



TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

EXECUTIVE DIRECTOR

James R. Hine

December 14, 1999

Jane M. Orient, M.D.

Executive Director

Association of American Physicians and Surgeons, Inc.

1601 N. Tucson Blvd, Suite 9

Tucson, AZ 85716-3450

Dear Dr. Orient:

This is in response to your inquiry about Texas Department of Protective and Regulatory Services' policy concerning parents who wish to decline certain immunizations on behalf of their children. We do not have a specific policy that addresses this issue. However, we do have guidelines that assist staff during an intake of a report.

In determining whether or not a specific situation is reportable as medical neglect, staff consider a variety of situational factors, such as: age of child, duration of condition, severity of condition, child's ability to care for self, impact of non-treatment, knowledge of parent about source and type of treatment needed, parents' religious beliefs with regard to intervention, statement of need from medical professional, and whether or not the child has a mental, physical, or medical disability.

If the only presenting problem in the report of abuse and neglect is a lack of immunizations and no other risk factors are noted in the situation, it is unlikely that the situation will be accepted for investigation.

We do have a specific policy for immunizations for the children in PRS conservatorship and for Child Care Licensing Minimum Standards and Guidelines. Both of these comply with the Texas Health Department's Health Steps Program and the Texas Education Code, Chapter 38. Health and Safety Code. Section 38.001(c) which reads:

(c) Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission :

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of the applicant's family or household; or

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(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member, except that this exemption does not apply in times of emergency or epidemic declared by the commissioner of public health; or
(2) is a member of the armed forces of the United States and is on active duty

In checking our records and with tenured staff, we have not sent any official communication nor unofficial recommendations to physicians concerning this issue.

I hope that this response will be helpful to you in answering the queries you receive.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Webster". The signature is written in dark ink and is positioned above the printed name and title.

Sarah Webster, ACSW, LMSW-AP
Director of Child Protective Services