

Vermont Department of Health Immunization Regulations

I. **AUTHORITY:** These regulations are adopted under the authority granted to the Department of Health by 18 V.S.A. § 1123 and further defined by 18 V.S.A. § 1120 – 1122, 1124, 1126 and 1129.

II. **PURPOSE:** These regulations, which establish minimum immunization requirements for attendance at child care facilities, public or independent kindergartens, elementary, secondary and postsecondary schools, seek to prevent the introduction and/or transmission of vaccine-preventable diseases within child care facilities and schools.

III. **DEFINITIONS:** As used in these regulations:

(1) “Advisory Committee on Immunization Practices (ACIP)” means the committee composed of experts in fields associated with immunization who have been selected by the Secretary of the U. S. Department of Health and Human Services to provide advice and guidance to the Secretary, the Assistant Secretary for Health, and the Centers for Disease Control and Prevention (CDC) on the most effective means to prevent vaccine-preventable diseases. The Committee develops written recommendations for the routine administration of vaccines to the pediatric and adult populations, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

(2) “Campus” means the grounds and collection of buildings of a post-secondary institution 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.

(3) “Child” means a person in attendance at any child care facility unless exempted by these regulations.

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

(5) “Child care facility” means a child care facility or family child care home licensed or registered under chapter 35 of Title 33, unless exempted by these regulations.

(6) “Department” means the Vermont Department of Health.

(7) “Health care practitioner” means a person licensed, certified or authorized by law to provide professional health care service in this state to an individual during that individual's medical care, treatment or confinement.

(8) “Non-recurring services” means early childhood programs designed to meet the short-term needs of families arising from tourism, recreation or shopping.

(9) “Post-secondary” means any person who offers or operates a program of college or professional education for credit or degree, unless exempted by these regulations.

(10) “School” means a public or independent kindergarten, elementary, secondary or post-secondary school as defined in 16 V.S.A. § 176(b), unless exempted by these regulations.

(11) "School administrator" means principal, headmaster, registrar, or other person in charge of a school.

(12) "Student" means a person in attendance at any school unless exempted by these regulations.

(13) "Vermont Recommended Immunization Schedule" means the Department's list of required vaccines based upon the ACIP recommendations and updated periodically.

IV. CHILDREN AND STUDENTS SUBJECT TO THESE REGULATIONS:

(1) Children who are entering or enrolled in a child care facility or pre-kindergarten are subject to these regulations.

(2) Children enrolled in pre-kindergarten are subject to the requirements of child care facilities. Students who are enrolled in kindergarten, elementary school or beyond are subject to immunization requirements for schools.

(3) All students in any public or independent kindergarten, elementary or secondary school are subject to these regulations.

(4) For students in any public or independent post-secondary school:

(a) All students born after 1956 who are enrolling into a health science program either part-time or full-time are subject to these regulations

(b) Except for students enrolling into a health science program, all students born after 1956 enrolling more than half time as undergraduates are subject to these regulations with the exception of the following:

(i) Students whose instruction solely involves research, field work, or study away from the school.

(ii) Students whose instruction is provided in a non-campus-based setting.

(c) All students born during or before 1956, all undergraduate students enrolled half-time or less, and all graduate students are exempt from these regulations.

(5) A child or student who is subject to these regulations and is not a citizen of the United States must receive the appropriate immunizations unless they can provide an immunization record documenting the receipt of required immunizations at the appropriate ages and intervals or unless they can provide laboratory evidence of immunity. Any full or part time student attending a post-secondary institution in Vermont 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 is subject to the same requirements.

V. PROVISIONAL ADMITTANCE

(1) A child may be provisionally admitted to a child care facility 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 6 months after the child is admitted to the child care facility. The child care facility shall maintain a roster of provisionally admitted students and continue follow-up until requirements are met.

(2) A student may be admitted to school provisionally if a health care practitioner authorized to prescribe vaccines or a health clinic indicates the student is in the process of complying with all immunization requirements. Such provisional admission shall be for a reasonable length of time but shall not exceed 6 months. The school shall maintain a roster of provisionally admitted students and continue follow-up until requirements are met.

(3) The person or, in the case of a minor, the person's parent or guardian, must present a Department-supplied 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. This form shall be maintained by the child care facility or school as part of the child's or student's immunization record.

VI. EXEMPTIONS

(1) Persons are exempt from these regulations provided they meet one or more of the following exemptions as defined in 18 V.S.A. § 1122 (a) or, in the case of non-recurring childcare services, in the Department for Children and Families Early Childhood Program Licensing Regulations:

(a) If the person or, in the case of a minor, the person's parent or guardian, presents a Department-supplied form, signed by a health care practitioner authorized to prescribe vaccines, indicating a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine. The form must include the reason for the contraindication and the time period for which the immunization is contraindicated. This form shall be maintained by the child care facility or school as part of the child's or student's immunization record.

(b) If the person or, in the case of a minor, the person's parent or guardian, annually provides a signed statement to the school or child care facility on a Department-supplied form, indicating that the person, parent, or guardian:

- (i) holds religious beliefs or philosophical convictions opposed to immunizations; and
- (ii) has reviewed the evidence-based educational material provided by the department of health regarding immunizations, including:
 - a) the information about the risks of adverse reactions to immunization;
 - b) 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
 - c) 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.

This form shall be maintained by the child care facility or school as part of the child's or student's immunization record.

(c) Children enrolled in non-recurring services.

(d) A current exemption shall be provided at each stage of verification specified in Section IX and shall be dated within 6 months of the verification.

