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**SUBSTITUTE SENATE BILL 6418**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Health & Human Services (originally sponsored by Senators West, Talmadge, Moyer, Erwin, Deccio, Winsley and Nelson)

Read first time 02/04/94.

1 AN ACT Relating to immunizations; adding new sections to chapter  
2 43.70 RCW; adding a new section to chapter 43.20A RCW; adding a new  
3 section to chapter 70.47 RCW; adding a new section to chapter 41.05  
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70 RCW  
7 to read as follows:

8 INTENT--DECLARATION. The legislature finds that:

9 (1) There has been an increase in the number of children  
10 contracting vaccine preventable infectious diseases;

11 (2) This trend has occurred despite the availability of safe and  
12 effective immunizations which can prevent these disabling and life-  
13 threatening diseases;

14 (3) Parents and guardians of children are often unaware of the need  
15 for immunizations, the appropriate age to receive such immunizations,  
16 and the public health risks of the failure to be properly immunized;

17 (4) Adults may not be aware of their risk of contracting vaccine  
18 preventable infectious diseases and the availability of effective  
19 immunizations.

1 The legislature declares that it is in the public health interest  
2 of the people of the state of Washington that all adults and children  
3 should be appropriately immunized.

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

6 STATE SERVICE RECIPIENTS--DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

7 (1) Upon federal approval of necessary waivers to implement sections 1  
8 through 7 of this act, the parent or legal guardian of a child up to  
9 five years of age who is eligible to receive services from, through, or  
10 purchased by the department is responsible for providing to the  
11 department within ninety days of receiving such services:

12 (a) A certificate showing that the child has completed the state  
13 board of health recommended infectious disease immunization schedule,  
14 and the minimum standards for the early and periodic screening,  
15 diagnosis, and treatment schedule for preschool children or is making  
16 satisfactory progress in complying with the schedule;

17 (b) A waiver signed by a physician licensed under chapter 18.71 or  
18 18.57 RCW stating that a particular vaccine is not medically advisable  
19 for the child. If it is determined by the physician that a particular  
20 vaccine is not contraindicated, the child will be required to receive  
21 the immunization;

22 (c) A written certification signed by a parent or legal guardian of  
23 the child stating that the signer has objections to the required  
24 immunizations based upon religious beliefs; or

25 (d) A written certification signed by a parent or legal guardian of  
26 the child stating that the signer has either a philosophical or  
27 personal objection to immunizing the child.

28 (2) The secretary shall grant to parents or guardians of children  
29 who are receiving department services on or before the effective date  
30 of this section, ninety days to comply with the requirements of this  
31 section.

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

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

1 (5) The secretary shall coordinate with the secretary of health, in  
2 the preparation of certificates and waivers and required for the  
3 administration of this section to assure minimum paperwork and prevent  
4 duplicative compliance requirements for children receiving state  
5 services or benefits from more than one state agency.

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

8 (7) The secretary shall establish a pilot program under this  
9 section, either in one departmental region or in a group of community  
10 service offices representational of the average demographics of public  
11 assistance recipients in the state of Washington. The department shall  
12 track and analyze data regarding immunization compliance in the pilot  
13 area.

14 (8) The secretary may provide support services to families, as  
15 needed, including translation and cultural services, in order that they  
16 understand and fulfill their responsibilities under this section. If  
17 parents cannot meet responsibilities under this section, the department  
18 shall work with them until they are able to comply with one of the  
19 options in subsection (1) (a) through (d) of this section.

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

22 STATE SERVICE RECIPIENTS--DEPARTMENT OF HEALTH. (1) Upon federal  
23 approval of necessary waivers to implement sections 1 through 7 of this  
24 act, the parent or guardian of a child under age five who is eligible  
25 to receive services from, through, or purchased by the department is  
26 responsible for providing to the department within ninety days of  
27 receiving such services:

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

31 (b) A waiver signed by a physician licensed under chapter 18.71 or  
32 18.57 RCW stating that a particular vaccine is not medically advisable  
33 for the child. If it is determined by the physician that a particular  
34 vaccine is not contraindicated, the child will be required to receive  
35 the immunization;

36 (c) A written certification signed by a parent or legal guardian of  
37 the child stating that the signer has objections to the required  
38 immunizations based upon religious beliefs; or

1 (d) A written certification signed by a parent or legal guardian of  
2 the child stating that the signer has either a philosophical or  
3 personal objection to immunizing the child.

4 (2) The secretary shall grant to parents or guardians of children  
5 who are receiving department services on or before the effective date  
6 of this section, ninety days to comply with the requirements of this  
7 section.

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

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

15 (5) The secretary shall coordinate with the secretary of social and  
16 health services in the preparation of certificates and waivers and  
17 required for the administration of this section to assure minimum  
18 paperwork and duplicative compliance requirements for children  
19 receiving state services or benefits from more than one state agency.

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

22 (7) The secretary may provide support services to families, as  
23 needed, including translation and cultural services, in order that they  
24 understand and fulfill their responsibilities under this section. If  
25 parents cannot meet responsibilities under this section, the department  
26 shall work with them until they are able to comply with one of the  
27 options in subsection (1) (a) through (d) of this section.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.47 RCW  
29 to read as follows:

30 STATE-SUBSIDIZED HEALTH CARE INSURANCE RECIPIENTS--BASIC HEALTH  
31 PLAN. (1) Upon federal approval of necessary waivers to implement  
32 sections 1 through 7 of this act, the parent or guardian of a child  
33 under age five who is enrolled in the plan is responsible for providing  
34 to the plan administrator within ninety days of enrollment:

35 (a) A certificate showing that the child has completed the state  
36 board of health recommended infectious disease immunization schedule or  
37 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. If it is determined by the physician that a particular  
4 vaccine is not contraindicated, the child will be required to receive  
5 the immunization;

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; or

9 (d) A written certification signed by a parent or legal guardian of  
10 the child stating that the signer has either a philosophical or  
11 personal objection to immunizing the child.

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

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

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

24 (5) The administrator may provide support services to families, as  
25 needed, including translation and cultural services, in order that they  
26 understand and fulfill their responsibilities under this section. If  
27 parents cannot meet responsibilities under this section, the department  
28 shall work with them until they are able to comply with one of the  
29 options in subsection (1) (a) through (d) of this section.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW  
31 to read as follows:

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

33 (1) Upon federal approval of necessary waivers to implement sections 1  
34 through 7 of this act, the parent or guardian of a child under age five  
35 who is enrolled as a dependent in the plan is responsible for providing  
36 to the administrator within ninety days of enrollment:

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. If it is determined by the physician that a particular  
7 vaccine is not contraindicated, the child will be required to receive  
8 the immunization;

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; or

12 (d) A written certification signed by a parent or legal guardian of  
13 the child stating that the signer has either a philosophical or  
14 personal objection to immunizing the child.

15 (2) The administrator shall grant to parents and guardians of  
16 children enrolled in the plan on or before the effective date of this  
17 section, ninety days to comply with the requirements of this section.

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

21 (4) The administrator may establish by rule a procedure to  
22 periodically check whether children are making satisfactory progress in  
23 complying with the appropriate immunization schedules. The monitoring  
24 shall, to the extent possible, be conducted when the parent or guardian  
25 of the child has any routine contact with the plan or health care  
26 contractors authorized to provide services under the plan. The  
27 administrator shall adopt standards for encouraging immunizations under  
28 this section.

29 (5) The administrator may provide support services to families, as  
30 needed, including translation and cultural services, in order that they  
31 understand and fulfill their responsibilities under this section. If  
32 parents cannot meet responsibilities under this section, the department  
33 shall work with them until they are able to comply with one of the  
34 options in subsection (1) (a) through (d) of this section.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70 RCW  
36 to read as follows:

37 IMMUNIZATION ASSESSMENT AND ENHANCEMENT PROPOSALS. (1) The  
38 department shall require that each local health jurisdiction submit an

1 immunization assessment and enhancement proposal to assist public  
2 agencies to obtain compliance with the terms of sections 1 through 5 of  
3 this act. The proposal shall meet the requirements of this section.  
4 It shall include a description of how the local health jurisdictions  
5 will consult and involve existing health care providers that have  
6 previously been involved in the administration of state-supplied  
7 immunizations or have shown an interest to become involved.

8 (2) A local health jurisdiction must include at least the following  
9 in the proposal:

10 (a) A description of the population groups in the jurisdiction that  
11 are in greatest need for immunizations;

12 (b) A description of providers in the jurisdiction that are capable  
13 and willing to administer immunizations and how the providers will be  
14 utilized in enhancing immunization compliance with established target  
15 rates;

16 (c) A description of current fees charged to patients used to  
17 support local immunization efforts;

18 (d) An analysis of financial and nonfinancial barriers that are  
19 preventing children from receiving immunizations and a description of  
20 how the jurisdiction will remove such barriers; and

21 (e) A description of strategies to use outreach, volunteer, and  
22 other local educational resources to enhance immunization rates.

23 (3) The secretary shall approve the immunization assessment and  
24 enhancement proposal if he or she finds it offers maximum feasible  
25 likelihood of providing ready access to affordable immunization for all  
26 state residents including recipients of publicly funded services.

27 (4) This section shall be implemented consistent with available  
28 funding.

29 (5) The funding authorized under this act shall be used to  
30 supplement but not replace current fees used to support local  
31 immunization efforts that are charged to patients.

32 (6) The secretary shall report biennially to the health care and  
33 fiscal committees of the house of representatives and senate on the  
34 status of the program and progress made toward target immunization  
35 rates, which he or she may establish in rule.

36 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW  
37 to read as follows:

1       COMPLIANCE.    If the recipient of a service provided by the  
2 department of social and health services or the department of health  
3 fails to comply with the provisions of sections 1 through 6 of this  
4 act, the secretaries of health or social and health services shall  
5 withhold twenty-five dollars of the benefits the recipients may be  
6 receiving for each month until compliance is documented according to  
7 the terms of sections 1 through 6 of this act.  Any withheld benefits  
8 shall be promptly reinstated to recipients upon proof of compliance or  
9 exemption from compliance under sections 1 through 6 of this act.

10       NEW SECTION.   **Sec. 8.**  Captions used in this act do not constitute  
11 any part of the law.

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