

TO: Child/Family Services Personnel\*  
 Staff Name, Staff Title, Staff Location

FROM: Tony Jordan, Executive Director

RE: Staff/Substitute/Provider/Volunteer Immunization Requirements (Senate Bill 792)

DATE: May 20, 2016

**Background**

SB 792 (Mendoza) is a new law effective September 1, 2016 that requires anyone who is employed, substituting, or volunteering and providing “care and supervision” (Title 22, Section 101152) at a child care center or a family child care home, as part of their licensure requirements, to be up to date on their influenza (flu), pertussis (whooping cough), and measles immunizations based on the adult immunization schedule defined by the Center of Disease Control.

Every current employee, substitute, and volunteer providing “care and supervision” must be able to provide verification of up-to-date immunization status by September 1, 2016 – the first year the law is implemented. For existing employees, substitutes, and volunteers, a 30-day grace period to obtain the documentation is available under the law if the person signs an attestation confirming immunization of vaccination. All new employees, substitutes, and volunteers as of the date of the hire/volunteering must provide up-to-date immunization verification as a condition of employment and/or “in-service” status. Failure to comply will deem an employment, substitute, and volunteer ineligible and unqualified for their job/position.

A person is exempt from the requirements only under the following circumstances:

1. The person submits a written statement from a licensed physician declaring that because of the person’s physical condition or medical circumstances, immunization is not safe.
2. The person submits a written statement from a licensed physician providing that the person has evidence of current immunity to the disease(s).

**Influenza Vaccination Requirement**

* Each employee and volunteer shall receive an influenza vaccination between August 1 and December 1 on an annual basis.
* Each employee and volunteer may submit a written declaration that he or she had declined the influenza vaccination. This exemption applies only to the influenza vaccine.
* Each employee and volunteer that was hired or volunteers, respectively, after December 1 of the previous year and before August 1 of the current year is not required to receive the influenza vaccine during the first year of employment or volunteering.

**Measles Requirement**

* The vaccine for the measles is referred to as an MMR (Measles, Mumps, and Rubella).
* In order to be considered immunized against measles, the following protocol will be followed:
  + Adults born before 1957 are generally considered immune for the measles.
  + All adults born in 1957 or later should have documentation of 1 dosage or more of MMR vaccine unless they have a medical contraindication to the vaccine or laboratory evidence of immunity to measles. Documentation of provider-diagnosed disease is not considered acceptable evidence of immunity for measles.
  + A routine second dose of MMR vaccine, administered a minimum of 28 days after the first dose, is recommended for adults who received inactivated (killed) measles vaccine or measles vaccine of unknown type during 1963-1967 and should be revaccinated with 2 doses of MMR vaccine.

**Pertussis (Whooping Cough) Requirements**

* TDaP is a combination vaccine that protects against three potentially life-threatening bacterial diseases: tetanus, diphtheria, and pertussis (whooping cough). **Td is a booster vaccine for tetanus and diphtheria. It does not protect against pertussis.** Employees, substitutes, and volunteers must be up to date on their TDaP vaccine at least once every ten years to ensure they are immunized against pertussis (whooping cough).

**Requirement**

The two (2) documents attached must be submitted to SCOE, **Human Resources by August 1, 2016**. Failure to do so will make an employee, substitute, or volunteer ineligible for their position.

For Head Start, agencies are encouraged to track staff member compliance using the COPA Human Resources portal, staff profile section.

For SCOE, backup documents substantiating compliance will be maintained in LaserFiche and/or with on-site licensing records. Some service providers who are not providing “care and supervision” in child development centers and/or family child care homes (e.g. speech/language pathologist, occupational specialist/therapist, program specialist, service specialist, psychologist) will not need to comply with SB 792; while others who are providing “care and supervision” in child development centers or family child care homes (e.g. 1-1 shadows, interpreters-sign language) will be required to comply with SB 792.

**Additional Information**

Question: Why are these vaccines being required?

Answer: According to the California Department of Public Health (CDPH):

1. Young children under 5 years of age are at serious risk of complications from the flu. Since 2004-2005 flu related deaths reported to CDPH have increased: 35 deaths (2011-2012), 348 (2009-2010), 150 deaths (2012-2013). Individuals with the flu can be contagious for 24 hours before showing signs or symptoms.
2. In 2014, there were 11,114 reported cases of whooping cough with 3 infant deaths in 2014. Young children are not fully immunized until they receive several dosages; therefore rely on those around them to maintain their immunity.
3. Measles can cause pneumonia, encephalitis or even death and young children under 5 years of age and adults over age 28 are at high-risks of getting a serious case of measles. 1 in 4 unvaccinated people in the U.S. who get measles will be hospitalized; 1 out of every 1,000 with measles will develop brain swelling; and 1 or 2 out of 1,000 people with measles will die, even with the best of care.

**Cost**

All vaccines required by SB 792 are covered at no cost by insurance plans under the Affordable Care Act. Employees, substitutes, and volunteers should contact their physician to receive vaccines. Those who are uninsured should contact Covered California to sign up for a plan that works best for them at <http://www.coveredca.com> or (800) 300-1506.

Some private providers offer vaccines to the public and can be located at: <http://www.vaccines.gov/getting/where>

In Stanislaus, at Sutter Gould Occupational Medicine: MMR is $100, Titers (the measles antibody test) is $62, TDaP is $76, and Influenza is $25 (given between August and March).

Local health departments are also a good resource, found at: <http://www.cdph.ca.gov/programs/immunize/pages/californiahealthdepartments.aspx>

In Stanislaus at Public Health: MMR is $85, TDaP is $85, and Influenza is $27. Titers is not available.

Even so, should a current SCOE-CFS employee or any Head Start parent wishing to volunteer endure a cost for complying with SB 792, the program will reimburse them upon submission of appropriate claim form with supporting documentation (i.e. Incidental Reimbursement form and receipt/proof of service and payment). For substitutes, new employees, and volunteers who are not Head Start parents, compliance with this Senate Bill will be a condition of employment and therefore not be reimbursable.

**Note:** Questions regarding immunizations should be directed to your physician or by contacting Public Health in Stanislaus County, Health Services Agency, 830 Scenic Drive Modesto, CA 95353, (209) 558-7000.

\* The following SCOE CFS positions will be required to comply with SB 792:

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| Associate Teacher | Early Head Start Associate Teacher |
| Child Care Services Supervisor | Early Head Start Master Teacher |
| Child Care Specialist | Early Head Start Teacher |
| Child Care Specialist I | Executive Director, CFS |
| Child Care Specialist II | Family Community Services Specialist |
| Child Care Specialist EHS | Family Eligibility Specialist |
| Child Development Specialist | Family Health Services Assistant (FHSA) |
| Child Development Specialist - Disabilities | Family Service Worker (FSW) II |
| Child Development Supervisor | Health Services Supervisor |
| CFS Operations Coordinator | Home Base Educator |
| CFS Planning Coordinator | Home Base Supervisor |
| Director II, CFS | Licensed Vocational Nurse |
| Director of CFS Health Services | Master Teacher |
| Disabilities Supervisor | Preschool Associate Teacher |
| Early Childhood Teacher | Preschool Teacher |
| Early Childhood Associate Teacher | Registered Nurse |
| Early Childhood Coordinator |  |