



## *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](mailto: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](mailto: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 2<sup>nd</sup> day of December 2013

*Original signed by Michael Fine, MD*

Michael Fine, M.D., Director of Health

**RULES AND REGULATIONS PERTAINING TO  
IMMUNIZATION AND COMMUNICABLE DISEASE TESTING  
IN PRESCHOOL, SCHOOL, COLLEGES OR UNIVERSITIES  
~~AND TESTING FOR COMMUNICABLE DISEASES~~**

[R23-1-IMM]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

January 1995

***AS AMENDED:***

February 1996 (E)

June 1996 (E)

June 1996

November 1998

July 2001

January 2002 (re-filing in  
accordance with the provisions  
of §42-35-4.1 of the Rhode  
Island General Laws, as  
amended)

October 2002

June 2005

January 2007 (re-filing in  
accordance with the provisions  
of §42-35-4.1 of the Rhode  
Island General Laws, as  
amended)

April 2009

January 2012 (re-filing in  
accordance with the provisions  
of §42-35-4.1 of the Rhode  
Island General Laws, as  
amended)

**December 2013 (Proposed)**

**COMPILER'S NOTES:**

**Proposed Additions: Double-Underlined**

**Proposed Deletions: ~~Strikeouts~~**



*INTRODUCTION*

These amended *Rules and Regulations Pertaining to Immunization and Communicable Disease Testing in Preschool, School, Colleges or Universities*<sup>1</sup> are promulgated pursuant to the authority set forth in sections RIGL §16-38-2 and §23-1-18 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting standards pertaining to requirements for 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.

Pursuant to the provisions of ~~section 42-35-3e~~ §42-35-3(a)(3) and §42-35.1-4 of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; ~~and~~ (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business. Based on the available information, no known alternative approach, overlap or duplication was identified, ~~consequently the regulations are adopted in the best interest of the health, safety and welfare of the public.~~

Upon promulgation of these amendments, these amended rules and Regulations (R23-1-IMM) shall supersede all previous *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases* and all previous *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases for Students Entering Colleges or Universities*<sup>2</sup> promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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<sup>1</sup> Prior to the December 2013 edition, these Regulations were promulgated under the title *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases*. In addition, effective with the December 2013 edition, these Regulations also incorporate requirements previously promulgated as *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases for Students Entering Colleges or Universities*. Beginning with the December 2013 edition, the title was changed to *Rules and Regulations Pertaining to Immunization and Communicable Disease Testing in Preschool, School, Colleges or Universities* to reflect the current scope of these Regulations.

<sup>2</sup> The *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases for Students Entering Colleges or Universities* will be repealed concurrent with the promulgation of these amendments.

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Section 1.0 *Definitions*

Whenever 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 in these Regulations, means official federal recommendations for the use of vaccines in the United States and as published by the Centers for Disease Control and Prevention. ACIP recommendations represent the standard of care for vaccination practice in the United States.
- 1.2 "Child care worker" means any person who is temporarily or permanently employed by a preschool (as defined in §1.7 of these Regulations) who has direct or indirect contact with children in the preschool.
- 1.3 "College" or "university" means any public or private institution of higher learning in the State of Rhode Island.
- ~~1.2~~ 1.4 "Director" means the Director of the Rhode Island Department of Health or his or her duly authorized designee.
- ~~1.3~~ 1.5 "Department" means the Rhode Island Department of Health.
- 1.6 "Entering" means formal registration by a student for attendance at a pre-school, school, college or university in Rhode Island.
- ~~1.4~~ 1.7 "Preschool" as used herein means all public and non-public child day-care centers, family day-care homes, nursery schools, or any program licensed or certified by the Department of Children, Youth and Families which provides program providing regular educational services to preschool-aged children in Rhode Island.
- ~~1.5~~ 1.8 "Physician" as used herein means an individual licensed under the provisions of RIGL 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 RIGL Chapter 5-37 of the Rhode Island General Laws, as amended.
- 1.9 "RIGL" means the General Laws of Rhode Island, as amended.
- ~~1.6~~ 1.10 "School" means all public or non-public schools for students in grades Kindergarten through 12 in Rhode Island.
- ~~1.7~~ 1.11 "Student" as used herein means any individual who is or has been enrolled, full time or part time, at a preschool or school, and any person entering any public or private college or university in Rhode Island as a: The term "student" shall also include any person from another country attending or visiting classes or educational programs as part of a formal academic visitation or exchange program.
  - full-time undergraduate or graduate student;

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- part-time undergraduate or graduate student in a health science program who may be in contact with patients.
- The term “student” shall also include any person from another country attending or visiting classes or educational programs as part of a formal academic visitation or exchange program.

