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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, under Section 39-1118, Idaho Code. (4-6-05)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is, IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho." (4-6-05)

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. WRITTEN INTERPRETATIONS.

The Department has no written interpretations that apply to rules in this chapter in accordance with Section 67-5201(19)(b)(iv), Idaho Code. (4-6-05)

003. ADMINISTRATIVE APPEALS.

Administrative appeals for decisions made by the Department are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-6-05)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference in this chapter of rules. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-6-05)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-6-05)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-6-05)

04. Telephone. (208) 334-5500. (4-6-05)

05. Internet Website Address. Department Internet address is: www.healthandwelfare.idaho.gov. (4-6-05)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (4-6-05)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. ACIP. The Center for Disease Control Prevention's Advisory Committee on Immunization Practices. (4-6-05)

- 02. Board.** The Idaho State Board of Health and Welfare. (12-31-91)
- 03. Board of Medicine.** The Idaho State Board of Medicine. (5-24-91)
- 04. Child.** A person less than twelve (12) years of age. (5-24-91)
- 05. Department.** The Idaho Department of Health and Welfare. (5-24-91)
- 06. Director.** The Director of the Idaho Department of Health and Welfare, or designated individual. (12-31-91)
- 07. 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)
- 08. 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)
- 09. Initial Attendance.** The first admission of a child to any licensed day care facility in Idaho. (5-24-91)
- 10. Laboratory Proof.** A certificate from a licensed medical laboratory stating the type of test performed, the date of each test and the results. Tests performed must meet the requirements of IDAPA 16.02.06, "Rules Governing Quality Assurance for Idaho Clinical Laboratories." (4-6-05)
- 11. 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)
- 12. Licensed Day Care Facility Operator.** Any person who owns and operates or is designated by an individual, organization or corporation to manage the day-to-day operation of a licensed day care facility described in Subsection 010.11 of these rules. (4-6-05)
- 13. 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)
- 14. Pertussis.** An infectious agent, *Bordetella pertussis*, that causes the disease commonly known as whooping cough. (4-6-05)
- 15. Physician.** A medical doctor or osteopath licensed by the Idaho State Board of Medicine, or by a similar body in another state or jurisdiction within the United States. (4-6-05)
- 16. 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)
- 17. Regulatory Authority.** The Director of the Idaho Department of Health and Welfare or the Director's designee. (5-24-91)

011. -- 099. (RESERVED).

100. IMMUNIZATION PROGRAM.

All immunizations listed in Subsections 100.01 through 100.05 of these rules, are required of children who are to attend licensed day care facilities. These immunizations must be administered according to the "General Recommendations on Immunizations" established by the ACIP. These recommendations are available from the Department. (4-6-05)

01. Diphtheria, Tetanus and A-Cellular Pertussis (DTaP). Five (5) doses of DTaP (Diphtheria, Tetanus and a-cellular Pertussis) vaccine are required and must be administered to the child unless fewer doses are

medically recommended. (4-6-05)

02. Polio. Three (3) doses of polio vaccine are required and must be administered to the child unless fewer doses are medically recommended. See Section 110 of these rules. (4-6-05)

03. Measles, Rubella and Mumps. Two (2) doses of measles, rubella and mumps vaccine are required and must be administered to the child according to ACIP recommendations. (4-6-05)

04. Haemophilus Influenza Type B. Haemophilus influenza type b (HIB) vaccine is required and must be administered to the child according to ACIP recommendations. (4-6-05)

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 Section 110 of these rules. (4-6-05)

101. TIME PERIOD FOR COMPLIANCE.

The legal 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. (4-6-05)

102. EVIDENCE OF IMMUNIZATION STATUS.

01. Immunization Certification Statement. Within the deadlines established in Section 101 of these rules, a legal parent, custodian or guardian of each child must present to the licensed day care facility operator an immunization record or certification statement signed by a physician or a physician's representative stating the type, number and dates of immunizations received. (4-6-05)

02. Schedule of Intended Immunizations. The licensed day care facility operator, within fourteen (14) days of initial attendance, must have a statement by a legal parent, custodian or guardian of any child who is not immunized, excepted or exempted, and who is in the process of receiving, or has been scheduled to receive the required immunizations. This statement must include the following information: (4-6-05)

