

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3) Section Numbers: Emergency Action:
665.140 Amend
- 4) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].
- 5) Effective Date of Rulemaking:
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date filed with the Index Department:
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Reason for Emergency:

PA 95-0422 amended the School Code to change the timing of one of the physical examinations required for school entry from fifth grade to sixth grade. The Act became effective on August 24, 2007, at which time the 2007-2008 school year had already begun, and it was too late to notify families that a physical health examination was required for children entering 6th grade. Families had already complied with the requirement for a physical health examination to enter 5th grade, in accordance with the law as it existed before August 24, 2007, and the Department's existing rules. However, the change in the law would require the same children who had received physical examinations as fifth graders to receive physical examinations again as sixth graders for the 2008-2009 school year. Children are required to have a physical examination again at entry into ninth grade. Under the School Code, the Department is granted the authority to specify the examinations and procedures that constitute a student health examination. To lessen the burden on families, the Department and the State Board of Education agreed, for the 2008-2009 school year only, that any fifth grade entrance examination conducted from August 2006 through and including September 2007 would meet the requirements for the sixth grade entrance examination. The Department's rules need to be amended to comply with the change in the law and to add the procedures for the sixth grade entrance examinations for the 2008-2009 school year.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

In spring of each year, schools throughout Illinois must provide notice to families regarding the physical exam and immunization requirements for the following school year. The amended rules need to be in place more quickly than the regular rulemaking process would allow.

The change in the physical examination date creates a potential threat to the public interest and welfare by imposing a burden on families who had already met the previous statutory requirement by having their children examined prior to entrance to fifth grade. Without this rule change, families who may not be able to afford to do so would be required to have their children examined for the second consecutive year. This burden would be even greater for families that also have children who would need examinations for entry into kindergarten or first grade and ninth grade, and for families that have more than one child entering sixth grade. Section 27-8.1 of the School Code authorizes local school authorities, after October 15 of each year, to exclude from school children who have not presented proof of physical examination. In addition to the financial burden of compliance with the examination requirement, families also face the penalty of school exclusion if the requirements of the law are not met. Therefore, the Department is adopting emergency amendments that would deem students entering sixth grade in fall 2008, who met the physical examination requirement for entering fifth grade in fall 2007, in compliance with the school entry requirements for sixth grade. With the adoption of emergency amendments, families will have sufficient time to ensure that children receive physical examinations in accordance with the rules before the start of the 2008-2009 school year.

10) A complete Description of the Subjects and Issues Involved:

Existing rules set forth the timetable for required physical examinations for school entry. Changes to the rules will align the physical examination requirement with that as established by P.A.95-0422, which amended the School Code to change the fifth grade examination requirement to sixth grade.

11) Are there any Proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives:

This emergency rulemaking will affect school districts in Illinois.

13) Information and questions regarding this amendment shall be directed to:

Susan Meister
Administrative Rules Coordinator

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761-0001
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The full text of the emergency amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 665
CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

Section	
665.100	Statutory Authority
665.105	Definitions
665.110	General Considerations (Repealed)
665.115	Referenced Materials

SUBPART B: HEALTH EXAMINATION

Section	
665.120	Health Examination Requirement
665.130	Performance of Health Examination and Verification of Certificate of Child Health Examination
665.140	Timetable for Examinations

EMERGENCY

665.150	Report Forms
665.160	Proof of Examination
665.210	Proof of Immunizations
665.220	Local School Authority (Repealed)
665.230	School Entrance
665.240	Basic Immunization
665.250	Proof of Immunity
665.260	Booster Immunizations
665.270	Compliance with the School Code
665.280	Physician Statement of Immunity
665.290	List of Non-immunized Students

SUBPART C: VISION AND HEARING SCREENING

Section	
665.310	Vision and Hearing Screening

SUBPART D: DENTAL EXAMINATION

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section

- 665.410 Dental Examination Requirement
- 665.420 Dental Examination Timetable
- 665.430 Dental Examination
- 665.440 Guidelines (Repealed)
- 665.450 Waiver of Dental Examination Requirement

SUBPART E: EXCEPTIONS

Section

- 665.510 Objection of Parent or Legal Guardian
- 665.520 Medical Objection

SUBPART F: VISION EXAMINATION

Section

- 665.610 Vision Examination Recommendation
- 665.620 Vision Examination
- 665.630 Vision Examination Report
- 665.640 Indigent Students

SUBPART G: DIABETES SCREENING

Section

- 665.700 Diabetes Screening Requirement
- 665.710 Diabetes Screening
- 665.720 Testing Recommendations

665.APPENDIX A Vision Examination Report

665.APPENDIX B Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. 11950, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11966, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 1, 1998; amended at 26 Ill. Reg. 5921, effective July 1, 2002; amended at 26 Ill. Reg. 10689, effective July 1, 2002; amended at 29 Ill. Reg. 18127, effective October 24, 2005; amended by emergency rulemaking at 32 Ill. Reg. _____ effective _____, 2008, for a maximum of 150 days.

SUBPART B: HEALTH EXAMINATION

Section 665.140 Timetable for Examinations
EMERGENCY

- a) The examination shall be conducted within one year:
 - 1) Prior to the date of entering school (this includes nursery school, special education, Head Start or other pre-kindergarten programs operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois from outside of the State or outside of the country);
 - 2) Prior to the date of entering kindergarten or first grade;
 - 3) Prior to the date of entering the sixth ~~fifth~~ grade. For the 2008 – 2009 school year only, a health examination conducted from August 2006 through and including September 2007 (for a child who was entering fifth grade for the 2007 – 2008 school year) shall also meet the requirements of the School Code [105 ILCS 5/27-8.1];
 - 4) Prior to the date of entering the ninth grade.
- b) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the school year in which the child reaches the ages of 5, 11 ~~10~~, and 15.
- c) For students from other countries who attend classes, regardless of the duration of stay, examinations shall be completed within one year prior to the date of entering the school and at other intervals as provided in this Section.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- d) Additional health examinations and further evaluations of students may be required when deemed necessary by local school authorities.
- e) In programs operated by elementary school systems or secondary level school units or institutions of higher learning, health examinations are recommended for children under 5 years of age at intervals of not less than 2 years.
- f) Lead screening is required as follows:
 - 1) Lead screening is a required part of the health examination for children age six years or younger *prior to admission* to kindergarten or first grade. *Each parent or legal guardian shall provide a statement from a physician or health care provider that the child has been risk assessed if the child resides in an area defined as low risk by the Department, or screened for lead poisoning if the child resides in an area defined as high risk.* (Section 7.1 of the Lead Poisoning Prevention Act)
 - 2) *Physicians and other health care providers shall also screen children age six years and older for lead poisoning in conjunction with the school health examination when, in the medical judgment of the physician, advanced practice nurse, or physician assistant, the child is potentially at high risk of lead poisoning.* (Section 6.2 of the Lead Poisoning Prevention Act).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. _____ effective _____, for a maximum of 150 days.)