
ENGROSSED SUBSTITUTE SENATE BILL 5540

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and L. Kreidler).

Read first time March 4, 1991.

1 AN ACT Relating to immunizations for infectious diseases; adding
2 new sections to chapter 43.20 RCW; adding a new section to chapter
3 43.20A RCW; adding a new section to chapter 43.70 RCW; adding a new
4 section to chapter 70.47 RCW; adding a new section to chapter 41.05
5 RCW; adding a new section to chapter 18.130 RCW; adding a new section
6 to chapter 70.41 RCW; adding a new section to chapter 70.175 RCW;
7 adding a new section to chapter 18.51 RCW; adding a new section to
8 chapter 18.46 RCW; adding new sections to chapter 70.01 RCW; creating
9 new sections; and declaring an emergency.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20 RCW
12 to read as follows:

13 LEGISLATIVE INTENT. The legislature finds that there has been an
14 increase in the number of children and adults contracting infectious
15 diseases. The legislature further finds that this trend has occurred

1 despite the availability of safe and effective immunizations that can
2 prevent these life-threatening diseases. The legislature further finds
3 that parents and guardians of children as well as at risk adults are
4 often unaware of the need for immunizations, the appropriate age to
5 receive such immunizations, and the public health risks of the failure
6 to be properly immunized.

7 The legislature declares that it is in the public health interest
8 of the people of the state of Washington that all children should be
9 appropriately immunized. It further declares that at-risk adults
10 including those adults who work in health and long-term care settings
11 should also be appropriately immunized to stop the spread of infectious
12 disease in these settings.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20 RCW
14 to read as follows:

15 IMMUNIZATION REQUIREMENT. Effective January 1, 1992, it shall be
16 the responsibility of the parent or legal guardian of every child in
17 the state to ensure that their child complies with the immunization
18 schedules developed by the state board under section 3 of this act,
19 provided that nothing in this chapter shall require immunization of a
20 child where:

21 (1) A physician licensed under chapter 18.71 or 18.57 RCW has
22 determined that a particular vaccine is not medically advisable for the
23 child, provided that where it is determined by the physician that a
24 particular vaccine is not contraindicated, the child will be required
25 to receive the immunization; or

26 (2) The parent or legal guardian of the child has objections to the
27 required immunizations based upon religious beliefs.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20 RCW
2 to read as follows:

3 STATE BOARD OF HEALTH ACTIVITIES. (1) The state board shall adopt
4 a rule by October 1, 1991, that establishes a schedule of appropriate
5 immunizations against infectious diseases for children, at-risk adults,
6 health care professionals, and other adults working in health and long-
7 term care settings. The schedule shall include the type of
8 immunization recommended and the appropriate age for receiving
9 vaccines. The state board may modify by rule the recommended
10 immunization schedule from time to time. When implementing this
11 section the state board shall consider recommended immunization
12 schedules developed by such bodies as the federal center for disease
13 control. The state board shall exempt from the immunization
14 requirements in sections 9 through 13 of this act those personnel
15 employed by health care professionals who have no patient contact.

16 (2) The state board shall make immunization schedules required by
17 this section available to the secretary of health, the secretary of
18 social and health services, the administrator of the basic health plan,
19 the administrator of the state health care authority, and the general
20 public no later than November 1, 1991.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
22 to read as follows:

23 STATE SERVICE RECIPIENTS--DEPARTMENT OF SOCIAL AND HEALTH SERVICES.
24 (1) Effective January 1, 1992, the parent or legal guardian of a child
25 who is eligible to receive services from, through, or purchased by the
26 department shall be responsible for providing to the department within
27 ninety days of receiving such services:

1 (a) A certificate showing that the child has completed the state
2 board of health recommended infectious disease immunization schedule or
3 is making satisfactory progress in complying with the schedule;

4 (b) A waiver signed by a physician licensed under chapter 18.71 or
5 18.57 RCW stating that a particular vaccine is not medically advisable
6 for the child. When it is determined by the physician that a
7 particular vaccine is not contraindicated, the child will be required
8 to receive the immunization; or

9 (c) A written certification signed by a parent or legal guardian of
10 the child stating that the signer has objections to the required
11 immunizations based upon religious beliefs: PROVIDED, That no person
12 may be denied benefits under this chapter for failure to provide the
13 certificate or waiver set forth herein.

14 (2) The secretary shall grant to parents or guardians of children
15 who are receiving department services on or before January 1, 1992,
16 ninety days to comply with the requirements of this section.

