



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
**Nellie M. Gorbea, Secretary of State**

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

Health, Department of  
 Cannon Building

**2. Title of Rule**

Rules and Regulations Pertaining to Immunization, Testing, and Health Screening for Health Care Workers [R23-17-HCW]

**3. Statutory Source of Authority**

RIGL Chapters 23-17 and 23-17.7.1

**4. Concise Explanatory Statement - §42-35-2.6**

The new regulations differ from the existing regulations in that all health care workers in health care facilities must now be vaccinated against annual seasonal influenza each year, unless they obtain a medical exemption or sign a refusal form to be submitted to the health care facility in which they are employed or volunteering. Those who remain nonimmunized against flu must wear a surgical face mask when the Director of Health declares that a period of widespread flu exists and the facility in which the worker is employed is covered by this declaration. Those who fail to wear a surgical face mask during direct patient contact during a declared period of widespread flu shall be subject to a \$100 fine and to disciplinary action against their professional license. Also, by January 1, 2014, all health care workers must obtain the TDaP vaccine against tetanus, diphtheria and pertussis if they have not previously had one. Rules about other vaccinations were amended for clarification.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-2.10

- Adoption  
 Amendment of ERLID:  
 Repeal of ERLID:

A2. Emergency 60-day renewal - §42-35-2.10

- Adoption  
 Amendment  
 Repeal

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-2.10:

**Final Rules**

B1. Amendment - §42-35-3(a)

B2. Adoption - §42-35-3(a)

B3. Repeal - §42-35-3(a)

C. Technical Revision

D. Direct Final Rule - §42-35-2.11

Supersedes ERLID: 4465

If B1 or C, please indicate new, amended, deleted, or revised sections:

Section 6.0 has been deleted and Section 5.0 has undergone a major rewrite. Other changes throughout the regulations

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-2.8:08/21/2012

Date of Public Hearing - §42-35-2.8:09/21/2012

End of Comment Period - §42-35-2.8 :09/17/2012

**7. Agency Additional Information - Web Page**

http://

**8. Certification**

*I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,*

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Notary Public

Subscribed and sworn before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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Title

ERLID#: 7083