1.12 “These Regulations” means all parts of the Rules and Regulations Pertaining to Immunization and Communicable Disease Testing of Students Before Admission to Preschool, School, Colleges or Universities [R23-1-IMM].

1.8 1.13 “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 (a) Preschools and schools shall adopt, at a minimum, the standards of immunization and communicable disease testing in ~~section~~ §3.0 of these Regulations.
- (b) Colleges and universities shall adopt, at a minimum, the standards of immunization and communicable disease testing contained in §4.0 of these Regulations.
- 2.2 (a) It shall be the responsibility of the administrative head or his/her designee of any preschool or school to secure compliance with these ~~rules and~~ Regulations.
- (b) It shall be the responsibility of the administrative head, or his/her designee, of any college or university to secure compliance with these Regulations.
- 2.3 In accordance with ACIP recommendations, for all vaccines discussed ~~herein~~ in these Regulations, 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~~).
- 2.4 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 [Reference 4 ~~herein~~] and the most current ~~version of the Guidelines for Prevention and Control of Communicable Diseases~~ Infectious Disease Information for Providers [Reference 7] issued by the Department.

**Section 3.0 Minimum Standards for Immunization and Communicable Disease Testing for Students Entering Preschools and Schools (K-12)**

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- 3.1 Each student, upon initial entry to any preschool or school in ~~this state~~ Rhode Island, shall furnish evidence to the administrative head of the preschool or school (pursuant to the requirements of ~~section §3.4 of these rules and Regulations~~) that the student has been immunized, as required in ~~sections §§3.2, 3.3 and 3.4 herein~~ of these Regulations, unless the student is in an exempt category.
- 3.1.1 For the immunization requirements stipulated in ~~sections §§3.2 and 3.3.1--3.3.5 below~~ of these Regulations, a student who is not in compliance with these requirements shall be excluded from attending preschool or school until the requirements are met, unless the student belongs in an exemption category or is in a waiting period between doses as described in ~~section §3.5 herein~~ of these Regulations.

***Preschool Entry Requirements***

- 3.2 No student shall enter a preschool without an immunization record as defined in ~~section §3.4 below~~ of these Regulations documenting that the student has been or is age appropriately immunized in accordance with the current *Recommended Childhood Immunization Schedule* approved by the Advisory Committee on Immunization Practices (ACIP)/American Academy of Pediatrics(AAP)/American Academy of Family Physicians (AAFP) against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, Haemophilus influenzae type b, hepatitis B, varicella (chickenpox), and pneumococcal disease.
- 3.2.1 Beginning August 1, 2014, immunization against hepatitis A and rotavirus will be added to the immunizations required pursuant to §3.2 of these Regulations.
- 3.2.2 Beginning August 1, 2014, annual influenza vaccination, given between July 1 and December 31 of each year, is required for all preschool children six to fifty-nine (6-59) months of age.

***School Entry Requirements***

- 3.3 Each student, upon initial entry to any school, shall furnish evidence as required in ~~section §3.4 herein~~ of these Regulations of having received the vaccines described below:
- 3.3.1 ***Diphtheria, Tetanus, and Pertussis Vaccine***
- (a) Five (5) doses of diphtheria, tetanus and acellular pertussis (DTaP) vaccine. If the fourth (4<sup>th</sup>) dose was given after the fourth (4<sup>th</sup>) birthday, a fifth (5<sup>th</sup>) dose is not necessary (total of four (4) doses). Where pertussis vaccine is medically contraindicated, diphtheria-tetanus (DT) vaccine is to be substituted. Upon initial entry to a school, a student is required to have received a primary series of at least three (3) doses of a vaccine against diphtheria, tetanus and pertussis, with at least four (4) weeks between doses, and two (2) boosters, the first at least six (6) months after the third primary dose, and the second after age four (4) (total of five (5) doses). If the first booster is given after age four (4), a second booster is not required (total of four (4) doses).