17 (3) The secretary shall decide the manner in which certificates and
18 waivers required by this section shall be prepared and made available.

19 (4) The secretary may establish by rule a procedure to periodically
20 check whether children are making satisfactory progress in complying
21 with the appropriate immunization schedules. Such monitoring shall, to
22 the extent possible, be conducted during the course of routine contact
23 with the parent or guardian of the child.

24 (5) The secretary shall coordinate with the secretary of health,
25 the administrator of the basic health plan, and the administrator of
26 the state health care authority in the preparation of certificates and
27 waivers required for the administration of this section to assure
28 minimum paperwork and prevent duplicative compliance requirements for
29 children receiving state services or benefits from more than one state
30 agency.

1 (6) The secretary shall seek whatever federal waivers are necessary
2 to implement the provisions of this section.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
4 to read as follows:

5 STATE SERVICE RECIPIENTS--DEPARTMENT OF HEALTH. (1) Effective
6 January 1, 1992, the parent or guardian of a child who is eligible to
7 receive services from, through, or purchased by the department shall be
8 responsible for providing to the department within ninety days of
9 receiving such services:

10 (a) A certificate showing that the child has completed the state
11 board of health recommended infectious disease immunization schedule or
12 is making satisfactory progress in complying with the schedule;

13 (b) A waiver signed by a physician licensed under chapter 18.71 or
14 18.57 RCW stating that a particular vaccine is not medically advisable
15 for the child. When it is determined by the physician that a
16 particular vaccine is not contraindicated, the child will be required
17 to receive the immunization; or

18 (c) A written certification signed by a parent or legal guardian of
19 the child stating that the signer has objections to the required
20 immunizations based upon religious beliefs: PROVIDED, That no person
21 may be denied benefits under this chapter for failure to provide the
22 certificate or waiver set forth herein.

23 (2) The secretary shall grant to parents or guardians of children
24 who are receiving department services on or before January 1, 1992,
25 ninety days to comply with the requirements of this section.

26 (3) The secretary shall decide the manner in which certificates and
27 waivers required by this section may be prepared and made available.

28 (4) The secretary may establish by rule a procedure to periodically
29 check whether children are making satisfactory progress in complying

1 with the appropriate immunization schedules. Such monitoring shall, to
2 the extent possible, be conducted during the course of routine contact
3 with the parent or guardian of the child.

4 (5) The secretary shall coordinate with the secretary of social and
5 health services, the administrator of the basic health plan, and the
6 administrator of the state health care authority in the preparation of
7 certificates and waivers and required for the administration of this
8 section to assure minimum paperwork and duplicative compliance
9 requirements for children receiving state services or benefits from
10 more than one state agency.

11 (6) The secretary shall seek whatever federal waivers are necessary
12 to implement the provisions this section.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.47 RCW
14 to read as follows:

15 STATE SUBSIDIZED HEALTH CARE INSURANCE RECIPIENTS--BASIC HEALTH
16 PLAN. (1) Effective January 1, 1992, the parent or guardian of a child
17 who is enrolled in the plan shall be responsible for providing to the
18 plan administrator within ninety days of enrollment:

19 (a) A certificate showing that the child has completed the state
20 board of health recommended infectious disease immunization schedule or
21 is making satisfactory progress in complying with the schedule;

22 (b) A waiver signed by a physician licensed under chapter 18.71 or
23 18.57 RCW stating that a particular vaccine is not medically advisable
24 for the child. When it is determined by the physician that a
25 particular vaccine is not contraindicated, the child will be required
26 to receive the immunization; or

27 (c) A written certification signed by a parent or legal guardian of
28 the child stating that the signer has objections to the required
29 immunizations based upon religious beliefs: PROVIDED, That no person

1 may be denied benefits under this chapter for failure to provide the
2 certificate or waiver set forth herein.

3 (2) The administrator shall grant to parents and guardians of
4 children enrolled in the plan on or before January 1, 1992, ninety days
5 to comply with the requirements of this section.

6 (3) The administrator shall decide the manner in which certificates
7 and waivers required by this section shall be prepared and made
8 available.

9 (4) The administrator may establish by rule a procedure to
10 periodically check whether children are making satisfactory progress in
11 complying with the appropriate immunization schedules. Such monitoring
12 shall, to the extent possible, be conducted when the parent or guardian
13 of the child has routine contact with the plan or health care
14 contractors authorized to provide services under the plan.

