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**IDAPA 16
TITLE 02
CHAPTER 11**

**16.02.11 – IMMUNIZATION REQUIREMENTS FOR CHILDREN ATTENDING
LICENSED DAYCARE 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 daycare 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 Daycare 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 daycare 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.

The “Recommended Immunization Schedules for Persons Aged 0 Through 18 Years -- United States, 2010,” are incorporated by reference for this chapter of rules. Published in the Morbidity and Mortality Weekly Report, January 8, 2010, Vol. 58 (51 and 52), by the Centers for Disease Control and Prevention as recommended by the Advisory Committee on Immunization Practices (ACIP). This document is referred to in this chapter of rules as “ACIP Recommended Schedule.” These schedules may be obtained from the Department or viewed online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5851a6.htm> . (4-7-11)

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 <http://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 Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices. (4-7-11)
- 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 thirteen (13) years of age, as defined in Section 39-1102, Idaho Code. (4-7-11)
- 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 Record.** An electronic medical health record, an immunization registry document, or a written immunization certificate confirmed by a licensed health care professional or a physician’s representative which states the month, day, and year of each immunization a person has received. (4-7-11)
- 08. Initial Attendance.** The first admission of a child to any licensed daycare facility in Idaho. (5-24-91)
- 09. Laboratory Proof.** A certificate from a licensed medical laboratory stating the type of test performed, the date of each test and the results, accompanied by a physician’s statement indicating the child is immune. Tests performed must meet the requirements in IDAPA 16.02.06, “Rules Governing Quality Assurance for Idaho Clinical Laboratories.” (4-7-11)
- 10. Licensed Daycare Facility.** Any Idaho daycare 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 Daycare 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 daycare facility described in Subsection 010.10 of these rules. (4-6-05)
- 12. Licensed Health Care Professional.** A practitioner, licensed in the State of Idaho by the Board overseeing the practitioner’s license, or by a similar body in another state or jurisdiction within the United States. The practitioner’s scope of practice for licensure must allow for the ordering of immunizations and writing of prescriptions, or the practitioner must be under the direction of a licensed physician. Licensed health care professionals who may provide for immunization requirements include: medical doctors, osteopaths, nurse practitioners, physicians’ assistants, licensed registered nurses, and pharmacists. Other persons authorized by law to practice any of the healing arts, shall not be considered licensed health care professionals for the purposes of this chapter. (4-7-11)
- 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. 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, to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine. (4-7-11)
- 15. 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)
- 16. 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 REQUIREMENTS.

All immunizations listed in Subsections 100.01 through 100.09 of these rules, are required of children who attend licensed daycare facilities. These immunizations must be administered age appropriately according to the “ACIP Recommended Schedule,” incorporated by reference in Section 004 of these rules, unless fewer doses are medically recommended by a physician. These recommendations are available from the Department. (4-7-11)

- 01. Diphtheria, Tetanus and A-Cellular Pertussis (DTaP) Vaccine.** (4-7-11)
- 02. Polio Vaccine.** (4-7-11)
- 03. Measles, Mumps, and Rubella (MMR) Vaccine.** (4-7-11)
- 04. Haemophilus Influenza Type B (HIB) Vaccine.** (4-7-11)
- 05. Hepatitis B Vaccine.** (4-7-11)
- 06. Varicella Vaccine.** (4-7-11)
- 07. Pneumococcal Vaccine.** (4-7-11)
- 08. Rotavirus Vaccine.** (4-7-11)
- 09. Hepatitis A Vaccine.** (4-7-11)

101. 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 daycare facility in Idaho. (4-7-11)

102. EVIDENCE OF IMMUNIZATION STATUS.

01. Immunization Record. Within the deadlines established in Section 101 of these rules, a parent, custodian, or guardian of each child must present to the licensed daycare facility operator an immunization record. (4-7-11)

02. Schedule of Intended Immunizations Form. A child who has received at least one (1) dose of each required vaccine and is currently on schedule for subsequent immunizations may conditionally attend daycare when a schedule of intended immunizations form is provided. The licensed daycare facility operator, must have a schedule of intended immunizations form completed by a parent, custodian, or guardian for 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. A form provided by the Department, or one similar, must include the following information: (4-7-11)

- a.** Name and date of birth of child; (4-7-11)
- b.** Type, number and dates of scheduled immunizations to be administered; (4-7-11)
- c.** Signature of the parent, custodian, or guardian; and (4-7-11)
- d.** Signature of a licensed health care professional providing care to the child. (4-7-11)

103. -- 104. (RESERVED)

105. EXCEPTIONS TO IMMUNIZATION REQUIREMENT.

A child who meets one (1) or more of the following conditions, when supporting documentation is in the possession of the licensed daycare facility operator, will not be required to receive the required immunizations in order to attend the licensed daycare facility. (4-7-11)