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- (i) ~~[DELETED]. For any student who is seven (7) to nine (9) years of age and requires additional vaccine doses to satisfy this requirement, Td (Tetanus-diphtheria toxoid) is to be used.~~
- (ii) ~~Where the student is seven (7) or more years of age and requires additional doses of vaccine to satisfy §3.3.1(a), Tdap (tetanus-diphtheria-pertussis) or Td (tetanus-diphtheria) shall be given in place of DTaP/DT according to ACIP age appropriate recommendations. If a child completing the series is greater than seven (7) years old and had a dose of Tetanus Diphtheria containing vaccine administered prior to twelve (12) months of age, then four (4) doses shall be needed with minimum spacing between doses of four (4) weeks, four (4) weeks, and six (6) months.~~
- (iii) ~~If the child completing the series is greater than seven (7) years old and did not have a dose of Tetanus Diphtheria prior to twelve (12) months of age, then three (3) doses of vaccine shall be needed with minimum spacing between doses of four (4) weeks and six (6) months.~~

~~If the primary series is completed on or after the tenth (10<sup>th</sup>) birthday, Tdap should be substituted for one (1) dose in the series given after the age of ten (10), preferably the first dose after age ten (10).~~

- (iv) ~~Pediatric Diphtheria Tetanus toxoid (DT), instead of a vaccine against diphtheria, tetanus and pertussis, shall only be used when the provider is following current acceptable guidelines for valid contraindications for pertussis vaccine, as recommended by the Advisory Committee on Immunization Practices (ACIP) or the American Academy of Pediatrics (AAP).~~
- (b) ~~Beginning on August 1, 2009, a single One (1) dose of Tdap vaccine shall be is required for students attending entering seventh (7<sup>th</sup>) grade (or in the case of an ungraded classroom, for students twelve (12) years of age or older), if it has been more than five (5) years since the last dose of DTaP, DT, or Td. If it has been less than five (5) years since a student received his/her last dose of DTaP, DT, or Td, Tdap shall not be required, but may be administered according to the judgment of a physician, nurse practitioner, or physician assistant.~~

### 3.3.2 *Poliomyelitis Vaccine*

- (a) ~~Upon initial entry to a school, a student is required to have received a total of Four (4) doses of any combination of either oral poliovirus vaccine (OPV) or inactivated poliovirus vaccine (IPV). The final dose should be given on or after the fourth (4<sup>th</sup>) birthday, with at least four (4) weeks between doses. If the third (3<sup>rd</sup>) dose was given after the fourth (4<sup>th</sup>) birthday, a fourth (4<sup>th</sup>) dose is not necessary (total of three (3) doses), as long as all three (3) doses were either all OPV or all IPV; or a series administered in accordance with ACIP recommendations.~~
- (b) For students eighteen (18) years of age and older, poliovirus vaccine is not required.

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**3.3.3 *Measles, Mumps, and Rubella Vaccines***

- (a) ~~Beginning on August 1, 2009,~~ Two (2) doses of live measles, mumps and rubella vaccine given at least four (4) weeks apart beginning ~~at~~ on or after twelve (12) months of age shall be required for students entering kindergarten (K) and grade seven (7) in accordance with ACIP recommendations.
- (b) Beginning on August 1, 2015, this requirement shall apply to all students ~~attending~~ entering grades K through 12 and all students in ungraded classrooms. The following dates are in effect for the grades, as specified below:
  - ~~August 1, 2009 — K,7~~
  - ~~August 1, 2010 — K,1,7,8~~
  - ~~August 1, 2011 — K,1,2,7,8,9~~
  - ~~August 1, 2012 — K,1,2,3,7,8,9,10~~
  - August 1, 2013    K,1,2,3,4,7,8,9,10,11
  - August 1, 2014    K,1,2,3,4,5,7,8,9,10,11,12
  - August 1, 2015    K,1,2,3,4,5,6,7,8,9,10, 11, 12

**3.3.4 *Hepatitis B Vaccine*** Three (3) doses of hepatitis B vaccine administered in accordance with ACIP recommendations are required for students ~~attending~~ entering grades kindergarten (K) through grade twelve (12) and all students in ungraded classrooms. ~~shall be required.~~

