



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- Preproposal Statement of Inquiry was filed as WSR 13-05-001 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)  
Chapter 246-110 WAC Contagious Disease - School Districts and Day Care Centers

Hearing location(s): Campbell's Resort  
104 West Woodin Avenue  
Chelan, WA 98816

Date: June 13, 2013 Time: 1:30 PM

**Submit written comments to:**

Name: Tara Wolff  
Address: 101 Israel Rd SE  
PO Box 47990  
Tumwater, WA 98504-7990

e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360)236-4088 by (date) 06/04/2013

Assistance for persons with disabilities: Contact

Desiree Robinson by 06/06/2013

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/13/2013

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The Board is proposing an update to chapter 246-110 WAC to improve clarity and assure the list of contagious diseases that may affect children in schools and/or childcare centers are consistent with best public health practice and the notifiable conditions listed in chapter 246-101 WAC. This proposal removes two common conditions (Pediculosis or body lice, and Conjunctivitis or pink eye) and adds two new contagious diseases (Shiga toxin-producing Escherichia coli and Cryptosporidiosis). In addition to assuring consistency with chapter 246-101 WAC, and reflecting current best public health practice, the proposed changes will assure that local health officers will have up to date rules that will help prevent transmission of communicable disease to children, students, and staff in childcare and school settings.

**Reasons supporting proposal:**

These rules have not been reviewed or updated since 1992. The proposed rule has been rewritten to improve clarity and to assure consistency with other state rules and best public health practices, so that schools, child care centers and local health jurisdictions can easily identify the types of contagious diseases that they need to work together to control and prevent.

Statutory authority for adoption:  
RCW 43.20.050, RCW 28A.210.010

Statute being implemented:  
RCW 43.20.050

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 29, 2013  
TIME: 10:29 AM

**WSR 13-10-055**

DATE 04/29/2013

NAME (type or print)  
Michelle A. Davis

**SIGNATURE**

TITLE  
Executive Director, SBOH

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington State Board of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tara Wolff	101 Israel Rd SE Tumwater, WA 98501	(360) 236-4101
Implementation.... Tara Wolff	101 Israel Rd SE Tumwater, WA 98501	(360) 236-4101
Enforcement..... Tara Wolff	101 Israel Rd SE Tumwater, WA 98501	(360) 236-4101

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

This rule satisfies the conditions of adopting or incorporating by reference without material change rules of Washington State agencies as described in RCW 34.05.328 (5)(b)(iii). Therefore, a small business impact statement is not required under chapter 19.85 RCW.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: This rule satisfies the conditions of adopting or incorporating by reference without material change rules of Washington State agencies as described in RCW 34.05.328 (5)(b)(iii), thereby exempting it from the requirement of a cost-benefit analysis.

**Chapter 246-110 WAC**

**CONTAGIOUS DISEASE--SCHOOL DISTRICTS AND ((DAY CARE)) CHILDCARE  
CENTERS**

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

**WAC 246-110-001 Purpose.** ((The following regulations are adopted by the board of health for the purpose of governing the presence on or about any school or day care center premises of susceptible persons who have, or have been exposed to, a communicable disease.)) The rules in this chapter identify certain contagious diseases that may affect children, or others who are susceptible, in schools, and childcare centers. When an outbreak or potential outbreak of a contagious disease is identified in a school or childcare center, the rules in this chapter identify what schools, childcare centers and local health officers may do to control or prevent a potential outbreak of the contagious disease. These ((regulations)) rules are in addition to other requirements imposed by chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions.

((In furtherance of the purpose and intent of the law and these regulations, it is recommended that parents of students whose medical supervision seems inadequate should be encouraged to obtain the services of a physician for the child. When the economic situation warrants, the parents should be guided to the appropriate source of community-sponsored medical care.)) These ((regulations are not intended to imply that any diagnosis or treatment will be performed by)) rules do not require school or ((day care)) childcare center personnel to diagnose or treat children.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

**WAC 246-110-010 Definitions.** ((As used in this portion of these regulations, these terms shall mean:

(1) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an

~~opportunity to acquire the infection.~~

~~(2) "Exposure" means such association with a person or animal in the infectious stage of a disease, or with a contaminated environment, as to provide the opportunity to acquire the infection.~~

~~(3) "Susceptible" means a person who does not possess sufficient resistance, whether natural or induced, to a pathogenic agent or disease to prevent contracting that disease when exposed thereto.~~

~~(4) "Communicable disease (contagious disease)" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. Communicable (contagious) diseases include, but are not limited to:~~

~~(a) Chickenpox  
(b) Conjunctivitis (bacterial)  
(c) Diphtheria  
(d) Giardiasis  
(e) Hepatitis A  
(f) Invasive Haemophilus influenza disease (excluding otitis media)~~

~~(g) Measles  
(h) Meningitis (bacterial)  
(i) Mumps  
(j) Pediculosis  
(k) Pertussis  
(l) Rubella  
(m) Salmonellosis  
(n) Shigellosis  
(o) Tuberculosis~~

~~(5) "School" means each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education.~~

~~(6) "Day care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.~~

~~(7) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:~~

(1) "Childcare center" means any facility or center licensed by the department of early learning as described in chapter 43.215 RCW that regularly provides care for a group of children for periods of less than twenty-four hours per day.