15 (5) The administrator shall coordinate with the administrator of
16 the state health care authority, and the secretaries of health and
17 social and health services to assure minimum paperwork and duplicative
18 compliance requirements for children receiving state services or
19 benefits from more than one state agency.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 41.05 RCW
21 to read as follows:

22 STATE EMPLOYEE BENEFIT RECIPIENTS--STATE HEALTH CARE AUTHORITY.

23 (1) Effective January 1, 1992, the parent or guardian of a child who is
24 enrolled as a dependent in the plan shall be responsible for providing
25 to the administrator within ninety days of enrollment:

26 (a) A certificate showing that the child has completed the state
27 board of health recommended infectious disease immunization schedule or
28 is making satisfactory progress in complying with the schedule;

1 (b) A waiver signed by a physician licensed under chapter 18.71 or
2 18.57 RCW stating that a particular vaccine is not medically advisable
3 for the child. When it is determined by the physician that a
4 particular vaccine is not contraindicated, the child will be required
5 to receive the immunization; or

6 (c) A written certification signed by a parent or legal guardian of
7 the child stating that the signer has objections to the required
8 immunizations based upon religious beliefs: PROVIDED, That no person
9 may be denied benefits under this chapter for failure to provide the
10 certificate or waiver set forth herein.

11 (2) The administrator shall grant to parents and guardians of
12 children enrolled in the plan on or before January 1, 1992, ninety days
13 to comply with the requirements of this section.

14 (3) The administrator shall decide the manner in which certificates
15 and waivers required by this section shall be prepared and made
16 available.

17 (4) The administrator may establish by rule a procedure to
18 periodically check whether children are making satisfactory progress in
19 complying with the appropriate immunization schedules. Such monitoring
20 shall, to the extent possible, be conducted when the parent or guardian
21 of the child has any routine contact with the plan or health care
22 contractors authorized to provide services under the plan.

23 (5) The administrator shall coordinate with the administrator of
24 the basic health plan, and the secretaries of health and social and
25 health services to assure minimum paperwork and duplicative compliance
26 requirements for children receiving state services or benefits from
27 more than one state agency.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.130 RCW
29 to read as follows:

1 IMMUNIZATION REQUIRED FOR REGULATED HEALTH CARE PROFESSIONALS. (1)
2 Effective January 1, 1992, health care professionals regulated under
3 one of the disciplining authorities cited in RCW 18.130.040, who are
4 determined by the state board of health to present a risk of
5 contracting and spreading preventable infectious diseases covered by
6 the board's immunization schedules, shall present evidence of
7 appropriate immunization to the department upon the renewal of their
8 license, and for those applicants for licensure, prior to the issuance
9 of a license.

10 (2) The department shall accept in lieu of evidence of
11 immunization:

12 (a) A waiver signed by a physician licensed under chapter 18.71 or
13 18.57 RCW stating that a particular vaccine is not medically advisable
14 for the health care professional. When it is determined by the
15 physician that a particular vaccine is not contraindicated, the health
16 care professional will be required to receive the immunization; or

17 (b) A written certification signed by the health care professional
18 stating his or her objections to the required immunizations based upon
19 religious beliefs.

20 (3) The department shall prescribe forms necessary to meet the
21 requirements of this section.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.41 RCW
23 to read as follows:

24 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
25 CARE FACILITIES--HOSPITALS. (1) Effective January 1, 1992, a hospital
26 shall require as a condition of employment or continued employment that
27 all applicants and hospital personnel provide evidence of meeting the
28 immunization requirements as defined by the state board of health under
29 section 3 of this act.

1 (2) A hospital shall not require employees to provide evidence of
2 immunizations if the employees are regulated under one of the
3 disciplining authorities cited in RCW 18.130.040 or if the employees
4 have no patient contact and are exempt from immunization requirements
5 by the state board of health.

6 (3) The hospital shall accept in lieu of evidence of immunization:

7 (a) A waiver signed by a physician licensed under chapter 18.71 or
8 18.57 RCW stating that a particular vaccine is not medically advisable
9 for the employee. When it is determined by the physician that a
10 particular vaccine is not contraindicated, the employee will be
11 required to receive the immunization; or

12 (b) A written certification signed by the employee stating his or
13 her objections to the required immunizations based upon religious
14 beliefs;

15 (4) The department shall prescribe forms necessary to meet the
16 requirements of this section.