**3.3.5 *Varicella (Chickenpox) Vaccine***

- (a) ~~Beginning on August 1, 2009,~~ Two (2) doses of varicella vaccine given at least four (4) weeks apart beginning at or after twelve (12) months shall be required for students entering kindergarten (K) and grade seven (7) (or in the case of an ungraded classrooms, students twelve (12) years of age or older).
- (b) Beginning on August 1, 2015, this requirement shall apply to all students entering grades K through 12 and all students in ungraded classrooms. The following dates are in effect for the grades, as specified below:
  - ~~August 1, 2009 — K,7~~
  - ~~August 1, 2010 — K,1,7,8~~
  - ~~August 1, 2011 — K,1,2,7,8,9~~
  - ~~August 1, 2012 — K,1,2,3,7,8,9,10~~
  - August 1, 2013    K,1,2,3,4,7,8,9,10,11
  - August 1, 2014    K,1,2,3,4,5,7,8,9,10,11,12
  - August 1, 2015    K,1,2,3,4,5,6,7,8,9,10, 11, 12

**3.3.6 *Meningococcal Vaccine***

- (a) ~~Effective August 1, 2009,~~ All students ~~upon initial entry to~~ entering seventh (7<sup>th</sup>) grade, shall be required to receive one (1) dose of meningococcal (~~meningitis~~) vaccine in accordance with ACIP recommendations.
- (b) Beginning August 1, 2014, this requirement shall apply to all students ~~attending~~ entering grades seven (7) through twelve (12) and all students in ungraded classrooms. The following dates are in effect for the grades, as specified below:

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August 1, 2009 — 7  
August 1, 2010 — 7,8  
August 1, 2011 — 7,8,9  
August 1, 2012 — 7,8,9,10  
August 1, 2013 — 7,8,9,10,11  
August 1, 2014 — 7,8,9,10,11,12

(c) Beginning August 1, 2014, all students entering grade twelve (12), who had their first dose at age fifteen (15) years or younger, are required to have a booster dose given on or after sixteen (16) years of age.

**3.3.7 Human Papillomavirus (HPV) Vaccine**

- (a) Beginning August 1, 2014, all students entering seventh (7<sup>th</sup>) grade shall be required to have at least one (1) dose of the HPV vaccine series.
- (b) Beginning August 1, 2015, all students entering eighth (8<sup>th</sup>) grade shall be required to have at least two (2) doses of the HPV vaccine series.
- (c) Beginning August 1, 2016, all students entering ninth (9<sup>th</sup>) grade shall be required to have completed the HPV vaccine series (3 doses).

**3.4 Immunization Records**

- 3.4.1 (a) Acceptable evidence of completion of immunizations shall include the day, month, year and type/name of each dose of vaccine administered. Such evidence shall consist of a record signed by a physician, registered nurse practitioner, physician's assistant, or his/her designee (the signature of the student's parents is not acceptable). This record may be submitted to the preschool or school by a health care provider, another preschool or school, a parent or a guardian.
- (b) An official immunization record card, preschool or school immunization record, Medical Passport, World Health Organization immunization record, or other official immunization records acceptable to the Department; or
- (c) An electronically stored and/or transmitted documentary record (facsimile transmission, computerized record, including, but not limited to, a record obtained from the KIDSNET statewide registry or other statewide registry, record on magnetic media or similar record) as may be utilized by a preschool or school; or
- (d) Presentation of laboratory evidence of immunity is made in the case of measles, mumps, rubella, hepatitis B and varicella (chickenpox); or,
- (e) For chickenpox (varicella), a physician, a physician assistant, a 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).
- (f) Telephone confirmation by the preschool or school or college of the existence of immunization records as defined above, provided all of the following conditions are met:

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- (i) An acceptable documentary record is on file with the preschool or school officials at a preschool or school which the student previously attended, or is on file with a health provider, public health agency, other health professional or preschool or school official responsible for maintenance of immunization records; and
- (ii) Telephone confirmation is obtained by a preschool or school official at the preschool or school in which the student enrolls; and
- (iii) Telephone confirmation is sought and obtained within one (1) working day of the student's initial entry; and
- (iv) Written documentation is made in the student's preschool or school health record of the telephone confirmation call, including the date and time of the call, the name, address, and telephone number of the person who confirmed the immunization status; and
- (v) A written documentary record of immunization is received by the preschool or school in which the student has enrolled within ten (10) working days of initial entry; and
- (vi) The preschool or school shall implement the telephone confirmation as described above, if a student is seeking entry and does not present a copy of immunization records.

