

## Chapter 4 – Health Surveillance and Infectious Disease

### Subchapter 4

#### Immunization Rule

##### 1.0 Authority

1.1 This rule is adopted pursuant to 18 V.S.A. §§ 1123.

##### 2.0 Purpose

2.1 This rule establishes an immunization schedule, minimum requirements for attendance at child care facilities, public or independent pre-kindergarten, kindergartens, elementary, secondary and post-secondary schools, in order to prevent the introduction and/or transmission of vaccine-preventable diseases.

##### 3.0 Scope

3.1 This rule applies to any child or student enrolled in a child care facility, or school.

##### 4.0 Definitions

4.1 “Campus” means the grounds and collection of buildings of a post-secondary school where students regularly congregate in such areas as, but not limited to: residence halls, classrooms, athletic facilities, chapels, assembly halls, dining facilities, clubs, lounges, fraternities and sororities, and internal transportation systems. Campus does not mean a stand-alone facility used only for administrative and instructional purposes.

4.2 “Child” means a person younger than 18 years of age.

4.3 “Child care administrator” means administrator or other person in charge of a child care facility.

4.4 “Child care facility” means a child care facility or family child care home licensed or registered under chapter 35 of Title 33.

4.5 “Department” means the Vermont Department of Health.

4.6 “Enroll” means attending child care or attending one or more classes in pre-kindergarten through 12<sup>th</sup> grade. For post-secondary “enroll” means enrolled full time, as defined by the institution, and any students enrolled in an allied health science program. Students whose instruction is solely on-line are not considered “enrolled” under this rule.

- 4.7 “Health care practitioner” means a person licensed, certified or authorized by law to provide professional health care service to an individual during that individual’s medical care, treatment or confinement.
- 4.8 “Non-recurring services” means early childhood programs designed to meet the short-term needs of families arising from tourism, recreation or shopping.
- 4.9 “Post-secondary school” means any person who offers or operates a program of college or professional education for credit or degree.
- 4.10 “School” means a public or independent pre-kindergarten, kindergarten, elementary, secondary or post-secondary school as defined in 16 V.S.A. § 11.
- 4.11 “School administrator” means principal, headmaster, registrar, or other person in charge of a school.
- 4.12 “Student” means a person in attendance at any school.
- 4.13 “Vermont Immunization Advisory Council” or “VIAC” means the council established for the purpose of providing education policy, medical, and epidemiological expertise and advice to the Department with regard to the safety of immunizations and immunization schedules.

## **5.0 Provisional Admittance**

- 5.1 A child or student may be provisionally admitted to a child care facility, or school if a health care practitioner authorized to prescribe vaccines or a health clinic indicates the child is in the process of complying with all immunization requirements. Such provisional admission shall be for a reasonable length of time that is consistent with the immunization schedule but shall not exceed six months after the child is admitted to the child care facility, or school.
- 5.2 The person or, in the case of a child, the person’s parent or guardian, must present a Department-published form, signed by a health care practitioner authorized to prescribe vaccines or a health clinic, indicating the person is in the process of being immunized.
- 5.3 Any child care facility or school receiving the form as required by this section shall store the form as part of the child’s or student’s immunization record.
- 5.4 The child care facility or school shall maintain a roster of provisionally admitted students and continue follow-up until all immunization requirements are met.

## **6.0 Exemptions**

- 6.1 A person may remain in school or in a child care facility without a required immunization if the person or, in the case of a child, the person’s parent or guardian, presents a Department- published form, signed by a health care practitioner authorized to prescribe vaccines, certifying that a specific

immunization is or may be detrimental to the person's health. The practitioner shall specify the required immunization in question as well as the probable duration of the condition or circumstance that is or may be detrimental to the person's health. Any exemption certified under this subdivision shall terminate when the condition or circumstance cited no longer applies.

- 6.2 Religious Exemptions: A person may remain in a child care facility or school without a required immunization if the person or, in the case of a child, the person's parent or guardian, annually provides a signed statement to the child care facility or school on a Department-published form, indicating that the person, parent, or guardian:
  - 6.2.1 holds religious beliefs opposed to immunizations; and
  - 6.2.2 has reviewed the evidence-based educational material provided by the Department regarding immunizations, including:
    - 6.2.2.1 the information about the risks of adverse reactions to immunization;
    - 6.2.2.2 the information that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and
    - 6.2.2.3 the information that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.
- 6.3 Any child care facility or school receiving a form as required by this section shall store the form as part of the child's or student's immunization record.

## **7.0 Required Immunizations Schedule**

The Vermont Recommended Immunization Schedule is based on the Advisory Committee on Immunization Practices (ACIP) as approved and published by the Centers for Disease Control. All vaccines required for child care or school must be administered in accordance with recommended age and intervals, allowing for the ACIP approved four-day grace period.

