

ARKANSAS STATE BOARD OF HEALTH

RULES AND REGULATIONS PERTAINING TO IMMUNIZATION REQUIREMENTS



**Promulgated Under the Authority of
Ark. Code Ann. §§ 20-7-109, 6-18-702, 6-60-501 - 504, and 20-78-206.**

By the Arkansas State Board of Health

Arkansas Department of Health

Little Rock, Arkansas

August 5, 2009

**RULES AND REGULATIONS PERTAINING TO
IMMUNIZATION REQUIREMENTS**

Table of Contents

SECTION I. AUTHORITY.....	2
SECTION II. PURPOSE.....	2
SECTION III. IMMUNIZATION REQUIREMENTS.....	2
SECTION IV. EXEMPTIONS.....	7
SECTION V. EXCLUSION FROM FACILITIES.	7
SECTION VI. REPORTING REQUIREMENTS.	9
SECTION VII. SEVERABILITY.	9
SECTION VIII. REPEALING CLAUSE.....	9
TABLE I. CHILDCARE/PRE-SCHOOL IMMUNIZATION REQUIREMENTS	10
TABLE II. KINDERGARTEN THROUGH GRADE TWELVE	12
TABLE III. COLLEGE/UNIVERSITY IMMUNIZATION REQUIREMENTS	14
CERTIFICATION.....	14

SECTION I. AUTHORITY.

The following Rules and Regulations Pertaining to Immunization Requirements are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 20-7-109, Ark. Code Ann. § 6-18-702, Ark. Code Ann. §§ 6-60-501 - 504, and Ark. Code Ann. § 20-78-206.

SECTION II. PURPOSE.

Immunizations against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, mumps, rubella, varicella (chickenpox), *Haemophilus influenzae* type b, hepatitis B, and pneumococcal, and other communicable diseases have resulted in a dramatic decrease in the incidence of these diseases in Arkansas. However, these diseases continue to occur in childcare facilities, schools, and colleges and universities. A requirement that children and students furnish proof that they have immunity against certain communicable diseases will reduce the potential for an outbreak of those diseases.

SECTION III. IMMUNIZATION REQUIREMENTS.

A. Childcare and Early Childhood Education Facilities.

1. Except as otherwise provided in these regulations, no infant or child shall be admitted to attend a childcare facility in this state who has not been age-appropriately immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, Haemophilus influenzae type b, hepatitis B, pneumococcal disease and varicella (chickenpox) (See Table I.), as evidenced by an immunization record from a licensed physician or a public health department acknowledging the immunization.
2. Every child must have received all of the vaccines, be in-process of receiving needed doses listed in Table I for their age, or show proof that they have applied for an exemption for those vaccines he/she has not received in order to continue attendance in a childcare facility. If the child does not meet the immunization requirements for entering the childcare facility, refer the child to a medical authority (private doctor or health department) for immunization or consultation.
3. A facility may temporarily admit a child provided that the child becomes age-appropriately immunized, is in-process of receiving the needed doses of vaccine, or obtains an exemption for those vaccines he/she has not received within fifteen (15) program days after the child's original admission. "In process" means the child has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional doses. When a child is admitted who is in the process of completing the required minimum immunizations, the childcare facility shall require each child to complete the required doses on schedule. A written statement from a public health nurse or private physician stating that the child is in process and containing a date when he/she must return for the next immunization shall be in the child's file. If a child does not produce documentation of additional immunizations per the schedule or show proof that he/she has applied for an exemption from the immunization requirements, he/she must be excluded from the childcare facility until documentation is provided. The immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirements.
4. Childcare facilities are required to evaluate the immunization status of all children in their facilities. Table I is used to determine if the child meets the immunization requirements to be admitted to and continue attendance in a childcare facility.
5. The Division of Child Care and Early Childhood Education shall be responsible for enforcing immunization requirements with respect to childcare facilities.

B. Kindergarten Through Grade Twelve.

1. Except as otherwise provided in these regulations, no child shall be admitted to a public or private school of this state who has not been immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, hepatitis B, and varicella (chickenpox) (See Table II.), as evidenced by an immunization record from a licensed physician or a public health department acknowledging the immunization.

