Rhode Island Department of Health

NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration proposed amendments to the *Rules and Regulations Pertaining to Immunization and Communicable Disease Testing in Preschool, School, Colleges or Universities* [*R23-1-IMM*] pursuant to the authority conferred under Chapters 23-1 and 42-35 of the Rhode Island General Laws, as amended. The purpose of the proposed amendments is to update the standards pertaining to immunizations and testing of communicable diseases for child care workers in preschools and students at any preschool or school in grades Kindergarten-12 and students entering colleges and universities in Rhode Island. These amended Regulations will also supersede *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases for Students Entering Colleges or Universities*, which are being proposed for concurrent repeal.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **THURSDAY, 16 JANUARY 2014 AT 3:30 PM.** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions and (3) financial impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or in electronic format prior to the hearing date to: Tricia Washburn, Chief, Office of Immunizations at Tricia.Washburn@health.ri.gov or by calling 401-222-5922.

Copies of the regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Secretary of State's website: http://www.sos.ri.gov/ProposedRules/, by calling 401-222-7767 or by e-mail to Bill.Dundulis@health.ri.gov.

The Department of Health is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Signed this 2nd day of December 2013

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

PROPOSED REPEAL – REVISED 27 NOVEMBER 2013

RULES AND REGULATIONS PERTAINING TO IMMUNIZATION AND TESTING FOR COMMUNICABLE DISEASES FOR STUDENTS ENTERING COLLEGES OR UNIVERSITIES

(R23-1-IMM/COL)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

September 1979

As Amended:

September 1984
April 2001
July 2001
January 2002 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)
April 2005
December 2013 (Proposed Repeal)

COMPILER'S NOTES:
Proposed Deletions: ~~Strikeouts~~

REGULATIONS ARE PROPOSED TO BE REPEALED IN THEIR ENTIRETY

PROPOSED REPEAL – REVISED 27 NOVEMBER 2013

~~*INTRODUCTION*~~

~~These rules and regulations are promulgated under the authority of section 23-1-18(9) of the General Laws of Rhode Island, as amended, and are established in accordance with the most current recommendations of the Centers for Disease Control and Prevention for the purpose of adopting standards pertaining to requirements for immunizations and testing for communicable diseases for students entering colleges or universities in Rhode Island.~~

~~Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations: and (3) significant economic impact placed on small business as defined in Chapter 42- 35 of the General Laws as a result of the amended regulations. No alternative approach, overlap or duplication nor any significant economic impact was identified, consequently the regulations are adopted in the best interest of the health, safety and welfare of the public.~~

~~These regulations shall supersede all previous *Rules and Regulations Pertaining to Rubella and Measles Immunization for Persons Entering Colleges or Universities* promulgated by the Rhode Island Department of Health and filed with the Secretary of State.~~

PROPOSED REPEAL – REVISED 27 NOVEMBER 2013

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PROPOSED REPEAL – REVISED 27 NOVEMBER 2013

~~Section 1.0 ***Definitions***~~

~~Wherever used in these rules and regulations, the following terms shall be construed as follows:~~

~~1.1 "***Advisory Committee on Immunization Practices (ACIP) recommendations***", as used herein, means official federal recommendations for the use of vaccines in the United States and as published by the Centers for Disease Control and Prevention.~~

~~1.2 ***"College"*** or ***"university"*** means any public or private institution of higher learning in the state of Rhode Island.~~

~~1.3 ***"Department"*** means the Rhode Island Department of Health.~~

~~1.4 ***"Director"*** means the Director of the Rhode Island Department of Health.~~

~~1.5 ***"Entering"*** means formal registration by a student (as defined in section 1.7 herein) for initial attendance at a college or university to pursue a course or courses of study.~~

~~1.6 ***"Physician"***, as used herein, means an individual licensed under the provisions of Chapter 5-37 of the General Laws of Rhode Island, as amended, or an individual licensed to practice allopathic or osteopathic medicine under the laws of another state or territory of the United States, provided those laws are deemed to be substantially equivalent to Chapter 5-37 of the Rhode Island General Laws, as amended.~~

~~1.7 ***"Student"***, as used herein, means any person entering any public or private college or university in Rhode Island as a:~~

- ~~full-time undergraduate or graduate student;~~
- ~~part-time undergraduate or graduate student in a health science program who may be in contact with patients; and~~
- ~~full or part-time student entering an institution of higher education in Rhode Island while on a student or other visa, including a student attending or visiting classes or programs as part of a formal academic visitation or exchange program.~~

~~1.8 ***"Waiting period"*** means the time interval between scheduled doses of vaccine. The length of waiting periods are defined by the ACIP.~~

~~Section 2.0 ***General Requirements***~~

~~2.1 Colleges and universities shall adopt, at a minimum, the standards of immunization and communicable disease testing contained in section 3.0 of these regulations.~~

~~2.2 It shall be the responsibility of the administrative head, or his/her designee, of any college or university to secure compliance with these rules and regulations.~~

