunizations, must be in the possession of the licensed day care facility operator(s) within fourteen (14) days of initial attendance and must include the following information: (12-31-91)

a. Name and age of child; and (5-24-91)

b. Type, number and dates, month, day and year of immunizations to be administered; and (5-24-91)

- c. Signature of the parent, custodian or guardian providing the information; and (5-24-91)
- d. Signature of a physician or physician's representative. (5-24-91)

103. -- 104. (RESERVED).

105. EXCEPTION TO IMMUNIZATION REQUIREMENT FOR THE APPLICABLE DISEASE.

A child who meets one (1) or both of the following conditions, if supporting documentation is in the possession of the licensed day care facility operator(s), shall not be required to undergo the required immunizations: (5-24-91)

01. Laboratory Proof. A child who has laboratory proof of immunity to any of the eight (8) childhood diseases listed in Section 100, shall not be required to undergo the required immunizations. (12-31-91)

02. Disease Diagnosis. A child who has a statement signed by a licensed physician stating the child has had measles (rubeola) or mumps disease and diagnosed by the physician upon personal examination shall not be required to undergo the required immunizations. (5-24-91)

106. -- 109. (RESERVED).

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

A child who meets one (1) or both of the following conditions, if supporting documentation from the parent, custodian or guardian is in the possession of the licensed day care facility operator(s), shall be exempt from the required immunization(s) for which the condition(s) exists: (5-24-91)

01. Life Or Health Endangering Circumstances. A child who has a statement signed by a licensed physician or physician's representative that the child's life or health would be endangered if any or all of the required immunizations in Section 100, were administered shall be exempt from the required immunization(s). (12-31-91)

02. Religious Or Other Objections. A child who has a statement signed by the parent, custodian or guardian on a form provided by the Department or one (1) containing substantially similar information and includes the following information shall be exempt from the required immunization(s): (5-24-91)

- a. Name of child; and (5-24-91)
- b. A statement of objection on religious or other grounds. (5-24-91)

111. -- 199. (RESERVED).

200. DOCUMENTATION AND RETENTION OF IMMUNIZATIONS DATA BY LICENSED DAY CARE FACILITY OPERATOR(S).

01. Provision Of Information. The licensed day care facility operator shall make available upon request by the parent, custodian or guardian information on the licensed day care immunization requirement and the medically recommended immunization schedule. (5-24-91)

02. Immunization Document. The licensed day care facility operator shall transcribe the immunization data from the child's immunization record to a day care immunization document or have on file a true and correct copy of the child's immunization record. This immunization document or true and correct copy of the child's immunization record shall include the month, day and year of each immunization the child has received. (5-24-91)

03. Immunization Document Retention. The immunization document described in Subsection 200.02, shall be retained by the licensed day care facility on all children four (4) months of age and older for as long as the child attends the licensed day care facility plus one (1) year. (12-31-91)

201. -- 299. (RESERVED).

300. INSPECTIONS BY PUBLIC DISTRICT HEALTH DEPARTMENTS.

01. Compliance Inspection. The regulatory authority shall verify that the immunization document described in Subsection 200.02, is initiated and retained in the licensed day care facility. (12-31-91)

02. Recording Of Violation. Following an inspection which reveals a violation of this chapter by a licensed day care facility, the regulatory authority shall record the violations in writing and provide a copy to the licensed day care facility operator(s). (12-31-91)

03. Response To Violation. The licensed day care facility operator(s) shall submit a written report to the regulatory authority within thirty (30) days following the inspection stating that the specified violations have been corrected. (5-24-91)

04. Failure To Respond. The regulatory authority shall report in writing to the licensing authority any violation(s) recorded in Subsection 300.02, to which a licensed day care facility operator(s) has not responded as required by Subsection 300.03. (12-31-91)

301. -- 309. (RESERVED).

310. ENFORCEMENT OF IMMUNIZATION REQUIREMENT.

01. Noncompliance By Parent, Custodian Or Guardian. Any child who is not in compliance with this chapter within fourteen (14) days of initial attendance in any licensed day care facility in Idaho shall be excluded by the licensed day care facility operator(s). (12-31-91)

02. Length Of Exclusion. Any child excluded from a licensed day care facility in Idaho in accordance with Subsection 310.01, shall not be readmitted to any licensed day care facility in Idaho until they are in compliance with the requirements of this chapter. (12-31-91)

311. -- 399. (RESERVED).

400. TECHNICAL ASSISTANCE.

01. Random Evaluations. A representative of the Idaho Immunization Program shall randomly select and visit licensed day care facilities in Idaho to evaluate the immunization documents described in Subsection 200.02, exceptions documentation described in Section 105 and exemption statements described in Section 110, and filed by the licensed day care facility. (12-31-91)

02. Notice Of Intent To Review. A representative of the Idaho Immunization Program shall inform licensed day care facilities selected in Subsection 400.01, at least thirty (30) days prior to an intent to review the licensed day care facilities' documents. (12-31-91)

03. Evaluation Results. Information shall be provided to the licensed day care facility about the results of the immunization evaluation described in Subsection 400.01, and the recommendations for correcting deficiencies and increasing immunity levels. (12-31-91)

401. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings". (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records". (5-24-91)

998. INCLUSIVE GENDER AND NUMBER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (5-24-91)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16.02.11, "Immunizations Requirements for Children Attending Licensed Day Care Facilities in Idaho," are severable. If any rule or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (5-24-91)

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