

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Temporarily amending OAR 333-050-0020, 333-050-0050, 333-050-0120

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Temporary suspension of Hib immunization requirements in childcares, preschools and Head Starts

Statutory Authority: ORS 433.004 & 433.273

Other Authority:

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Need for the Temporary Rule(s):

Interim Recommendations published by the Centers for Disease Control and Prevention (CDC) recommend deferral of the booster dose of *Haemophilus influenzae* Type b (Hib) vaccine in all children except those at high-risk. These recommendations are in response to a Hib vaccine recall and remain in effect because of a continuing Hib vaccine shortage. These rule changes are needed to suspend the requirement that all children in childcare, preschool, and Head Start are up-to-date on their Hib immunizations. These rule changes will prevent children from being excluded from children's facilities because of lack of availability of the Hib vaccine.

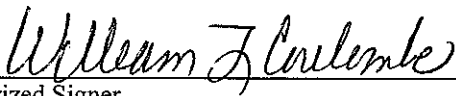
Documents Relied Upon, and where they are available:

CDC. Interim Recommendations for the Use of *Haemophilus influenzae* Type b (Hib) Conjugate Vaccines Related to the Recall of Certain Lots of Hib-Containing Vaccines (PedvaxHIB[®] and Comvax[®]). MMWR 2007; 56(50);1318-1320. <http://www.cdc.gov/mmwr/PDF/wk/mm5650.pdf>

Justification of Temporary Rule(s):

The Department finds that following the permanent rulemaking process, rather than taking this temporary rulemaking action, would result in serious prejudice to the public interest and to children in childcares, preschools, and Head Starts. The Department's failure to promptly amend these rules would result in exclusion orders being issued for children who are incomplete for the Hib vaccine. These children would be excluded from certified childcare, preschool, or Head Start if their medical providers do not have Hib vaccine available, or if their medical providers will not give the booster dose of Hib because they are following the Interim Recommendations for dealing with the Hib vaccine shortage.

This temporary rulemaking action will avoid these consequences because the Hib vaccine requirement will be suspended temporarily, so no child will be excluded from certified childcare, preschool, or Head Start for being incomplete for Hib vaccination during February 2009 exclusion.


Authorized Signer

William J. Coulombe, Deputy Public Health Director
Printed name

10-24-08
Date