(2) "Contact" means a person exposed to a contagious person or animal, or a contaminated source which might provide an opportunity to acquire the infection.

(3) "Contagious disease" means an illness caused by an infectious agent of public health concern which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission through an intermediate host or vector, food, water, or air. Contagious diseases include, but are not limited to:

(a) Bacterial Meningitis

(i) Haemophilus influenzae invasive disease (excluding Otitis media)

(ii) Meningococcal

(b) Diarrheal diseases due to or suspected to be caused by an infectious agent

(i) Cryptosporidiosis

(ii) Giardiasis

(iii) Hepatitis A

(iv) Salmonellosis

(v) Shigellosis

(vi) Shiga toxin-producing Escherichia coli (STEC)

(c) Diseases spread through the air - Tuberculosis

(d) Vaccine preventable diseases

(i) Chickenpox (Varicella)

(ii) Diphtheria

(iii) German measles (Rubella)

(iv) Measles (Rubeola)

(v) Mumps

(vi) Whooping cough (Pertussis)

(4) "Contaminated" means containing or having contact with infectious agents that pose an immediate threat to present or future public health.

(5) "Exposed" means such association with a person or animal in the infectious stage of a disease, or with a contaminated source, which provides the opportunity to acquire the infection.

(6) "Infectious agent" means an organism that is capable of producing infection or infectious disease.

(7) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases as determined by the local health officer.

(8) "School" means each building, facility, and location at or within which any or all portions of a preschool, kindergarten, and grades one through twelve program of education and related activities are conducted for two or more students or children by or on behalf of any public school district and by or on behalf of any private school or private institution subject to approval by the state board of education.

(9) "Susceptible" means a person who has no immunity to an infectious agent.

**WAC 246-110-020 Control of (~~communicable~~) contagious(~~)~~ disease.** (1) When (~~there is an outbreak of a contagious disease~~) a school or childcare center becomes aware of the presence of a contagious disease at the facility, as defined in WAC 246-110-010, (~~such that~~) the officials at the school or childcare center shall notify the appropriate local health officer for guidance.

(2) When there is an outbreak of a contagious disease, as defined in WAC 246-110-010, and there is the potential for a case or cases within a school or (~~day care~~) childcare center, the local health officer, if appropriate, after consultation with the secretary of health or designee shall take all medically appropriate actions deemed to be necessary to control or eliminate the spread of the disease(~~)~~ within their local health jurisdiction including, but not limited to:

(a) Closing part or all of the affected school(s) or (~~day care~~) childcare center(s) (~~, or part(s) thereof~~);

(b) Closing other schools or (~~day care~~) childcare centers (~~in the local health officer's jurisdiction~~);

(c) (~~Causing the cessation of selected~~) Canceling activities or functions at schools or (~~day care~~) childcare centers (~~activities or functions~~);

(d) Excluding from schools or (~~day care~~) childcare centers (~~in the local health officer's jurisdiction~~) any students, staff, and volunteers who are (~~infected with, or deemed to be susceptible to~~) infectious, exposed, or susceptible to the disease.

(~~2~~) (3) Prior to taking action the health officer shall:

(a) Consult with and discuss the ramifications of action with the superintendent of the school district, or the chief administrator of the (~~day care~~) childcare center or their designees on the proposed action; and

(b) Provide (~~the board of directors and~~) the superintendent of the school district or the chief administrator of the (~~day care~~) childcare center or their designees a written decision, in the form and substance of an order, directing them to take action(~~)~~

(3) ~~Where these actions have been taken, the local health officer shall, in addition:~~

(a) ~~Set the terms and conditions permitting).~~ The order must set the terms and conditions permitting:

(i) Schools or (~~day care~~) childcare centers to reopen;

(ii) Activities and functions to resume; and

(iii) Excluded students, staff and volunteers to be readmitted( ~~and~~).

(~~b~~) (c) Pursue, in consultation with the secretary of health or designee, and school (~~and/or day care~~) or childcare officials, the investigation of the source of disease, or (~~order~~) those actions necessary to (~~the ultimate~~) ultimately control (~~of~~) the disease.