### 3.5 *Provisions for Exclusions, Waiting Periods and Exemptions*

#### 3.5.1 *Exclusions*

- (a) 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 §3.5.2 (a) herein~~ of these Regulations and who are not exempt pursuant to ~~section §3.5.3 herein~~ of these Regulations, shall be excluded from the preschool or school by the administrative head of the preschool or school, pending the completion of the required dose(s) of vaccine(s).
- (b) Students upon initial entry to any preschool or school shall be excluded unless evidence is submitted that the student has received initial dose(s) of required vaccine(s) for preschool or school entry as set forth in these ~~rules and Regulations herein~~.
- (c) 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.
- (d) The preschool or school 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 unvaccinated students shall be maintained by the preschool or school for this purpose.

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**3.5.2 *Waiting Periods***

- (a) If at initial preschool or school entry a student is within a waiting period for the minimum number of doses for a given vaccine, the student shall be registered and/or admitted to preschool or school. It shall be the responsibility of the administrative head of the preschool or school 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.
  - (i) The administrative head of the preschool or school or his/her designee shall sign a Temporary Immunization Exemption Certificate, provided by the school, 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.
- (b) At initial preschool or school entry a student who is under the care of the ~~state~~ Department of Children, Youth and Families (DCYF) shall be enrolled in school upon presentation of a completed intra-state education identification card in accordance with the requirements of ~~section RIGL §42-72.4-1 of the Rhode Island General Laws, as amended,~~ or as stipulated in ~~section §3.4.1(f) of these Regulations herein.~~

**3.5.3 *Exemptions***

- (a) A student may only be exempt from the immunization requirements described ~~herein~~ in these Regulations for either of the two (2) reasons stated below:
  - (i) A physician, a physician assistant, a certified registered nurse practitioner, or other licensed practitioner acting within his/her scope of practice signs the Rhode Island Department of Health’s “Medical Immunization Exemption Certificate” provided by the school attesting that the student is exempt from a specific vaccine because of medical reasons, in accordance with ACIP recommendations, ~~AAP guidelines, or package insert instructions;~~ or
  - (ii) A parent or guardian completes and signs the Department’s “Religious Immunization Exemption Certificate” provided by the school, attesting that immunization conflicts with the tenets of their religious beliefs.

**Section 4.0 *Minimum Standards for Immunization and Communicable Disease Testing for Students Entering Colleges or Universities***

4.1 Each student, upon entering any college or university in Rhode island, shall furnish evidence to the administrative head of the college or university (pursuant to the requirements of §4.4 of these Regulations) that the student has been immunized, as required in §4.3 of these Regulations, unless the student is in an exempt category (e.g., documented evidence of immunity).

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4.2 For the immunization requirements stipulated in §4.3 of these Regulations, 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 §4.9 or §4.10 of these Regulations.

**College or University Entry: Immunization Requirements**

4.3 Each student, upon entering any college or university, shall furnish evidence as required in §4.4 of these Regulations of having received the vaccines described below:

4.3.1 **Tetanus, Diphtheria, Pertussis Vaccine.** Evidence of having received a single dose of Tdap vaccine.

4.3.2 **Measles, Mumps, and Rubella Vaccines.** Two (2) doses of live measles, mumps and rubella vaccine given at least four (4) weeks apart beginning on or after twelve (12) months of age.

4.3.3 **Hepatitis B Vaccine.** Three (3) doses of hepatitis B vaccine administered in accordance with ACIP recommendations.

4.3.4 **Varicella (Chickenpox) Vaccine.** Two (2) doses of varicella vaccine given at least four (4) weeks apart beginning on or after twelve (12) months of age.

4.3.5 **Meningococcal Vaccine**

(a) One (1) dose of meningococcal conjugate (MCV4) vaccine is required for previously unvaccinated newly enrolled full-time undergraduate and graduate students (under twenty-two (22) years of age) in a degree program at a college or university who will live in a dormitory or comparable congregate living arrangement approved by the institution.

(b) Evidence of a second (booster dose) of MCV4 vaccine is required for newly enrolled full-time undergraduate and graduate students (under twenty-two (22) years of age) if the first dose was given before sixteen (16) years of age.