~~2.3 Persons charged with reporting communicable diseases (e.g., physicians, physician assistants, registered nurse practitioners, midwives, laboratories, certified school nurse teachers, and other entities or persons) shall comply with the most current version of the *Rules and Regulations Pertaining to the Reporting of Communicable, Environmental and Occupational Diseases* of reference 5 herein and the most current version of the *Guidelines for Prevention and Control of Communicable Diseases* issued by the Department.~~

~~2.4 In accordance with ACIP recommendations, for all vaccines discussed herein, vaccine doses administered less than or equal to four (4) days before the minimum interval or age shall be counted as valid. Doses administered five (5) or more days earlier than the minimum interval or age shall not be counted as valid doses and shall be repeated as age-appropriate. The repeat dose should be spaced after the invalid dose by the recommended minimum interval as provided in ACIP recommendations. (For more information, please see reference 1 herein).~~

~~Section 3.0 ***Minimum Standards for Immunization and Communicable Disease Testing for Students Entering Colleges or Universities***~~

~~3.1 Each student, upon entering any college or university in this state, shall furnish evidence to the administrative head of the college or university (pursuant to the requirements of section 3.4 of these rules and regulations) that the student has been immunized, as required in section 3.3, unless the student is in an exempt category (e.g., documented evidence of immunity).~~

~~3.2 For the immunization requirements stipulated in section 3.3 below, a student who is not in compliance with these requirements shall be excluded from attending college or university classes until the requirements are met, unless the student belongs in an exemption category or is in a waiting period between doses as described in sections 3.9 or 3.10 herein.~~

~~***College or University Entry: Immunization Requirements***~~

~~3.3 Each student, upon entering any college or university, shall furnish evidence as required in section 3.4 herein of having received the vaccines described below:~~

~~3.3.1 ***Tetanus, Diphtheria***~~

~~Evidence of a booster dose of Td within the last ten (10) years shall be required.~~

~~3.3.2 ***Measles, Mumps, and Rubella Vaccines***~~

~~All students who enter a college or university are required to have received two (2) doses of a measles-containing vaccine (preferably MMR vaccine), one (1) dose of a mumps vaccine, and one (1) dose of a rubella vaccine. The first dose of~~

~~these three vaccines must be given on or after the first birthday. The second dose of a measles-containing vaccine (preferably MMR vaccine) must be given at least one (1) month after the first dose.~~

~~Students born on or before December 31, 1956 are required to have one dose of a measles containing vaccine, one dose of mumps, and one dose of rubella and thus are exempt from the two dose requirement of a measles containing vaccine.~~

~~Students vaccinated prior to 1968 shall be revaccinated, unless documentation is provided that indicates that a live virus vaccine was used in vaccinating the student.~~

~~3.3.3 ***Hepatitis B Vaccine***~~

~~A completed series of hepatitis B vaccine is currently recommended, but shall be required for all students entering on or after August 1, 2006. Three (3) doses of hepatitis B vaccine shall be required for all health science students upon entering a college or university.~~

~~3.3.4 ***Varicella (Chickenpox) Vaccine***~~

~~All health science students, upon entering a college or university, are required to have received one (1) dose of varicella (chickenpox) vaccine on or after his/her first birthday or, if the first dose is given on or after the student's thirteenth (13th) birthday, two (2) doses of varicella (chickenpox) vaccine, in accordance with the ACIP guidelines.~~

~~It is currently recommended that all other students (i.e., those not enrolled in a health science curriculum) meet the requirement for varicella vaccine stated above.~~

~~On or after August 1, 2006, all students, upon entering a college or university, are required to have received one (1) dose of varicella (chickenpox) vaccine on or after his/her first birthday or, if the first dose is given on or after the student's thirteenth (13th) birthday, two (2) doses of varicella (chickenpox) vaccine, or in accordance with the most current recommendations of the ACIP guidelines.~~

~~3.3.5 ***Meningococcal Vaccine***~~

~~It is required that college health services provide information to students entering colleges or universities, and their parents, about meningococcal disease and meningococcal vaccine.~~

~~It is recommended that freshmen students entering colleges or universities living in dormitories be vaccinated against meningococcal disease with at least a single dose of quadrivalent meningococcal polysaccharide vaccine if they have not~~

~~already been vaccinated, and/or in keeping with the most current ACIP recommendations.~~

~~***Immunization Records***~~

~~3.4 Acceptable evidence of completion of immunizations shall include the day, month, year and type/name of each dose of vaccine administered. The record of such evidence shall be signed by a physician or his/her designee (the signature of the student's parents is not acceptable). This record may be submitted to the college or university by a health care provider, another college or university, the student, or a parent/guardian.~~

~~3.4.1 For students who initially entered primary school on or before December 31, 1989, existing immunization records shall be deemed acceptable, provided the record contains a valid exemption form or contains documentation that the student has completed the required immunizations.~~

~~3.4.2 Acceptable evidence of completion of immunization consists of:~~

~~(a) an official immunization record card, school immunization record, Medical Passport, World Health Organization immunization record, or other official immunization records acceptable to the Department; or~~