17 (5) The hospital shall maintain proof of immunizations, waivers,
18 and certificates for current employees covered by this section.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.175
20 RCW to read as follows:

21 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
22 CARE FACILITIES--RURAL HEALTH CARE FACILITY. (1) Effective January 1,
23 1992, a rural health care facility shall require as a condition of
24 employment or continued employment that all personnel employed by the
25 facility provide evidence of meeting applicable immunization
26 requirements as defined by the state board of health under section 3 of
27 this act.

28 (2) The rural health care facility shall not require employees to
29 provide evidence of immunizations if the employees are regulated under

1 one of the disciplining authorities cited in RCW 18.130.040 or if the
2 employees have no patient contact and are exempt from immunization
3 requirements by the state board of health.

4 (3) The rural health care facility shall accept in lieu of evidence
5 of immunization:

6 (a) A waiver signed by a physician licensed under chapter 18.71 or
7 18.57 RCW stating that a particular vaccine is not medically advisable
8 for the employee. When it is determined by the physician that a
9 particular vaccine is not contraindicated, the employee will be
10 required to receive the immunization; or

11 (b) A written certification signed by the employee stating his or
12 her objections to the required immunizations based upon religious
13 beliefs.

14 (4) The department shall prescribe forms necessary to meet the
15 requirements of this section.

16 (5) The rural health care facility shall maintain proof of
17 immunizations, waivers, and certificates for current employees covered
18 by this section.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.51 RCW
20 to read as follows:

21 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
22 CARE FACILITIES--NURSING HOMES. (1) Effective January 1, 1992, a
23 nursing home shall require as a condition of employment or continued
24 employment that all personnel employed by the nursing home provide
25 evidence of meeting applicable immunization requirements as defined by
26 the state board of health under section 3 of this act.

27 (2) The nursing home shall not require employees to provide
28 evidence of immunizations if such employees are regulated under one of
29 the disciplining authorities cited in RCW 18.130.040 or if such

1 employees have no patient contact and are exempt from immunization
2 requirements by the state board of health.

3 (3) The nursing home shall accept in lieu of evidence of
4 immunization:

5 (a) A waiver signed by a physician licensed under chapter 18.71 or
6 18.57 RCW stating that a particular vaccine is not medically advisable
7 for the employee. When it is determined by the physician that a
8 particular vaccine is not contraindicated, the employee will be
9 required to receive the immunization; or

10 (b) A written certification signed by the employee stating his or
11 her objections to the required immunizations based upon religious
12 beliefs.

13 (4) The department shall prescribe forms necessary to meet the
14 requirements of this section.

15 (5) The nursing home facility shall maintain proof of
16 immunizations, waivers, and certificates for current employees covered
17 by this section.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.46 RCW
19 to read as follows:

20 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
21 CARE FACILITIES--MATERNITY HOMES. (1) Effective January 1, 1992, a
22 maternity home shall require as a condition of employment or continued
23 employment that all personnel employed by the maternity home provide
24 evidence of meeting applicable immunization requirements as defined by
25 the state board of health under section 3 of this act.

26 (2) The maternity home shall not require employees to provide
27 evidence of immunizations if such employees are regulated under one of
28 the disciplining authorities cited in RCW 18.130.040 or if such

1 employees have no patient contact and are exempt from immunization
2 requirements by the state board of health.

3 (3) The maternity home shall accept in lieu of evidence of
4 immunization:

5 (a) A waiver signed by a physician licensed under chapter 18.71 or
6 18.57 RCW stating that a particular vaccine is not medically advisable
7 for the employee. When it is determined by the physician that a
8 particular vaccine is not contraindicated, the employee will be
9 required to receive the immunization; or

10 (b) A written certification signed by the employee stating his or
11 her objections to the required immunizations based upon religious
12 beliefs.

13 (4) The department shall prescribe forms necessary to meet the
14 requirements of this section.

15 (5) The maternity home shall maintain proof of immunizations,
16 waivers, and certificates for current employees covered by this
17 section.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.01 RCW
19 to read as follows:

20 IMMUNIZATIONS REQUIRED FOR UNREGULATED PERSONNEL WORKING IN
21 UNREGULATED HEALTH CARE SETTINGS. (1) Effective January 1, 1992, a
22 health care professional regulated under one of the disciplining
23 authorities cited in RCW 18.130.020 shall require of his or her
24 employees that as a condition of employment or continued employment
25 they provide evidence of meeting applicable immunization requirements
26 as defined by the state board of health in section 3 of this act. The
27 health care professional shall not require immunization compliance of
28 his or her employees who are currently regulated under one of the
29 disciplining authorities cited in RCW 18.130.040 or who are employees

1 who have no patient contact and are exempt from immunization
2 requirements by the state board of health.

