



Date: December 24, 2024

To: Interested Parties

From: Stacy de Assis Matthews, Policy Analyst
Immunization Program

Subject: Notice of Proposed Permanent Rulemaking – OAR chapter 333, division 50 - “School, Child Care and College Immunization Administrative Rule Reorganization and Update”

The Oregon Health Authority, Public Health Division, Oregon Immunization Program is proposing changes to Oregon Administrative Rules (OAR) in chapter 333, division 50, “School Immunization Rules.” These proposed rule changes are a reorganization of existing school immunization rules, in OAR chapter 333, division 50. With this reorganization, existing OAR 333-050 will be repealed and replaced with the reorganized rules. These OARs have been added onto and revised many times since the 1980s, and a clean-up is needed for clarity. The goal of the reorganization is to group sections of related topics together so a reader can more easily find information, to make the rules easier to read, and to use inclusive and equity-focused language. Some language will be shortened or removed from OAR because it is already covered by Oregon Revised Statute. Major substantive changes proposed by these rule changes include:

1. Replacing a letter written by a physician with a form filled out by a physician for a medical exemption.
2. Requiring documentation of history of varicella (chickenpox) disease to be verified by a health care practitioner or titer test and removing the allowance of parent-signed history of varicella disease.
3. Changing the annual exclusion day from the third Wednesday in February to the fourth Wednesday in February.

Additional revisions are also proposed in these rules changes.

For more details, please see the Notice of Proposed Rulemaking, including the Statements of Need and Fiscal and Racial Equity Impacts, and the full text of the proposed rules at:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/VACCINESIMMUNIZATION/RULESLAWS/Pages/index.aspx>

Please note – part of the text under “STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE” has been cutoff in the Notice of Proposed Rulemaking. The statement in its entirety should read:

“The proposed rule revisions likely will have minimal effect on racial equity in the state. Reorganizing the rules is administrative in nature and is not anticipated to impact racial equity, as it is an administrative change. Racial equity impacts of the proposed changes are anticipated as follows:

1. Replacing a letter written by a physician with a standardized form filled out by the physician is anticipated to make the process of filing for a medical exemption easier for physicians and local public health staff who review the documentation. It is unknown whether this will impact racial equity, as no data are available on the racial/ethnic breakdown of medical exemptions.
2. Requiring documentation of history of varicella (chickenpox) disease to be verified by a health care practitioner or titer test and removing the allowance of parent-signed history of varicella disease—The majority of children in the U.S. no longer contract varicella disease because of the vaccine. Varicella disease is not reportable in Oregon, but in four states with continuous passive reporting, the incidence of varicella disease has fallen 97% since the vaccine was introduced (Marin et al.). However, a small number of children still get varicella disease, and this change may disproportionately impact communities that have higher rates of history of varicella. Uninsured and under insured communities who need provider verification, or a titer verification, may be impacted due to their lack of access to adequate and affordable healthcare. Newly entering children who come from out of the country, or out of the state, may face challenges in receiving provider verification of their history of disease due to issues accessing out of state/country medical records or difficulty communicating with previous providers. In turn,

providers who serve these identified communities may see a disproportionate increase in history of disease verification requests or titer tests.

3. Changing the annual exclusion day from the third Wednesday in February to the fourth Wednesday in February—This change will give parents/guardians an extra week to get immunization or exemption documentation updated with their child’s school or children’s facility. Data from the Oregon Health Authority show American Indian/Alaska Native, Black and Native Hawaiian/Pacific Islander children have lower routine childhood immunization rates compared to Asian, Hispanic, and white children (Oregon Immunization Program). Giving parents and guardians an additional week may allow more children to get caught up on immunizations and may have a positive impact in reducing the racial disparity in childhood immunizations and reducing the number of students excluded from school.

The additional proposed changes are primarily administrative in nature and little impact on racial equity is anticipated.

References:

Marin M, Leung J, Anderson TC, Lopez AS. "Monitoring Varicella Vaccine Impact on Varicella Incidence in the United States: Surveillance Challenges and Changing Epidemiology, 1995-2019. J Infect Dis. 2022 Oct 21;226(Suppl 4):S392-S399. doi: 10.1093/infdis/jiac221. PMID: 36265855.

Oregon Immunization Program. Oregon Early Childhood Immunization Rates. <https://public.tableau.com/app/profile/oregon.immunization.program/viz/OregonEarlyChildhoodImmunizationRates/StatewideDashboard>”

You are invited to review and comment on the proposed rules. There are two (2) options to provide comment:

1. You may provide oral (spoken) testimony during a public hearing scheduled on **Thursday, January 16, 2025, at 2:00 P.M.** Pacific Time via video/phone conference using Microsoft Teams
 - To provide oral testimony during this hearing:
 - Join using the [Meeting URL](#). You can also find the join link for the meeting in the Notice of Proposed Rulemaking under “Remote Meeting Details” using the “Meeting URL.”
 - You may also contact the Public Health Division Rules Coordinator at publichealth.rules@odhsoha.oregon.gov to sign-

800 NE Oregon St. Suite 370, Portland, OR 97232

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up to give oral testimony and receive the link for the Microsoft Teams video conference via calendar appointment.

- To join the hearing via phone (audio/listen only), you may dial 971-277-2343, phone conference ID 453 277 692#

2. Written comments may be submitted before **5:00 P.M. Pacific Time on January 31, 2025:**

- Email comments to: publichealth.rules@odhsoha.oregon.gov
- Mail comments* to: OHA, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon St. Suite 930
Portland, OR 97232

* Comments sent by regular mail must be postmarked by 5:00 P.M. Pacific Time on January 31, 2025.

- Send comments by fax to: 971-673-1299

Final rules will be filed after consideration of all comments.

If you have questions or would like a paper copy of the Notice of Proposed Rulemaking, please contact Stacy de Assis Matthews at Oregon.imm@odhsoha.oregon.gov or 971-673-0528.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services, please contact the Public Health Administrative Rules Coordinator at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.