

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

DRAFT NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
665.105	Amendment
665.115	Amendment
665.140	Amendment
665.210	Amendment
665.230	Amendment
665.240	Amendment
665.250	Amendment
665.270	Amendment
665.280	Amendment
665.290	Amendment
665.510	Amendment
665.520	Amendment
665.Appendix B	Repeal
665.Appendix F	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2], Section 2 of the Communicable Disease Prevention Act [410 ILCS 315/2] and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes changes to the vaccination requirements for children and students. Specifically, the proposed rulemaking revises vaccination intervals allowed for meningococcal vaccination among children in 6th and 12th grades and strengthens polio vaccination requirements for children entering kindergarten in the 2016-17 school year. The proposed vaccination revisions are supported by the Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices (ACIP).

This rulemaking also seeks to implement P.A. 99-249 which requires parents and legal guardians seeking a religious exemption for child and student health examinations and immunizations to complete and submit a Certificate of Religious Exemption. This rulemaking provides the formal criteria for use of the Certificate and sets forth the processes by which schools will handle the Certificate.

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This rulemaking further seeks to add provisions of the Immunization Code, 77 Ill. Adm. Code 695, which is being repealed. The Child Health Examination Code and the Immunization Code nearly mirror each other. Rather than having two redundant regulations, IDPH is proposing to repeal the Immunization Code and insert its provisions into the Child Health Examination Code to create a one master rule covering child health examination and immunization requirements.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. However, all vaccines are readily available through the federal Vaccines for Children (VFC) program administered by the Department.

The Department anticipates adoption of this rulemaking approximately three months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking:
CDC. Prevention and Control of Meningococcal Disease: Recommendations of the Advisory Committee on Immunization Practices (ACIP); MMWR 2013; 62 (No. RR-2) (available online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6202a1.htm>).
- CDC. Update Recommendations for use of meningococcal conjugate vaccines – Advisory Committee on Immunization Practices (ACIP); MMWR 2011;60:72-76 (available online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6003a3.htm>).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

(217) 782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not have a direct impact on these stated entities. An indirect impact could occur to employer-provided health care coverage for the requirement for additional vaccination protection for students. However, the Department sponsors a Vaccines For Children (VFC) program, which addresses vaccination needs for under-insured children through age 18 years and a Vaccines For Adults (VFA) program for adults to address the needs of under-insured and uninsured adults.
- B) Reporting, bookkeeping or other procedures required for compliance: Health care providers administering vaccinations are expected to record the following information as documentation for any vaccination provided: the type of vaccine, date administered, vaccine manufacturer, vaccine lot number and the date of the Vaccine Information Statement provided to the patient at the time of the vaccination.

Schools and child care facilities are required to monitor compliance with physical examinations and immunization requirements as noted in Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the Child Care Act of 1969 [225 ILCS 10/7]. The proposed rulemaking revises language to assure consistency with

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current medical practice, national vaccination scheduling recommendations and alignment with statutory requirements created by P.A. 095-04805 and P.A. 99-0249.

- C) Types of professional skills necessary for compliance: Only licensed medical professionals can administer vaccinations.

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

The full text of the Proposed Amendments begins on the next page: