



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Intent to Repeal Rules

MANDATORY IMMUNIZATIONS

Statement of Reasons

The Wyoming Department of Health proposes to repeal the following Rules pursuant to Wyo. Stat. Ann. §§ 14-4-116, 21-4-309, 35-1-240, 35-4-101, and 35-4-139.

Mandatory Immunizations

Chapter #	Chapter Name
1	General Provisions
2	School Immunization Guidelines

Content from the repealed Chapters will be reflected in the **Wyoming Department of Health, Wyoming Immunization Program**, Chapters 1-5 that are being promulgated at the same time. Moving all of the immunization rules to one program will make it easier for the public and interested parties to find the rules. The rules are currently spread out among 3 programs.

CHAPTER 1

Rules and Regulations for School Immunizations

[These rules are repealed]

CHAPTER 1

Rules and Regulations for School Immunizations

General Provisions

~~Section 1. — Authority. The Department of Health is promulgating rules and regulations for the management and control of communicable diseases to comply with W.S. § 35-1-240(a)(ii), W.S. § 35-4-101, W.S. § 21-4-309, and W.S. § 14-4-116, and the Wyoming Administrative Procedure Act of W.S. § 16-3-101, *et seq.*~~

~~Section 2. — Purpose. This Chapter is adopted to establish guidelines, policies, and procedures related to immunizations for educational settings.~~

~~Section 3. — Definitions. When used in these rules and regulation, the following terms shall be defined as follows:~~

~~(a) "School" means any program that provides educational instruction designed to lead to a high school diploma or transfer into a regular high school or secondary program.~~

~~(b) "Child Caring Facility" means any person or entity that operates a business to keep or care for any individual at the request of the parents, legal guardians, or an agency, which is responsible for the individual, as defined by W.S. § 14-4-101(a)(iv).~~

~~(c) "Pupil" means any person attending a school or child caring facility through twelfth grade or through the age of twenty-one (21) years.~~

~~(d) "School Administrator" means the head administrator of a school.~~

~~(e) "Child Caring Facility Administrator" means any person in charge of a child caring facility.~~

~~(f) "State Health Officer" means the licensed physician appointed by the Director of the Wyoming Department of Health or his designee who carries out the statutory duties and any other duties assigned, as defined by W.S. § 21-4-309(d).~~

~~(g) "County Health Officer" means the licensed medical officer designated by the county commissioners to serve as health officer for his county, as defined by W.S. § 21-4-309(d).~~

~~(h) "Immunized or immunization" means initial immunization and any boosters or reimmunizations required to maintain immunization pursuant to the immunization standards and recommendations issued by the State Health Officer.~~

~~(i) "Emancipated" means conferral of certain rights of majority upon a minor~~

and includes a minor who:

~~(i) — Is or was married.~~

~~(ii) — Is in the military service of the United States.~~

~~(iii) — Has received a declaration of emancipation pursuant to W.S. § 14-1-203.~~

~~(j) “School Nurse” means a nursing professional employed as a full-time, part-time, or contract employee in a Wyoming school and licensed to provide healthcare in Wyoming.~~

~~(k) “Wyoming Immunization Registry” (WyIR) means the secure, confidential, web-based, immunization database maintained within or otherwise supervised by the Wyoming Department of Health.~~

~~Section 4. — Applicability.~~

~~(a) These regulations shall apply to all pupils attending, full or part time, any public or private school or child-caring facility.~~

~~(b) No School Administrator or Child-Caring Facility Administrator shall retain any pupil thirty (30) days after entry without official written documented proof of immunization according to the schedule published by the State Health Officer except when there are exemptions as noted in these regulations. Pupils who are exempt from immunizations shall remain in school during an appeal process unless there is a vaccine-preventable disease outbreak as defined by Section 5(c) of this Chapter.~~

~~(c) A pupil who requires a series of immunizations over a period of more than thirty (30) calendar days shall be permitted to attend school while receiving continuing immunization if the School Administrator receives written notification by a licensed private physician or his representative or by a public health official specifying a written schedule for necessary immunization completion within the medically-accepted time period.~~

~~Section 5. — Exemptions.~~

~~(a) Medical exemption. A pupil shall not be required to have any immunizations which are medically contraindicated. The State Health Officer or County Health Officer shall grant a medical exemption from the specific immunization requirement in these regulations upon receiving a signed and notarized Wyoming Department of Health Medical Exemption form. This form must be accompanied by~~

~~written evidence from any physician licensed to practice medicine in any jurisdiction of the United States, that the administration of the specific immunization is medically contraindicated to the pupil. The exemption shall be maintained by the school as part of the immunization record of the pupil.~~

~~(b) Religious exemption.—A pupil shall be exempted from mandatory immunizations based on evidence of a truly held and genuine religious objection. The parent or guardian shall sign a notarized Wyoming Department of Health Religious Exemption form stating that the administration of immunizing agents conflicts with his religious tenets and religious practices. This exemption will be maintained by the school as part of the immunization record of the pupil. Approved Religious Exemptions must be renewed upon entry into the seventh grade.~~

~~(c) Vaccine preventable disease outbreak.—In the presence of an outbreak of a vaccine preventable disease, as determined by the State Health Officer or County Health Officer, pupils who have been granted a Medical or Religious Exemption and others who are not fully immunized against the specific disease occurring shall be excluded from attendance for a period of time determined by the State Health Officer or County Health Officer. Pupils excluded from attendance under this section shall not be counted in the aggregate number of pupils absent as defined in W.S. § 21-13-101(a)(i).~~

~~(d) Emancipated or adult aged pupils.—Any pupil over the age of eighteen (18) years or any pupil who is legally emancipated who wishes to apply for a Medical or Religious Exemption shall submit a Medical Exemption or Religious Exemption form on his own behalf and shall be responsible for providing any supporting medical documentation which may be necessary to help determine exemption status.~~

~~(e) Appeals.—If a parent or emancipated or adult aged pupil objects to the State Health Officer or a County Health Officer's ruling on a Medical Exemption, the parent or emancipated or adult aged pupil may request a review and final decision by the State Health Officer. The pupil shall remain in school during any appeal process unless there is a vaccine preventable disease outbreak as defined by Section 5(c) of this Chapter.~~

~~Section 6.—Immunization Records.~~

~~(a) Every Child Caring Facility and School shall maintain a record of immunization for every pupil on the forms supplied by the Wyoming Department of Health. If a pupil transfers to another school, this record shall be sent to the new school by the original school of attendance.~~

~~(b) School Nurses shall be allowed to review and may retain immunization information for any pupil currently residing in or who will be moving into the school district in which the School Nurse is employed. Such review and retention will ensure that immunization information is appropriately documented and retained for every pupil.~~

~~(e) The following documents will be accepted as evidence of a pupil's immunization history, provided that the day, month, and year of each required immunization that was administered is documented:~~

~~(i) An official school immunization record from any school indicating compliance with the immunization requirements of these regulations.~~

~~(ii) An immunization record from any local or state Public Health Department or unit indicating compliance with the immunization requirements of these regulations.~~

~~(iii) A certificate signed by a physician licensed to practice medicine in any jurisdiction of the United States indicating compliance with the immunization requirements of these regulations.~~

~~(iv) An Official State Record of Immunization report generated from the Wyoming Immunization Registry.~~

~~(v) An Official Record generated by a school district operated student information system, such as Power School.~~

~~(vi) A report from a certified laboratory or acknowledgement from a pupil's healthcare provider that confirms serologic immunity to measles, mumps, rubella, hepatitis A, hepatitis B, or varicella. This report may serve as documentation in lieu of vaccination for these specific diseases.~~

~~(vii) A written statement from a parent (or legal guardian or managing conservator), school nurse, or physician attesting to a pupil's positive history of varicella disease or of varicella immunity. This statement is acceptable in lieu of a vaccination or serology report for this disease.~~

~~(d) The School Administrator and the Child Caring Facility Administrator shall make immunization records available to the School or Child Caring Facility for inspection and review by authorized representatives of the Wyoming Department of Health.~~

~~Section 7. — Exclusion from Child Caring Facilities and Schools During Communicable Disease Outbreaks. In case of a vaccine preventable disease outbreak, all pupils who are not fully immunized against the occurring vaccine preventable disease shall be excluded from attending School or a Child Caring Facility during the existence of the outbreak as determined by the State Health Officer or County Health Officer. Individuals excluded shall include pupils granted a medical or religious exemption and individuals without documented proof of complete immunization or serologic evidence of immunity in accordance with Section 6 herein.~~

~~Section 8. Reports Required. A report of the immunization status and conditional enrollment of pupils in every School and Child-Caring Facility shall be sent once a year to the Wyoming Department of Health by the School Administrator and Child-Caring Facility Administrator. Forms and method of submission shall be provided by the Wyoming Department of Health. Data shall be submitted to the Wyoming Department of Health no later than November 1 of each year.~~

~~Section 9. Immunizations Required. Immunizations required and recommended by the State Health Officer are based on national immunization recommendations published by the Advisory Committee on Immunization Practices (ACIP). These immunization requirements and recommendations are utilized by the Wyoming Department of Health as standard medical practice. Immunization recommendations change periodically based on development and licensure of new vaccines and/or modification of administration schedules based on present and ongoing medical scientific research.~~

CHAPTER 2

Rules and Regulations for School Immunizations

[These rules are repealed]

CHAPTER 2

Rules and Regulations for School Immunizations

School Immunization Guidelines

~~Section 1. — Authority. The Department of Health is promulgating rules and regulations for the management and control of communicable diseases to comply with W.S. § 35-1-240(a)(ii), W.S. § 35-4-101, W.S. § 21-4-309, and W.S. § 14-4-116, and the Wyoming Administrative Procedure Act of W.S. § 16-3-101, et seq.~~

~~Section 2. — Purpose. This Chapter is adopted to define required and recommended immunizations for pupils attending schools in Wyoming.~~

~~Section 3. — Minimum Immunization Requirements.* Immunizations required and recommended by the State Health Officer in this Chapter are based on national immunization recommendations published by the Advisory Committee on Immunization Practices (ACIP).~~

~~(a) — Child Caring Facility (applies to children over six (6) months of age).*~~

~~(i) — A vaccine administered up to four (4) days prior to the minimum age for that vaccine is considered compliant with that vaccine administration schedule.~~

~~(ii) — Age appropriately immunized after six (6) months of age.~~

~~(b) — Kindergarten through Sixth (6th) Grade.*~~

~~(i) — A vaccine administered up to four (4) days prior to the minimum age for that vaccine is considered compliant with that vaccine administration schedule.~~

~~(ii) — Five (5) valid doses are required of diphtheria/tetanus/pertussis-containing vaccines.¹~~

~~(iii) — Three (3) or four (4) valid doses are required of inactivated poliovirus vaccine (IPV).²~~

~~(iv) — Two (2) valid doses are required of measles/mumps/rubella (MMR) vaccine.~~

~~(v) — Three (3) valid doses are required of hepatitis B vaccine.~~

~~(vi) — Completed valid series is required of *Haemophilus influenzae* type b (Hib) vaccine.~~

~~(vii) Two (2) valid doses are required of varicella (or history of disease).~~

~~(c) Seventh (7th) Grade through Twelfth (12th) Grade. *~~

~~(i) A vaccine administered up to four (4) days prior to the minimum age for that vaccine is considered compliant with that vaccine's administration schedule.~~

~~(ii) One (1) booster dose is required of diphtheria/tetanus/pertussis containing vaccine.~~

~~(iii) Documentation of primary vaccine series completion (see requirements for Kindergarten through Sixth (6th) Grade and Seventh (7th) Grade through Twelfth (12th) Grade).~~

~~(d) Other Students (e.g. Transfer Students). *~~

~~(i) A vaccine administered up to four (4) days prior to the minimum age for that vaccine is considered compliant with that vaccine administration schedule.~~

~~(ii) Documentation of primary vaccine series completion (see requirements for Kindergarten through Sixth (6th) Grade and Seventh (7th) Grade through Twelfth (12th) Grade).~~

~~Section 4. Recommended Immunizations.~~

~~(a) Child Caring Facility (applies to children over six (6) months of age).~~

~~(i) Influenza vaccine (yearly, based on ACIP recommendations for dosing).~~

~~(b) Kindergarten through Sixth (6th) Grade.~~

~~(i) Influenza vaccine (yearly, based on ACIP recommendations for dosing).~~

~~(ii) Completed valid series of pneumococcal conjugate vaccine (PCV).³~~

~~(iii) Two (2) doses, separated by six (6) calendar months, of hepatitis A vaccine.~~

~~Seventh (7th) Grade through Twelfth (12th) Grade.~~

~~(
e dosing).~~

~~(i) Influenza vaccine (yearly, based on ACIP recommendations for~~

~~-~~

~~(ii) — One (1) dose of meningococcal conjugate vaccine (MCV), minimum age of eleven (11) years.~~

~~(iii) — Completed valid series of human papillomavirus vaccine (HPV), minimum age of nine (9) years for first dose.~~

~~(d) — Other Students (e.g. Transfer Students)~~

~~(i) — Influenza vaccine (yearly, based on ACIP recommendations for dosing).~~

~~* — Minimum immunization requirements apply, unless specific vaccines are in short supply. During periods of vaccine shortage, interim minimum requirements may be implemented through an advisory notification to school administrators from the State Health Officer.~~

FOOTNOTES

~~¹ — If a fourth (4th) dose of DTaP vaccine was administered on or after a child's fourth (4th) birthday, and at least six (6) months has passed since the third (3rd) dose, a fifth (5th) dose is not required.~~

~~² — Children who receive three (3) doses of IPV before the fourth (4th) birthday should receive a fourth (4th) dose before or at school entry. The fourth (4th) dose is not needed if the third (3rd) dose is given on or after the fourth (4th) birthday. If all four (4) doses are given after six (6) weeks of age and are all separated by at least four (4) weeks, a fifth (5th) dose is not needed, even if the fourth (4th) dose was administered before four (4) years of age.~~

~~³ — Healthy children between ages two (2) and (4) years that have not completed a series of PCV should receive one (1) dose. Children with risk factors should receive one (1) or two (2) doses of PCV, if they have not already completed the four (4) dose series.~~