

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Exemptions from Immunization Requirements in Child Day Care Facilities

The purpose of these statements of policy is to clarify the requirements for immunizations by recognizing valid bases for exemption from immunizations.

The Department of Public Welfare's (Department's) regulations require that each child have a report of an age-appropriate health assessment on file at the facility. The health report is required to include a review of the child's immunized status in accordance with the recommendations of the American Academy of Pediatrics. See §§ 3270.131(d)(5), 3280.131(d)(5) and 3290.131(d)(5) (relating to health assessment).

A child's parent or guardian may object to immunization on the basis of religious belief or on the basis of a strong personal objection equated to a religious belief. In addition, a child's health care provider may advise that the child should not be immunized for medical reasons. The Department is clarifying the type of documentation that must be included in a child's record to comply with the requirements for immunization when exemption is claimed.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's health care provider. Statements must be kept in the child's record. The operator and facility will not be cited for noncompliance with §§ 3270.131(d)(5), 3280.131(d)(5) or 3290.131(d)(5) if the required statement is included in the child's record.

Contact Person

The contact person for these statements of policy is Jennifer Lau, Bureau of Child Day Care Services, 4th Floor, Bertolino Building, 1401 North 7th Street, Harrisburg, PA 17105-2675, (717) 787-8691.

Effective Date

These statements of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

(Editor's Note: The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding statements of policy at §§ 3270.131a, 3280.131a and 3290.131a (relating to exemption from immunization—statement of policy) to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-049. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

CHILD HEALTH

§ 3270.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3270.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

CHAPTER 3280. GROUP DAY CARE HOMES

CHILD HEALTH

§ 3280.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3280.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

CHAPTER 3290. FAMILY DAY CARE HOMES

CHILD HEALTH

§ 3290.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3290.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

[Pa.B. Doc. No. 97-480. Filed for public inspection March 28, 1997, 9:00 a.m.]