- 7.1 Children enrolled in child care or pre-kindergarten must provide acceptable records of the following at enrollment and annually thereafter.
  - 7.1.1 Children 2-3 months: One dose each of DTaP (diphtheria, tetanus and pertussis), hepatitis B, polio, Hib (Haemophilus influenzae B) and PCV (pneumococcal conjugate) vaccine.
  - 7.1.2 Children 4-5 months: Two doses each of DTaP (diphtheria, tetanus and pertussis), hepatitis B, polio, Hib (Haemophilus influenzae B) and PCV (pneumococcal conjugate) vaccine.

- 7.1.3 Children 6-14 months: Three doses each of DTaP (diphtheria, tetanus and pertussis), hepatitis B, polio, Hib (Haemophilus influenzae B) and PCV (pneumococcal conjugate) vaccine.
- 7.1.4 Children 15-17 months: Three doses each of DTaP (diphtheria, tetanus and pertussis), Hepatitis B and polio vaccine; one dose of MMR (measles, mumps, and rubella) and varicella vaccine and between one and four doses of Hib (Haemophilus influenzae B) and PCV (pneumococcal conjugate) vaccine.
- 7.1.5 Children 18 months – 4 years: Four doses of DTaP (diphtheria, tetanus and pertussis), three doses of hepatitis B and polio vaccine; one dose of MMR (measles, mumps, and rubella) and varicella vaccine and between one and four doses of Hib (Haemophilus influenzae B) and PCV (pneumococcal conjugate) vaccine.
- 7.2 Students entering kindergarten must provide acceptable records of the following:
  - 7.2.1 Five doses of DTaP (diphtheria, tetanus, and pertussis) vaccine;
  - 7.2.2 Four doses of the polio vaccine;
  - 7.2.3 Two doses of the MMR (measles, mumps, and rubella) vaccine;
  - 7.2.4 Three doses of the hepatitis B vaccine; and
  - 7.2.5 Two doses of the chickenpox (varicella) vaccine.
    - 7.2.5.1 Not required if the student has previously had chickenpox disease and the parents submit documentation or sign the Health Department-published form.
- 7.3 Students entering the seventh grade must provide documentation of the following:
  - 7.3.1 All of the immunizations listed in 7.2;
  - 7.3.2 One dose of the Tdap (tetanus, diphtheria, and pertussis) vaccine; and
  - 7.3.3 One dose of the meningococcal vaccine for residential students
- 7.4 Students entering a post-secondary school must provide documentation of the following:
  - 7.4.1 One dose of a Tdap (tetanus, diphtheria, and pertussis) vaccine.
  - 7.4.2 Two doses of MMR(measles, mumps, and rubella) vaccine.
  - 7.4.3 Two doses of meningococcal vaccine (or one dose if the first dose was given after age 16) for first year residential students ≤ 21 years.
  - 7.4.4 Three doses of Hepatitis B vaccine
  - 7.4.5 Two doses of chickenpox (varicella) vaccine
    - 7.4.5.1 Not required if the student has previously had chickenpox disease and the student (or in the case of a minor, the parent)

submits documentation or sign a Health Department published form.

- 7.5 Deviations from the above-schedules are permissible if such deviances are necessary to protect the health of the recipient and are consistent with recommendations from the Centers for Disease Control.

## **8.0 Adoption of Immunization Schedule**

- 8.1 The Commissioner of Health shall annually convene the Vermont Immunization Advisory Council (VIAC) to assist in the determination of whether the Immunization Schedule found in Section 7 of this rule should be updated in accordance with the published Centers for Disease Control (CDC) immunization schedule. The Commissioner may convene additional meeting of the Council as necessary.
- 8.2 Phase-In Periods
- 8.2.1 Following release of a CDC vaccine recommendation, a two-year phase-in period will pass before children and students may be required to have the vaccine in order to enroll in a child care facility or school.
- 8.2.2 If necessary to protect the public's health, the Commissioner may require a shorter phase-in period.

## **9.0 Acceptable Records**

The following will be accepted as evidence of a child or student's immunization history:

- 9.1 A record of immunizations generated by an electronic health record that includes the complete date (mm/dd/yyyy) each immunization was administered.
- 9.2 A record from any public health department listing the individual immunizations and the complete date (mm/dd/yyyy) each immunization was administered.
- 9.3 A record from State Immunization Registry or other registry approved by the Department listing the individual immunizations and the complete date (mm/dd/yyyy) each immunization was administered.
- 9.4 A laboratory report of a titer indicating evidence of immunity to each disease for which immunization is required.
- 9.5 An official school record from any school listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.
- 9.6 A certificate signed by a health care practitioner listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.