**Immunization Records**

4.4 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, physician assistant, certified registered nurse practitioner, or other licensed practitioner acting within his/her scope of practice (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.

4.4.1 For students who initially entered primary school on or before 31 December 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.

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### 4.4.2 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**

- 4.5 Students who have not received the minimum number of required immunizations, who are not in a prescribed waiting period between doses, as specified in §4.9 of these Regulations and who are not exempt pursuant to §4.10 of these Regulations, 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).
- 4.6 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 Regulations.
- 4.7 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 Department based on a case-by-case analysis of public health risk.
- 4.8 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**

- 4.9 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 Regulations.

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### Exemptions

4.10 A student may be exempt from the immunization requirements described in these Regulations provided that:

4.10.1 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; *or*

4.10.2 A parent or guardian or student (if eighteen) 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*

4.10.3 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 5.0 *Tuberculosis Testing for Colleges/Universities*

5.1 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 CDC Guidelines for Targeted Tuberculin Testing. [Reference 5]

### Section 6.0 *Minimum Standards for Immunization and Communicable Disease Testing for Child Care Workers in Preschools*

6.1 Beginning August 1, 2014, in accordance with the National Health and Safety Performance Standards for Early Care and Education Programs (Reference 6), evidence of immunity is required for all child care workers (with the exception child care workers who receive a medical exemption) against:

6.1.1 Tetanus, Diphtheria and Pertussis: one (1) dose of Tdap vaccine

6.1.2 Measles, Mumps and Rubella: two (2) doses of MMR vaccine

6.1.3 Chickenpox: two (2) doses of Varicella vaccine

6.1.4 Influenza: annual influenza vaccination, administered between July 1 and December 31 of each year, is required for all child care workers

6.1.5 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*

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- (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).

**Section 7.0 Reporting**

7.1 The administrative head (or designee) of each preschool, school, college and university shall be responsible for reporting the immunization status of students and the number of students with a medical and/or religious exemption to the Department.

7.2 Such reporting shall occur according to procedures and format required by the Department.

**Section 4.0 8.0 Severability**

~~4.1~~ 8.1 If any provisions of these Regulations or the application thereof to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of these Regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

*REFERENCES*

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) *General Recommendations on Immunizations: Recommendations of the Advisory Committee on Immunization Practices (ACIP)* - MMWR, December 1, 2006 / 55(RR15);1-48 28 January 2011 / 60(RR02);1-60. Available online at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5515a1.htm>  
<http://www.cdc.gov/mmwr/pdf/rr/rr6002.pdf>
2. CDC. *Recommended Immunization Schedules for Persons Aged 0-18 Years — United States, 2008*. MMWR, January 11, 2008 / Vol. 57 / No. 1. Available online at: <http://www.cdc.gov/mmwr/pdf/wk/mm5701-Immunization.pdf>.  
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) *Vaccines and Immunizations: Recommendations of the Advisory Committee on Immunization Practices (ACIP)*. Available online at: <http://www.cdc.gov/vaccines/pubs/ACIP-list.htm#vacc>
3. "Department of Health", Chapter 23-1 of the Rhode Island General Laws, as amended. Available online: <http://www.rilin.state.ri.us/Statutes/TITLE23/23-1/INDEX.HTM>.
4. *Rules and Regulations Pertaining to the Reporting of Communicable, Environmental and Occupational Diseases [R23-10-DIS]*, Rhode Island Department of Health, August 2008 and subsequent amendments thereto. Available online: <http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/5335.pdf>
5. *Guidelines for Communicable Disease Prevention and Control*, Rhode Island Department of Health, available online: <http://www.health.ri.gov/disease/communicable/providerguide.pdf>.  
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. Available online: <http://www.cdc.gov/mmwr/pdf/rr/rr4906.pdf>
6. National Resource Center for Health and Safety in Child Care and Early Education. *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, Third Edition*. Available online: <http://cfoc.nrckids.org/>
7. *Infectious Disease Information for Providers* Rhode Island Department of Health. Available online: <http://www.health.ri.gov/diseases/for/providers/>

The revision dates of all regulations cited above were current when these amended regulations were filed with the Secretary of State. Current copies of all regulations issued by the RI Department of Health may be downloaded at no charge from the RI Secretary of State's Final Rules and Regulations Database website: <http://www.sos.ri.gov/rules/>