2. The requirements for entry into school are:

Kindergarten: At least four doses of Diphtheria/Tetanus/Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), or Diphtheria/Tetanus (DT pediatric) vaccine; at least three doses of Polio vaccine; two doses of MMR (measles, mumps, and rubella) vaccine; three doses of Hepatitis B vaccine; and two doses of Varicella (chickenpox) vaccine without accepting history of disease in lieu of receiving Varicella vaccine (See Table II). Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

1st through 12th grade: At least three doses of Diphtheria/Tetanus/Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT-pediatric), ~~or~~ Tetanus/Diphtheria (Td-adult) or Tetanus/Diphtheria/Acellular Pertussis (Tdap-adult); at least three doses of Polio vaccine; two doses of MMR (measles, mumps, and rubella) vaccine, and an appropriate series of Hepatitis B vaccine. (See Table II). Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

7th grade: In addition to the vaccines requirements listed under 1st through 12th grade, one dose of Tdap vaccine if applicable (See Table II) and one or two doses of Varicella (chickenpox) vaccine. A parent/guardian or physician history of disease may be accepted in lieu of receiving Varicella vaccine. (See Table II.)

3. A facility may temporarily admit a child provided that the child becomes appropriately immunized, is in-process of receiving the needed doses of vaccine, or shows proof that they have applied for an exemption for those vaccines he/she has not received within thirty (30) calendar days after the child's original admission. "In process" means the student has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, the facility shall require each student to complete the required doses on schedule. A written statement from a public health nurse or private physician stating that the student is in process and containing a date when he/she must return for the next immunization shall be in the student's file. If a student does not produce documentation of additional immunizations per the schedule or show proof that they have applied for an exemption from the immunization requirements, they must be excluded from the facility until documentation is provided. The immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirements.

4. School officials should evaluate the immunization status of all children in their facilities. Table II is used to determine if the child meets the immunization requirements to enter school.
5. School boards, superintendents, and principals shall be responsible for enforcing immunization requirements with respect to kindergarten through grade 12 (K-12).

C. Colleges and Universities.

1. To attend a public or private college or university in this state, a part-time student housed in on-campus premises and a full-time student must show proof of immunization, immunity, a medical or non-medical exemption or birth before 1957 for the following requirements:

- a) For incoming freshmen and foreign-born students, two doses of MMR (measles, mumps, and rubella) vaccine. (See Table III.)
- b) For all other students, one dose of MMR (measles, mumps, and rubella) vaccine. (See Table III.)

Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

2. Proof of immunization, immunity, a medical or non-medical exemption, or birth before 1957 must be provided within such time as set by the college or university but not to exceed thirty (30) calendar days after enrollment.
 - a) Acceptable proof of immunization is an official immunization record from another educational institution in Arkansas, a licensed medical doctor, or an authorized public health representative, or military service.
 - b) In lieu of receiving vaccine, immunity can be shown by providing documented evidence of appropriate serological testing.
 - c) Proof that the student has applied for or received a medical or non-medical exemption for those vaccines he/she has not received will be accepted in lieu of receiving vaccine.
 - d) Proof that the student was born prior to January 1, 1957, will be accepted in lieu of receiving vaccine.
3. A college or university may temporarily admit an incoming freshman or a foreign-born student who is in process of receiving the required 2 doses of MMR vaccine. "In process" means the student has received at least one dose of the required immunizations

and is waiting the minimum time interval to receive the additional dose. When a student is admitted who is in the process of completing the required minimum immunizations, the facility shall require each student to complete the required doses on schedule. A written statement from a public health nurse or private physician stating that the student is in process and containing a date when he/she must return for the next immunization shall be in the student's file. If a student does not produce documentation of the additional immunization per the schedule or show proof that he/she has applied for an exemption from the immunization requirements, he/she must be excluded from the facility until documentation is provided.