- 9.7 For chickenpox (varicella) disease only, a statement by the health care practitioner or parent/guardian that the child has had the disease. Use of a form published by the department is optional for this purpose only.

## **10.0 Verification of Compliance**

- 10.1 According to the following schedule, child care or school administrators shall verify that children entering child care and students entering school have received all required immunizations:
- 10.1.1 For child care or pre-kindergarten – at enrollment and annually thereafter.
  - 10.1.2 Upon entry into kindergarten.
  - 10.1.3 Upon entry into the 7th grade.
  - 10.1.4 Upon initial enrollment into an undergraduate post-secondary school with a campus.
  - 10.1.5 Whenever a student enrolls for the first time into any school, including high school or other secondary schools.

## **11.0 Reporting of Aggregated Immunization Data**

- 11.1 Child care or pre-kindergarten administrators, using a format approved by the Department, shall report aggregated data on the immunization status of all children enrolled in their facility. The annual report shall identify the immunization status of the children enrolled as of the date the form is completed. The data reported shall include the aggregated immunization rates for each required vaccine, the number of medical and religious exemptions filed and the number of students with provisional admittance for each required vaccine. This report must be received by the Department by January 1<sup>st</sup>.
- 11.2 School administrators, using a format approved by the Department, shall report grade level aggregated data on the immunization status of all students enrolled in the school. The annual report shall identify the immunization status of students enrolled as of the date the form is completed. The data reported shall further include the aggregated immunization rates for students in the kindergarten, first, seventh and eighth grades for each required vaccine, the number of medical, and religious exemptions filed and the number of students with provisional admittance for each required vaccine. This report must be received by the Department by January 1<sup>st</sup>.
- 11.3 Privacy: To the extent permitted under the Federal Education Rights and Privacy Act Privacy, 20 U.S.C. § 1232g and to the extent applicable and permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-91, all schools and child care facilities shall make publicly available the aggregated immunization rates of the children and students for each required vaccine using a standardized form supplied by the Department.

For purposes of this section only, “child care facility” shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.

## **12.0 Exclusion from Child Care Facility or School and Penalty for Noncompliance**

- 12.1 Children shall be in compliance with all immunization requirements or eligible for provisional admittance or they shall not be allowed to enter or be retained in child care facilities or pre-kindergarten. The child’s parent or guardian must receive written notification by mail or in-person from the child care facility that the child is not in compliance as well as the steps needed to comply. A Department- published form shall be used for this purpose. In the event of exclusion, the child care administrator shall notify the Department.
- 12.2 No child care or pre-kindergarten administrator shall knowingly admit or retain any child who has not submitted acceptable evidence of immunization or evidence of eligibility for provisional admittance, except where the infant or child meets one of the exemptions provided under part 6 of these rules, or is afforded provisional admittance as provided under part 5 of these rules.
- 12.3 If a child care or pre-kindergarten facility is found to be out of compliance with these rules they will be subject to actions by the Department for Children and Families under chapter 35 of Title 33 and the Early Childhood Program Licensing Regulations.
- 12.4 Students not in compliance with all immunization requirements or eligible for provisional admittance shall not be allowed to enter or be retained in school. The student or in the case of a minor the student’s parent or guardian must receive written notification by mail or in-person from the school that the student is not in compliance as well as the steps needed to comply. A Department published-form shall be used for this purpose. In the event of exclusion, school officials shall notify the Department of Health.
- 12.5 No school administrator shall knowingly admit or retain any student who has not submitted acceptable evidence of immunization except where the student meets one of the exemptions provided under part VI of these rules, or is afforded provisional admittance as provided under part V of these rules.
- 12.6 If a school administrator in charge of a school is found to be out of compliance with these rules they will be subject to actions by the Agency of Education under Title 16.

## **13.0 Retention, Transfer and Release of Records**

- 13.1 Each child care facility and school shall maintain an immunization record for each student. This record shall include the immunization and the date (mm/dd/yyyy) of each immunization.
- 13.2 Each child care facility and school shall maintain a roster of students who are exempt from immunizations as well as those who are provisionally admitted.

- 13.3 If a student transfers from one school to another, the original school shall transfer the immunization record or a copy thereof. The original school shall keep a log indicating where and when the records were sent.
- 13.4 Immunization records shall remain with the child's record in accordance with the record retention policies of the child care facility or school.
- 13.5 Upon request, and with written parental consent, child care and pre-kindergarten administrators may have read-only access to the child care section in the Immunization Registry identifying vaccinations which are complete or incomplete.
- 13.6 School nurses and, in the absence of a school nurse on staff, school administrators shall be granted access to the Immunization Registry.

#### **14.0 Access to Records by the Department**

- 14.1 The child care or school administrator shall make immunization records available for inspection by authorized representatives of the Department.