VII. REQUIRED IMMUNIZATIONS

(1) The Vermont Recommended Immunization Schedule, issued and updated periodically by the Department, specifies the immunizations required by this rule. The schedule is published on the Department's website currently at: <http://healthvermont.gov>. These requirements are based on the Advisory Committee on Immunization Practices (ACIP) Recommendations published and updated periodically by the Centers for Disease Control and Prevention. The ACIP recommendations on the scheduling of vaccinations and on minimal intervals between doses, allow for the ACIP-approved four-day grace period. The ACIP recommendations can be found at the CDC's website currently at <http://www.cdc.gov/vaccines/pubs.ACIP-list.htm>

(2) All children attending child care facilities, students entering kindergarten, seventh grade and post-secondary school and all newly enrolled students are required to have received immunizations in accordance with the Vermont Recommended Immunization Schedule.

(3) Phase-In Period – Following release by ACIP of a recommendation related to a new ACIP vaccine, there will be a two-year phase-in period before children will be required to have the vaccine in order to enroll in a child care facility or school.

(4) The department reserves the right to make exclusions for some ACIP recommendations in the Vermont Recommended Immunization Schedule. Certain vaccines, for example some combination vaccines, are administered using schedules and minimal intervals that are not in accordance with the ACIP recommendations. In some situations, this is acceptable practice, provides for appropriate protection against disease, and eliminates the need for repeat immunization. As a result, the Department may allow for certain exclusions to this policy in the Vermont Recommended Immunization Schedule. Such exclusions, when deemed necessary by the department, will be provided in writing to physicians and other health care providers who administer immunizations, and to school nurses and others required to verify compliance with this rule.

VIII. ACCEPTABLE RECORDS

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

- A record of immunizations generated by an electronic health record that includes the complete date (mm/dd/yyyy) each immunization was administered.
- A record from any public health department listing the individual immunizations and the complete date (mm/dd/yyyy) each immunization was administered.
- 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.

- A laboratory report of a titer indicating evidence of immunity to each disease for which immunization is required.
- An official school record from any school listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.
- A certificate signed by a health care practitioner listing the individual immunizations and the complete date (mm/dd/yyyy) the immunization was administered.
- For varicella disease only, a statement by the health care practitioner or parent/guardian that the child has had the disease. Use of a form supplied by the department is optional for this purpose only.

IX. VERIFICATION OF COMPLIANCE AND REPORTING TO THE DEPARTMENT

(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:

- For child care – at enrollment and annually thereafter
- Upon entry into kindergarten.
- Upon entry into the 7th grade.
- Upon initial enrollment into a post-secondary school
- Whenever a student enrolls for the first time into any school, including high school or other secondary schools.

(2) Using a form supplied by the Department, the child care administrator shall report aggregated data on the immunization status of all children enrolled in the facility. The annual report shall be completed between October 1st and December 31st of each year and shall identify the aggregated immunization status of children enrolled as of the date the form is completed. This report must be received by the Department by January 1st of each year.

(3) 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. Each school and child care facility shall annually, on or before January 1, submit its completed standardized form containing the child and student aggregated immunization rates to 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.

(4) Using a format approved by the Department, the school administrator shall report aggregated data on the immunization status of all students enrolled in the school. The annual report shall be completed between October 1st and December 31st of each year and shall identify the immunization status of students enrolled as of the date the form is completed. This report must be received by the Department by January 1st of each year. The data reported shall include the aggregated immunization rates for students in the first and eighth grades for each required vaccine and the number of medical, philosophical, and religious exemptions filed for each required vaccine and the number of students with provisional admittance.

X. EXCLUSION FROM SCHOOL OR CHILD CARE FACILITY AND PENALTY FOR NONCOMPLIANCE

(1) Children not in compliance with all immunization requirements or eligible for provisional

admittance shall not be allowed to enter or be retained in child care facilities. The child's parent or guardian must receive written notification by mail from the child care facility or in person that the child is not in compliance as well as the steps needed to comply. A Department-supplied form is available for this purpose. In the event of exclusion, the childcare administrator shall notify the department of health.

(2) No child care 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 VI. of these rules, or is afforded provisional admittance as provided under part V. of these rules.

(3) If a child care 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.

(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 from the school or in person that the student is not in compliance as well as the steps needed to comply. A Department supplied-form is available for this purpose. In the event of exclusion, school officials shall notify the Department of Health.

(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.

(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 enforcement pursuant to the Department's authority under Title 18.

XI. RETENTION, TRANSFER AND RELEASE OF RECORDS

(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.

(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.

(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.

(4) Immunization records not forwarded shall remain with the child's academic record and or health record in accordance with the record retention policies of the child care facility or school.

(5) Upon request and with written parental consent the child care administrator may have read-only access to the child care section in the Immunization Registry identifying vaccinations which are complete or incomplete.

(6) For purposes of these regulations school nurses are considered health personnel per 18 V.S.A. § 1124 and shall be granted access to student immunization records, including records from physician offices, public health departments and the Immunization Registry when access is required in the performance of official duties related to immunizations.

XII. ACCESS TO RECORDS BY THE DEPARTMENT

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

XIII. FORMS AND EDUCATIONAL MATERIALS

(1) Information required by these regulations shall be submitted on forms supplied by the Department, including forms for reporting data to the Department and for documenting eligibility for provisional admittance and medical, religious and philosophical exemptions. To meet the requirements of these regulations, forms must be fully completed and may not be altered.

(2) Comments and suggestions for improving the evidence-based educational materials regarding immunizations as provided in part VI.(b)(ii) of these regulations or any of the forms required by these regulations may be filed with the Department at any time. The Department may update the forms or educational materials on or before July 1 of any year for use beginning in the immediately following school year, as determined appropriate in the discretion of the Commissioner. All forms and educational materials shall remain effective in subsequent school years until replaced by an updated version.