

**RULES AND REGULATIONS PERTAINING TO
IMMUNIZATION 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 section 42-35-4.1 of the Rhode Island General Laws, as amended)

October 2002

INTRODUCTION

These amended rules and regulations are promulgated pursuant to the authority set forth in sections 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 students at any preschool or school in grades Kindergarten-12 in Rhode Island.

Pursuant to the provisions of section 42-35-3c 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 rules and regulations (R23-1-IMM) shall supersede all previous *Rules and Regulations Pertaining to Immunization and Testing for Communicable Diseases* promulgated by the Department of Health and filed with the Secretary of State.

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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, 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 "***Director***" means the Director of the Rhode Island Department of Health.
- 1.3 "***Department***" means the Rhode Island Department of Health.
- 1.4 "***Preschool***", as used herein, means all public and non-public child day-care centers, family day-care homes, nursery schools, or any licensed or certified program providing regular educational services to preschool-aged children in Rhode Island.
- 1.5 "***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.
- 1.6 "***School***" means all public or non-public schools for students in grades Kindergarten through 12 in Rhode Island.
- 1.7 "***School personnel***" means all persons employed directly by the school or under contract to the school.
- 1.8 "***Student***", as used herein, means any individual who is or has been enrolled, full time or part time, at a preschool or school.
- 1.9 "***Waiting period***" means the time interval between scheduled doses of vaccine. The length of waiting periods are defined by the Advisory Committee on Immunization Practices (ACIP).

Section 2.0 *General Requirements*

- 2.1 Preschools and schools shall adopt, at a minimum, the standards of immunization and communicable disease testing in section 3.0 of these regulations. The Department is authorized under section 23-1-18 (9) of the Rhode Island General Laws, as amended, to establish minimum standards for immunization and testing for communicable diseases of students at any preschool or school.
- 2.2 It shall be the responsibility of the administrative head of any preschool or school to secure compliance with these rules and regulations.

- 2.3 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 Preschools and Schools (K-12)***

- 3.1 Each student, upon initial entry to any preschool or school in this state, 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, 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, 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.

Preschool Entry Requirements

- 3.2 No student shall enter a **preschool** without an immunization record as defined in section 3.4 below 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, and varicella (chickenpox).

School Entry Requirements

- 3.3 Each student, upon initial entry to any **school**, shall furnish evidence as required in section 3.4 herein of having received the vaccines described below:
- 3.3.1 ***Diphtheria, Tetanus, and Pertussis***
- (a) 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).

- (i) For any student who is seven (7) years of age or older and requires additional vaccine doses to satisfy this requirement, adult Td (Tetanus-diphtheria toxoid) is to be used.
 - (ii) If the primary series is begun on or after the seventh (7th) birthday, two (2) primary doses of adult Td at least four (4) weeks apart, with a third (3rd) dose of adult Td six (6) months after the second (2nd) primary dose are to be used.
 - (iii) Pertussis vaccine is not required for students seven (7) years of age or older.
 - (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) Upon entering seventh grade (or in the case of an ungraded classroom, for students twelve years of age or older), a student is required to have received a booster of Td vaccine, if it has been five years or more since the last dose of a diphtheria-tetanus containing vaccine.

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), with at least four (4) weeks between doses. If the third (3rd) dose was given after the fourth (4th) birthday, a fourth (4th) 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 18 years of age and older, poliovirus vaccine is not required.

3.3.3 *Measles, Mumps, and Rubella Vaccines*

- (a) Upon initial entry to a school, a student is 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 in accordance with ACIP recommendations. The second dose of a measles-containing vaccine must be given at least one (1) month after the first dose.

3.3.4 *Hepatitis B Vaccine*

- (a) Upon initial entry to the following grades, a student is required to have received three (3) doses of hepatitis B vaccine, in accordance with ACIP recommendations. The following dates are in effect for the grades, as specified below:
 August 1, 1999 K

August 1, 2000	K,1,7
August 1, 2001	K,1,2,7,8
August 1, 2002	K,1,2,3,7,8,9
August 1, 2003	K,1,2,3,4,7,8,9,10
August 1, 2004	K,1,2,3,4,5,7,8,9,10,11
August 1, 2005	K,1,2,3,4,5,6,7,8,9,10,11,12

- (b) Effective August 1, 2005, **all** students, upon initial entry to a school, are required to have received three (3) doses of hepatitis B vaccine, in accordance with ACIP recommendations.

3.3.5 *Varicella (Chickenpox) Vaccine*

- (a) Upon initial entry to the following grades, a student is required to have received one (1) dose of varicella (chickenpox) vaccine on or after his or 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 ACIP recommendations. The following dates are in effect for the grades, as specified below:

August 1, 1999	K
August 1, 2000	K,1,7
August 1, 2001	K,1,2,7,8
August 1, 2002	K,1,2,3,7,8,9
August 1, 2003	K,1,2,3,4,7,8,9,10
August 1, 2004	K,1,2,3,4,5,7,8,9,10,11
August 1, 2005	K,1,2,3,4,5,6,7,8,9,10,11,12

- (b) Effective August 1, 2005, **all** students upon initial entry to a school, are required to have received one (1) dose of varicella (chickenpox) vaccine on or after his or 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 ACIP recommendations.

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 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. or
- (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 Division of Family Health, Immunization Program of 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 KIDS NET 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 of the existence of immunization records as defined above, provided all of the following conditions are met:
 - (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 and who are not exempt pursuant to section 3.5.3 herein, 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.

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 Exemption Form, provided by the Division of Family Health, Immunization Program of the Department, 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 42-72.4-1 of the Rhode Island General Laws, as amended, or as stipulated in section 3.4.1 (f) herein.

3.5.3 *Exemptions*

- (a) A student may only be exempt from the immunization requirements described herein 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 a medical exemption stating 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 Immunization Exemption Form, provided by the Division of Family Health, Immunization Program of the Department, on the grounds of religious beliefs.

Section 4.0 *Severability*

- 4.1 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 the regulations which can be given effect, and to this end the provisions of the regulations are declared to be severable.

Friday, September 06, 2002
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REFERENCES

1. CDC. *General Recommendations on Immunizations: Recommendations of the Advisory Committee on Immunization Practices (ACIP) and the American Academy of Family Physicians (AAFP)*. MMWR, February 8, 2002; 51 (RR02); 1--36. Available online at: www.cdc.gov/mmwr/preview/mmwrhtml/rr5102a1.htm