4. A “freshman” is defined as a student who has not earned 30 hours of college credit.
5. A “foreign-born student” is defined as any student born outside of the United States of America.
6. Students who receive their education by correspondence and do not attend any classes on campus are not required to receive MMR (measles, mumps, and rubella) vaccine.
7. Enforcement of these requirements for colleges and universities is the responsibility of the Director of Admissions or the Registrar at each college or university.

D. Documentation for immunization or proof of immunity

1. The following documentation of immunizations is required:
 - a) All schools, childcare facilities, and colleges and universities may use the Arkansas Immunization/Health Record as a standard form for recording immunization information. Entities may order the form from the Arkansas Department of Health. Immunization records may be stored on a computer database, such as the Arkansas Public School Computer Network (APSCN). A copy of the original source document shall be placed in a permanent file. The immunization record printed off the statewide immunization registry with the Official Seal of the State of Arkansas is considered an official immunization record and is approved for placement in a permanent file as source documentation. It shall be the responsibility of the entity to maintain a list of individuals not appropriately immunized and a list of individuals with medical, religious or philosophical exemptions.
 - b) The only proof of immunizations to be accepted shall be an immunization record provided by a licensed physician, health department, military service, or an official record from another educational institution in Arkansas, acknowledging the same, stating the vaccine type and dates of vaccine administration must be provided and entered on the school record. Terms such as “up-to-date”, “complete”, “adequate”, etc. are not to be accepted as proof of immunization.
2. The following documentation for proof of immunity is required:

Any individual who has immunity to a vaccine-preventable disease as documented by appropriate serological testing shall not be required to have the vaccine for that disease.

A copy of the serological test should be submitted to the Arkansas Department of Health, Immunization Section, along with a letter requesting that the serological test be accepted as proof of immunity in lieu of receiving vaccine for the disease indicated on the serological test. After review by the Medical Director, Immunization Section, a letter indicating approval or denial will be sent to both the individual, parent, or guardian and the childcare facility, school, or college/university. For approvals, annual approval is not required and a copy of the letter should be placed in the student's permanent file. For denials, the student must receive the required immunization or request an exemption.

3. An individual who has lost his/her immunization records or whose serology test results are unavailable shall be properly immunized for those diseases or will be required to show proof that they have applied for an exemption for those vaccines he/she has not received.

SECTION IV. EXEMPTIONS.

A. General Requirements.

1. With the exception of medical exemptions for college and university students, exemptions shall be granted only by the Department of Health.
2. Individuals shall complete an annual application for medical, religious, and philosophical exemptions.
3. A notarized statement by the individual requesting the exemption must accompany the application.
4. All individuals requesting an exemption must complete an educational component developed by the Department of Health that includes information on the risks and benefits of vaccinations.
5. All individuals must sign an "informed consent" form provided by the Department of Health that includes:
 - a) A statement of refusal to vaccinate;
 - b) A statement of understanding that at the discretion of the Department of Health the non-immunized child or individual may be removed from the applicable facility during an outbreak if the child or individual is not fully vaccinated; and
 - c) A statement of understanding that the child or individual shall not return to the applicable facility until the outbreak has been resolved and the Department of Health approves the return.

B. Medical Exemptions.

1. Only a letter issued by the **MEDICAL DIRECTOR, IMMUNIZATION SECTION**, stating the vaccine or vaccines for which a child/student is exempt is to be accepted as a valid medical exemption by the school or childcare facility. Statements from private physicians are not to be accepted by the school or childcare facility without this letter. In addition to the general requirements found in section IV (A), the Immunization Section's standard form for medical exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.
2. If a medical doctor licensed to practice in Arkansas determines that an individual is deemed to have a physical disability which contraindicates one (1) or more of the required vaccinations, a certificate approved by the Department of Health and signed by the medical doctor may be accepted by a college or university in lieu of proof of vaccination.

C. Religious Exemptions.

In addition to the general requirements found in section IV (A), the Immunization Section's standard form for religious exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.

D. Philosophical Exemptions.

In addition to the general requirements found in section IV (A), the Immunization Section's standard form for philosophical exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.