3 (2) The employing health care professional shall accept in lieu of
4 evidence of immunization:

5 (a) A waiver signed by a physician licensed under chapter 18.71 or
6 18.57 RCW stating that a particular vaccine is not medically advisable
7 for the employee. When it is determined by the physician that a
8 particular vaccine is not contraindicated, the employee will be
9 required to receive the immunization; or

10 (b) A written certification signed by the employee stating his or
11 her objections to the required immunizations based upon religious
12 beliefs.

13 (3) The department shall prescribe forms necessary to meet the
14 requirements of this section.

15 (4) The employing health care professional shall maintain proof of
16 immunizations, waivers, and certificates required by this section.

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 70.01 RCW
18 to read as follows:

19 **VOUCHER DEMONSTRATION PROJECT.** (1) The secretary of social and
20 health services shall establish a voucher demonstration project to
21 reimburse eligible health care providers who administer to children
22 under the age of eighteen appropriate immunizations for infectious
23 diseases identified by the state board of health. The amount of the
24 voucher shall be established by the secretary of social and health
25 services.

26 (a) An eligible health care provider means a health care
27 practitioner licensed in the state of Washington who is authorized by
28 their license to administer immunizations.

1 (b) Any child under the age of eighteen who resides in the project
2 site location is eligible for a voucher.

3 (2) The secretary of social and health services, in consultation
4 with the secretary of health:

5 (a) Shall select up to two project sites where immunization rates
6 are below the state-wide average and where financial barriers appear to
7 be a major cause of the lower than average rates.

8 (b) Should establish the geographic boundaries of the project sites
9 in a manner that represents logical health care catchment areas.

10 (3) The secretary of social and health services shall:

11 (a) Coordinate with the secretary of health and the administrators
12 of the basic health plan and the state health care authority to assure
13 that no duplication of payment to providers for immunization
14 administration occurs across state-funded programs.

15 (b) Coordinate with the secretary of health in the development of
16 coupon voucher booklets that shall include at least the following: (i)
17 The reimbursement vouchers required by this section; (ii) general
18 educational information about infectious diseases; and (iii) the
19 appropriate immunization schedules developed by the state board of
20 health.

21 (c) Coordinate with the secretary of health to develop and
22 implement a system of distributing voucher coupon booklets and a cost-
23 efficient system to track compliance among children with the state
24 board of health recommended immunizations.

25 (d) Coordinate with the secretary of health to develop strategies
26 to encourage parents to have their children immunized according to
27 state board of health recommendations.

28 (e) Coordinate the implementation of this section with other
29 existing state and local infectious disease immunization efforts.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 70.01 RCW
2 to read as follows:

3 IMMUNIZATION DEMONSTRATION PROJECTS. (1) Effective January 1,
4 1992, the secretary of health may establish up to four immunization
5 demonstration projects in four communities in the state with the
6 purpose of identifying innovative ways to increase infectious disease
7 immunizations among children and other at-risk populations.

8 (a) The projects shall be located in one urban and one rural
9 community east of the Cascade mountains and one urban and one rural
10 community west of the Cascade mountains.

11 (b) In selecting project sites the secretary shall give priority to
12 communities where immunization rates are below the state average and
13 where there are access barriers to immunization services.

14 (2) To the extent possible, funding for projects must be used to
15 enhance existing immunization efforts in the community or, when
16 necessary, to plan for and implement new immunization efforts where
17 none exist. Projects shall identify the populations at greatest risk
18 in the community and concentrate efforts on these populations. Project
19 funding shall not be used to purchase vaccine or to pay for, or
20 subsidize, provider administrative fees.

21 (3) The secretary shall use appropriate immunization schedules
22 developed by the state board of health when implementing the provisions
23 of this section.

24 (4) The secretary shall coordinate the demonstration projects with
25 other state and local infectious disease immunization efforts.

26 (5) The secretary shall report to the health care committees of the
27 legislature by December 1, 1993, on the effectiveness of the projects
28 and shall make recommendations as to whether they should be continued
29 or expanded.

30 (6) This section shall expire on June 30, 1994.

1 NEW SECTION. **Sec. 16.** If specific funding for the purposes of
2 sections 14 and 15 of this act, referencing this act by bill number, is
3 not provided by June 30, 1991, in the omnibus appropriations act,
4 sections 14 and 15 of this act, shall be null and void.

5 NEW SECTION. **Sec. 17.** Section headings as used in this act do
6 not constitute any part of the law.

7 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.