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Rebecca McDowell Cook  
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 19—DEPARTMENT OF HEALTH  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 20—Communicable Diseases**

**EMERGENCY AMENDMENT**

**19 CSR 20-20.100 Tuberculosis Testing for Residents and Workers in Long-Term Care Facilities and State Correctional Centers.** The Department is deleting section (6).

*PURPOSE:* This amendment continues the established tuberculosis testing requirements for residents and workers in long-term care facilities and state correctional centers. The emergency amendment deletes the requirement that this rule expires on June 30, 2000.

*EMERGENCY STATEMENT:* This emergency amendment is necessary because the rule expires June 30, 2000 as a result of the Sunset provision. The emergency rule will allow the requirements within the language to continue until the new amendment becomes effective. Tuberculosis testing is conducted among residents and workers in long-term care facilities and state correctional centers due to the high risk of transmission of tuberculosis disease in these settings. The rate of TB disease is twice as high for elderly persons living in nursing homes as for elderly persons not living in nursing homes. The rate of TB disease in 1999 was six times greater in per-

sons living in Missouri correctional facilities as the statewide rate for Missouri. TB disease is more common among persons living in correctional facilities as among persons of the same age living outside correctional facilities. This difference is due to a high rate of TB infection in the prison population; and a significant number of inmates infected with HIV who are at higher risk of developing TB disease once infected. The MDOH finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The MDOH believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 14, 2000, effective June 24, 2000, and expires February 22, 2001.

*[(6) This rule will expire June 30, 2000.]*

*AUTHORITY:* section 199.350, RSMo 1994. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed June 14, 2000, effective June 24, 2000, expires Feb. 22, 2001. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 28—Immunization**

**EMERGENCY AMENDMENT**

**19 CSR 20-28.040 Day Care Immunization Rule.** The Department amends the Purpose and section (2) and (3) and deleting section (5) and (6) and delete forms following section (5).

*PURPOSE:* This emergency amendment deletes language that is repetitive and that dictates medical practice. The emergency amendment also deletes the requirement that this rule expires on June 30, 2000.

*PURPOSE:* This rule establishes immunization requirements [according to the *Recommended Childhood Immunization Schedule—United States, January 1995, as approved by*] in accordance with recommendations of the *Advisory Committee on Immunization Practices (ACIP)*, the *American Academy of Pediatrics* and the *American Academy of Family Physicians*,] for all children attending public, private or parochial day care, preschool or nursery schools caring for ten or more children, and describes actions to be taken to ensure compliance with section 210.003, RSMo.

*EMERGENCY STATEMENT:* This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.003 RSMo requires that children attending day care centers, preschools and nursery schools be adequately immunized against vaccine-preventable diseases. This rule establishes the immunizations which are required for attendance.

Currently more than 100,000 children are enrolled in such facilities. This rule must continue in effect for the Department of Health to have the ability to assure compliance with state law necessary for the health and well being of these children.

*The Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed June 14, 2000, effective June 24, 2000, and expires February 22, 2001.*

(2) No child shall enroll in or attend a public, private or parochial day care center, preschool or nursery school caring for ten (10) or more children unless the child has been adequately immunized according to this rule. *[The immunization schedules in Tables 1–4, section (5) of this rule represent the standard by which the immunization status of children in day care shall be measured.]* Children attending elementary school who receive before, after school care, or both, shall meet the immunization requirements established in the School Immunization Rule, 19 CSR 20-28.010. Preschool-age children shall *[meet the following immunization requirements:]*

*[(A) Diphtheria, Tetanus, Pertussis, Polio, and Hepatitis B—Immunization] be immunized* against diphtheria, tetanus, pertussis, polio, *[and] hepatitis B, Haemophilus influenzae type b, measles, mumps and rubella [shall be required for all children]* according to *[the schedule which appears in Tables 1–4, section (5) of this rule. The total number of doses required will vary depending on the child’s age. Exemptions shall be permitted upon receipt of written notification of exemption on Parent/Guardian Immunization Exemption Form (Imm.P. 11) or Medical Immunization Exemption Form (Imm.P. 12);] the latest Recommended Childhood Immunization Schedule—United States, approved by the Advisory Committee on Immunization Practices (ACIP). As the schedule is updated, it will be available from and distributed by the Department of Health.*

*[(B) Haemophilus influenzae type b. Immunization against Haemophilus influenzae type b shall be required of all children less than five (5) years of age according to the schedule which appears in Tables 1–4, section (5) of this rule. The last dose of Hib vaccine must have been received at age twelve (12) months or greater. Exemptions will be permitted upon receipt of written notification of exemption on Parent/Guardian Immunization Exemption Form (Imm.P. 11) or Medical Immunization Exemption Form (Imm.P. 12); and*

*(C) Measles, Mumps, Rubella—Immunization against measles, mumps and rubella shall be required of all children according to the schedule which appears in Tables 1–4, section (5) of this rule. Exemptions shall be permitted upon receipt of written notification of exemption on Parent/Guardian Immunization Exemption Form (Imm.P. 11) or Medical Immunization Exemption Form (Imm.P. 12).]*

(3) Section 210.003, RSMo provides that a child who has not completed all appropriate immunizations may enroll if—

(A) Satisfactory evidence[s] is produced that the child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the **ACIP/Department of Health recommended schedule** *[which appears in Tables 1–4, section (5) of this rule. A Department of Health Immunizations in Progress Form (Imm.P. 14) must be on file with the immunization record of each child who is in the process of completing the required immunizations].* Failure to meet the next scheduled appointment constitutes noncompliance with the day care immu-

nization law and action shall be initiated immediately by the administrator to have the child excluded from the facility *[; or].*

*[(5) The following schedules shall determine if a child is adequately immunized or when the next dose of vaccine is due for a child found to be in noncompliance with the immunization requirements:]*

*[(Missouri Immunization Schedules attached)]*

*[(6) This rule expires June 30, 2000.]*

*AUTHORITY: sections 192.006, RSMo Supp. 1999 and 210.003, RSMo 1994. Emergency rule filed Aug. 1, 1995, effective Aug. 11, 1995, expired Dec. 8, 1995. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed June 14, 2000, effective June 24, 2000, expires Feb. 22, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*