SECTION V. EXCLUSION FROM FACILITIES.

A. Colleges and Universities

No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official immunization record from another educational institution in Arkansas, a certificate from a licensed medical doctor, an authorized public health department representative, or military service that he or she has immunity against measles, rubella, and mumps or show proof that they have applied for a medical, religious or philosophical exemption from the immunization requirements. If the student does not provide proof of immunizations received, immunity as documented by appropriate serological testing, an application for exemption from the required immunizations, or birth before 1957, he/she must be excluded from the college/university until documentation is provided.

B. Childcare Facilities/Public and Private Schools/Colleges and Universities

Each facility must maintain an accurate and current list of all exempt and deficient individuals. Individuals who are exempt or deficient (except those who have had the disease as verified by appropriate serological testing) will be excluded from the facility if the Department of Health determines that a possibility of disease transmission exists. The exempt or deficient child or individual shall not return to the facility until the possibility of disease transmission has been controlled and the Department of Health approves the return.

SECTION VI. REPORTING REQUIREMENTS.

- A. In order to identify areas where additional emphasis is needed and to measure levels of immunization compliance, the Arkansas Department of Health will conduct annual surveys and on-site immunization record audits in schools, childcare facilities, and colleges and universities. The entity's cooperation in completing these surveys and audits is required.
- B. The Department of Health shall report every six (6) months to the House and Senate Interim Committees of Public health, Welfare, and Labor regarding:
 - 1. The geographical patterns of exemptions and vaccination rates of the state, and
 - 2. Disease incidence of vaccine-preventable disease collected by the Department of Health.
- C. The Department of Health shall conduct an annual study of the religious, philosophical, and medical exemption patterns and the incidence of disease in the state.
 - 1. The study shall include:
 - a) An evaluation of the state's immunization policies;
 - b) The incidence of disease in Arkansas and other states; and
 - c) A risk evaluation of specific populations in Arkansas.

SECTION VII. SEVERABILITY.

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION VIII. REPEALING CLAUSE.

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

Table I

AGE	DTaP DTP/DT	POLIO	Hib **	HEPATITIS B	MMR ****	VARICELLA ****	PNEUMOCOCCAL **
1-2 Months	None	None	None	None (1-2 doses possible)	None	None	None
3-4 Months	1 dose	1 dose	1 dose	1 dose (1-2 doses possible)	None	None	1 dose
5-6 Months	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	None	None	2 doses OR 1 dose within last 8 weeks
7-12 Months	3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	2-3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	None	None	2-3 doses OR 1 dose within last 8 weeks
13-15 Months	3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	2-3 doses OR 1 dose within last 8 weeks (4 doses possible)	2 doses OR 1 dose within last 8 weeks (3 doses possible)	None (1 dose possible)	None (1 dose possible)	2-3 doses OR 1 dose within last 8 weeks (4 doses possible)
16-18 Months	3 doses or 1 dose within last 8 weeks	2 doses or 1 dose within last 8 weeks (3 doses possible)	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart OR 1 dose on/after 15 months of age if no prior doses	2 doses OR 1 dose within the last 8 weeks (3 doses possible)	1 dose	1 dose	3-4 doses with last dose must be on/after 1 st birthday OR 2 doses on/after 1 st birthday
19-48 months	4 doses OR 3rd dose within last 6 months OR 1 dose within last 8 weeks	3 doses OR 1 dose within last 8 weeks	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart OR 1 dose on/after 15 months of age if no prior doses	3 doses *** OR 1 dose within last 8 weeks	1 dose	1 dose	3-4 doses with last dose must be on/after 1 st birthday OR 1 dose on/after 24 months of age if no prior doses OR 2 doses on/after 1 st birthday

AGE	DTaP DTP/DT	POLIO	Hib **	HEPATITIS B	MMR ****	VARICELLA ****	PNEUMOCOCCAL **
49-72 Months	5 doses * OR 4 th dose within last 6 months OR 1 dose within last 8 weeks OR 4 doses with last dose on/after 4 th birthday	4 doses OR 1 dose within last 8 weeks OR 3 doses with last dose on/after 4 th birthday	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart OR 1 dose on/after 15 months of age if no prior doses Not required on/after 5th birthday	3 doses *** OR 1 dose within the last 8 weeks	1 dose	1 dose	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 24 months of age if no prior doses OR 2 doses on/after 1 st birthday Not required on/after 5th birthday

* 5th DTaP/DTP/DT (Pre-school dose) must be given on/after the child's 4th birthday and may be given at anytime from 49 to 72 months of age. Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months.