01. Laboratory Proof. A child who has laboratory proof of immunity to any of the childhood diseases listed in Section 100 of these rules, will not be required to receive the required immunizations for which the child is immune. (4-7-11)

02. Disease Diagnosis. A child who has a statement signed by a licensed health care professional stating the child has had varicella (chickenpox) disease diagnosed by a licensed health care professional upon personal examination will not be required to receive the required immunizations for the diagnosed disease. (4-7-11)

03. Suspension of Requirement. The Regulatory Authority may temporarily suspend one or more of the immunization requirements listed in Section 100 of these rules, if the Regulatory Authority determines that suspension of the requirement is necessary to address a vaccine shortage or other emergency situation in the state. The Regulatory Authority will suspend a requirement for the length of time needed to remedy the vaccine shortage or emergency situation. (4-7-11)

106. -- 109. (RESERVED)

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of the licensed daycare facility operator, a child who meets one (1) or both of the conditions in Subsections 110.01 and 110.02 of this rule, will be exempt from the required immunizations. (4-7-11)

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. (4-7-11)

02. Religious or Other Objections. A signed statement of the parent, custodian, or legal guardian that must be either: (5-18-18)T

a. On a standard Department form or similar form provided by the school; or (5-18-18)T

b. A signed statement that must include: (5-18-18)T

i. The name of child and the child's date of birth; and (5-18-18)T

ii. A statement indicating that the child is exempt from immunization as provided in Section 110 of this rule for religious or other objections; and (5-18-18)T

iii. The signature of the parent, custodian, or legal guardian. (5-18-18)T

111. -- 149. (RESERVED)

150. EXCLUSION CRITERIA.

01. Noncompliance. A child meeting any one (1) of the following conditions must be excluded by the licensed daycare facility operator: (4-7-11)

a. Has received fewer than the required number of doses of immunizations described in Section 100 of these rules, and does not have the remaining required vaccine doses scheduled; (4-7-11)

b. Has failed to continue to receive immunizations as provided on the schedule of intended immunizations form described in Subsection 102.02 of these rules; (4-7-11)

c. Has received one or more doses at less than the minimum interval or less than the minimum age as recommended by the ACIP under Section 004; (4-7-11)

d. Has not received any doses of the required immunization and does not have a valid exception or exemption described in Sections 105 and 110 of these rules; or (4-7-11)

e. Has no immunization record on file at the daycare facility. (4-7-11)

02. Exempted Children. A child exempted under Section 110 of these rules, may be excluded by the regulatory authority in the event of a disease outbreak under IDAPA 16.02.10, “Idaho Reportable Diseases.” (4-7-11)

151. -- 199. (RESERVED)

200. DOCUMENTATION AND RETENTION OF IMMUNIZATIONS RECORD BY LICENSED DAYCARE FACILITY OPERATORS.

01. Provision of Information. The licensed daycare facility operator will provide to the parent, custodian, or guardian, information on immunization requirements and the ACIP recommended immunization schedule. (4-7-11)

02. Immunization Record Retention. The immunization documentation described in Section 102 of these rules, must be retained by the licensed daycare facility for each child as long as the child attends the licensed daycare facility plus one (1) year after last attendance. (4-7-11)

201. -- 299. (RESERVED)

300. INSPECTIONS.

01. Compliance Inspection. The regulatory authority will verify that the immunization record described in Section 010 of these rules, is retained in the licensed daycare facility. (4-7-11)

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

03. Response to Violation. The licensed daycare 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 this rule, to which a licensed daycare facility operator has not responded as required by Subsection 300.03 of this rule. (4-7-11)

301. -- 309. (RESERVED)

310. ENFORCEMENT OF IMMUNIZATION REQUIREMENT.

01. Enforcement The regulatory authority may exclude any child who does not meet the requirements in this chapter and who has not been excluded from the licensed daycare facility as required in Section 150 of these rules. (4-7-11)

02. Length of Exclusion. Any child excluded from a licensed daycare facility in Idaho as required in Subsection 310.01 of this rule, may not be readmitted to the facility until the child is in compliance with the requirements of this chapter. (4-7-11)

311. -- 399. (RESERVED)

400. TECHNICAL ASSISTANCE.

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

- a. Immunization record described in Section 010 of these rules; (4-7-11)
- 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 daycare facilities selected in Subsection 400.01 of this rule, at least thirty (30) days prior to an intent to review the licensed daycare facilities' documents. (4-7-11)

03. Evaluation Results. Information will be provided to the licensed daycare facility about the results of the immunization evaluation described in Subsection 400.01 of this rule, and the recommendations for correcting deficiencies and increasing immunity levels. (4-7-11)

401. -- 999. (RESERVED)

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