~~(b) an electronically stored and/or transmitted documentary record (facsimile transmission, computerized record, including, but not limited to, a record on magnetic media or similar record) as may be utilized by a school; or~~

~~(c) presentation of laboratory evidence of immunity is made in the case of measles, mumps, rubella, hepatitis B, and varicella (chickenpox); or~~

~~(d) a physician, physician assistant, certified registered nurse practitioner, or other licensed practitioner acting within his/her scope of practice signs a statement that the student has a history of chickenpox disease (varicella).~~

~~***Provisions for Exclusions, Waiting Periods, and Exemptions***~~

~~***Exclusions***~~

~~3.5 Students who have not received the minimum number of required immunizations, who are not in a prescribed waiting period between doses, as specified in section 3.9 herein and who are not exempt pursuant to section 3.10 herein, shall be excluded from the college or university by the administrative head of the college or university, pending the completion of the required dose(s) of vaccine(s).~~

~~3.6 Students upon entering any college or university shall be excluded unless evidence is submitted that the student has received initial dose(s) of required vaccine(s) for college or university entry as set forth in these rules and regulations herein.~~

~~3.7 If an outbreak of vaccine-preventable disease should occur, an exempt student shall be excluded from school by the administrative head of school for a period of time as determined by the Health Department based on a case-by-case analysis of public health risk.~~

~~3.8 The college or university shall have a written protocol in place for the exclusion of unvaccinated students in the event of an outbreak. An accurate and current listing of all unvaccinated students shall be maintained by the college or university for this purpose.~~

~~***Waiting Periods***~~

~~3.9 If, at college or university entry, a student is within a waiting period for the minimum number of doses for a given vaccine, the student shall be enrolled and/or admitted to the college or university. It shall be the responsibility of the administrative head of the college or university or his/her designee to ensure the completion of at least the minimum number of immunizations, following the prescribed waiting period(s) and consistent with the provisions of these rules and regulations.~~

~~***Exemptions***~~

~~3.10 A student may be exempt from the immunization requirements described herein provided that:~~

~~3.10.1 a physician, physician assistant, certified registered nurse practitioner, or other licensed practitioner acting within his/her scope of practice signs the Department's "Medical Immunization Exemption Certificate" provided by the college/university attesting that the student is exempt from a specific vaccine because of medical reasons, in accordance with ACIP guidelines, American Academy of Pediatrics (AAP) guidelines, or package insert instructions;~~

~~***or***~~

~~3.10.2 a parent or guardian or student if 18 years of age or older completes and signs the Department's "Religious Immunization Exemption Certificate" provided by the college/university, attesting that immunization conflicts with the tenets of their religious beliefs;~~

~~***or***~~

~~3.10.3 the administrative head of the college or university or his/her designee signs a Temporary Immunization Exemption Certificate, provided by the college/university, indicating that an appointment with a health care provider for the required immunization(s) has been made. This temporary exemption shall expire on the date of the immunization appointment.~~

~~Section 4.0 ***Tuberculosis Testing***~~

~~4.1 Targeted tuberculosis (TB) testing is required for entering students who are from highly endemic countries of the world and have been resident in the United States for less than five (5) years. Testing should be conducted according to the most current version of the *Guidelines for Communicable Disease Prevention and Control* of the Department of Health.~~

~~Section 5.0 ***Severability***~~

~~5.1 If any provision of these rules and regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.~~

Immunization_College_ProposedRepeal_December2013.doc
Tuesday, 26 November 2013

~~***REFERENCES***~~

~~**1.** *Recommendations of the Advisory Committee on Immunization Practices (ACIP)*, U.S. Public Health Service, Centers for Disease Control & Prevention, General Recommendations on Immunization Available online: **http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5102a1.htm**~~

~~2. Recommendations on Measles, Mumps, and Rubella--Vaccine Use and Strategies for Elimination of Measles, Rubella, and Congenital Rubella Syndrome and Control of Mumps Available online: **http://www.cdc.gov/mmwr/preview/mmwrhtml/00053391.htm**~~

~~3. *Immunization of Health-Care Workers: Recommendations of the Advisory Committee on Immunization Practices (ACIP) and the Hospital Infection Control Practices Advisory Committee (HICPAC*), U.S. Public Health Service, Centers for Disease Control & Prevention, available online: **www.cdc.gov/mmwr/preview/mmwrhtml/00050577.htm**~~

~~4. "Department of Health", Chapter 23-1 of the Rhode Island General Laws, as amended.~~

~~5. *Rules and Regulations Pertaining to the Reporting of Communicable, Environmental and Occupational Diseases (R23-10-DIS*), Rhode Island Department of Health, September 2002 and subsequent amendments thereto.~~

~~6. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report, *Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection*, June 9, 2000 and subsequent revisions thereto, available online: http://www.cdc.gov/mmwr/preview/mmwrhtml/rr4906a1.htm~~

~~7. *Guidelines for Communicable Disease Prevention and Control*, Rhode Island Department of Health, available online: http://www.health.ri.gov/disease/communicable/providerguide.pdf~~