** For Hib and Pneumococcal, children receiving the first dose of vaccine at age 7 months or older require fewer doses to complete the series.

*** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks of age.

**** MMR and Varicella vaccine must be given on/after the child's first birthday.

**TABLE II
KINDERGARTEN THROUGH GRADE TWELVE IMMUNIZATION
REQUIREMENTS***

Vaccine ► ----- Grade ▼	Diphtheria, Tetanus, Pertussis (DTP/DT/Td/DTaP/Tdap)	Polio (OPV – Oral or IPV – Inactivated)	MMR*** ** (Measles, Mumps, and Rubella)	Hep B	Varicella
Kindergarten	4 doses (with 1 dose on or after 4 th birthday)	3 doses (with 1 dose on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	3 doses	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1) No history of disease will be accepted in lieu of vaccine.
Grades 1 – 12	3 doses (with 1 dose on or after 4 th birthday)	3 doses (with 1 dose on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	2** or 3*** doses (11-15 year olds could be on a 2- dose schedule)	1 dose (on or after 1 st birthday) OR A parent/guar dian or physician history of disease may be accepted in lieu of receiving vaccine.
Grade 7	3 doses (with 1 dose on or	3 doses (with 1 dose	2 doses (with	2** or 3***	1 or 2 doses

	after 4 th birthday) and 1 dose of Tdap, if applicable****	on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	doses (11-15 year olds could be on a 2-dose schedule)	(Depends on age: One (1) dose is required if given at less than 13 years of age. Two (2) doses, separated by 28 days, are required if dose 1 is given at or greater than 13 years of age.) OR A parent, guardian or physician history of disease may be accepted in lieu of receiving vaccine.
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*Doses of vaccine required for school entry may be less than the number of doses required for age-appropriate immunization.

**An alternative two-dose hepatitis B schedule for 11-15 year-old children may be substituted for the three-dose schedule. Only a FDA-approved alternative regimen vaccine for the two-dose series may be used to meet this requirement. If you are unsure if a particular child's two-dose schedule is acceptable, please contact the Immunization Section for assistance at 501-661-2169.

*** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks (168 days) of

age. (All 3rd doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses and should be counted as valid until 6/21/2014.)

****A 5-year interval between Td and Tdap is encouraged to reduce the risk of local and systemic adverse reactions. The interval between Td and Tdap may be shorter than 5 years (but not less than 2 years) if protection from pertussis is needed.

***** Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

Vaccine doses administered up to 4 days before the minimum interval for age can be counted as valid for doses already administered.

If the child does not meet the immunization requirements for entering school, the school shall refer the child to a medical authority (private doctor or health department) for immunization or consultation for when the immunization is due.

**TABLE III
COLLEGE/UNIVERSITY IMMUNIZATION REQUIREMENTS**

Vaccine ► ----- Part-time Students living on campus and Full-time Students ▼	MMR* (Measles, Mumps, and Rubella)
Incoming freshmen and foreign-born students	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose)
All other students	1 dose (on or after 1 st birthday)

* Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

CERTIFICATION

This is to certify that the foregoing Rules and Regulations Pertaining to Immunization Requirements in Arkansas were adopted by the Arkansas State Board of Health at a regular session of said Board held in Little Rock, Arkansas, on the 23rd day of July, 2009 to be effective January 1, 2010.

Paul Halverson, DrPH
Secretary

Arkansas State Board of Health

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved on this ___ day of _____, 2009.

Mike Beebe
Governor