- a. Name and age of child; (4-6-05)
- b. Type, number and dates of immunizations to be administered; (4-6-05)
- c. Signature of the legal parent, custodian or guardian providing the information; and (4-6-05)
- 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, when supporting documentation is in the possession of the licensed day care facility operator, will not be required to undergo the required immunizations: (4-6-05)

01. Laboratory Proof. A child who has laboratory proof of immunity to any of the nine (9) childhood diseases listed in Section 100 of these rules, will not be required to undergo the required immunizations. (4-6-05)

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 will not be required to undergo the required immunizations. (4-6-05)

106. -- 109. (RESERVED).

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of the licensed day care facility operator, a child who meets one (1) or both of the following conditions, will be exempt from the required immunizations. (4-6-05)

01. Life or Health Endangering Circumstances. A signed statement of a licensed physician that the child's life or health would be endangered if any or all of the required immunizations are administered; or (4-6-05)

02. Religious or Other Objections. A signed statement of the legal parent, custodian or guardian on a form provided by the Department or one containing similar information, and includes the following: (4-6-05)

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 OPERATORS.

01. Provision of Information. The licensed day care facility operator will provide to the legal parent, custodian or guardian, information on immunization requirements and the ACIP recommended immunization schedule. (4-6-05)

02. Immunization Document. The licensed day care facility operator will copy 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 must include the month, day and year of each immunization the child has received. (4-6-05)

03. Immunization Document Retention. The immunization document described in Subsection 200.02 of these rules, must be retained by the licensed day care facility on all children for as long as the child attends the licensed day care facility plus one (1) year. (4-6-05)

201. -- 299. (RESERVED).

300. INSPECTIONS BY PUBLIC DISTRICT HEALTH DEPARTMENTS.

01. Compliance Inspection. The regulatory authority will verify that the immunization document described in Subsection 200.02 of these rules, is initiated and retained in the licensed day care facility. (4-6-05)

02. Recording of Violation. Following an inspection which reveals a violation of this chapter by a licensed day care facility, the regulatory authority will record the violations in writing and provide a copy to the licensed day care facility operator. (4-6-05)

03. Response to Violation. The licensed day care facility operator will submit a written report to the regulatory authority within thirty (30) days following the inspection stating that the specified violations have been corrected. (4-6-05)

04. Failure to Respond. The regulatory authority will report in writing to the licensing authority any violations recorded in Subsection 300.02 of these rules, to which a licensed day care facility operator has not responded as required by Subsection 300.03 of these rules. (4-6-05)

301. -- 309. (RESERVED).

310. ENFORCEMENT OF IMMUNIZATION REQUIREMENT.

01. Noncompliance. Licensed day care facility operators in Idaho must exclude any child who is not in compliance with this chapter within fourteen (14) days of initial attendance in their day care facility. (4-6-05)

02. Length of Exclusion. Any child excluded from a licensed day care facility in Idaho as required in Subsection 310.01 of these rules, may not be readmitted to the facility until they are in compliance with the requirements of this chapter. (4-6-05)

311. -- 399. (RESERVED).

400. TECHNICAL ASSISTANCE.

01. Random Evaluations. A representative of the Department will randomly select and visit licensed day care facilities in Idaho to evaluate the facility files for the following: (4-6-05)

- a.** Immunization documents described in Subsection 200.02 of these rules; (4-6-05)
- b.** Exceptions documentation described in Section 105 of these rules; and (4-6-05)
- c.** Exemption statements described in Section 110 of these rules. (4-6-05)

02. Notice of Intent to Review. A representative of the Department will inform licensed day care facilities selected in Subsection 400.01 of these rules, at least thirty (30) days prior to an intent to review the licensed day care facilities' documents. (4-6-05)

03. Evaluation Results. Information will be provided to the licensed day care facility about the results of the immunization evaluation described in Subsection 400.01 of these rules, and the recommendations for correcting deficiencies and increasing immunity levels. (4-6-05)

401. -- 999. (RESERVED).

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