

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

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**RULES AND REGULATIONS PERTAINING TO
IMMUNIZATION REQUIREMENTS**

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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 a certificate of 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 they have applied for an exemption from the immunization requirements, they 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 child care 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 a certificate of 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), Diphtheria/Tetanus (DT pediatric), at least three doses of Polio vaccine; two doses of Rubeola (measles) vaccine, one dose of Rubella (German measles) vaccine, one dose of Mumps vaccine, three doses of Hepatitis B vaccine and one dose of Varicella (chickenpox) vaccine. (See Table II)

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 Rubeola (measles) vaccine, one dose of Rubella (German measles) vaccine, one dose of Mumps vaccine, and an appropriate series of Hepatitis B vaccine. (See Table II)

7th grade: In addition to the vaccines requirements listed under 1st through 12th grade, one or two doses of varicella (chickenpox) 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. 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 or a certificate from a licensed medical doctor or an authorized public health department representative, or military service that he or she has immunity against measles, mumps, and rubella. Immunity can be shown by providing a serological test confirming immunity or documentation of having received two doses of measles, one dose of rubella, and one dose of mumps vaccine for incoming freshmen and foreign students. One dose of measles, one dose of rubella, and one dose of mumps vaccine is required for all other students.

2. A “freshman” is defined as a student who has not earned 30 hours of college credit.
3. A “foreign student” is defined as any student born outside of the United States of America.
4. Full-time students who receive their education by correspondence and do not attend any classes on campus are not required to receive measles, mumps, and rubella vaccine.

D. Documentation

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. 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 a certificate 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 used.

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 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. Any individual, who has had a vaccine-preventable disease, as documented by an appropriate diagnostic or blood serology test, shall not be required to have the vaccine for that disease. An individual, who is uncertain of their disease history, has lost his/her immunization records or whose serology test results are unavailable shall be properly immunized for those diseases.

3. If a medical doctor licensed to practice in Arkansas determines that an individual is deemed to have a physical disability which contraindicate 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

1. 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 or an application for exemption from the required immunizations, they must be excluded from the college/university until documentation is provided.

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

1. 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) will be excluded from the facility if the Department of Health determines that a sufficient outbreak of the related disease exists in the local community. The exempt or deficient child or individual shall not return to the facility until the outbreak has been resolved 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 all 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
 - a) Disease incidence of vaccine preventable disease collected by the Department of Health.

C. The Department of Health shall conduct an annual a 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
Childcare/Pre-school Immunization Requirements**

| 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 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 OR (History of disease diagnosed by a physician/ health provider may be accepted in lieu of vaccine) | 3-4 doses Last dose must be on/after 1st 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 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 OR (History of disease diagnosed by a physician/ health provider may be accepted in lieu of vaccine) | 3-4 doses Last dose must be on/after 1 st birthday OR 1 dose on/after 24 months of age if no prior doses |

| 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 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 OR (History of disease diagnosed by a physician/ health provider may be accepted in lieu of vaccine) | 3-4 doses Last dose must be on/after 2nd birthday OR 1 dose on/after 24 months of age if no prior doses 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**

| Vaccine | * Minimum Number Of Doses Required | Additional Requirements |
|--|------------------------------------|--|
| Polio OPV – Oral IPV – Inactivated | 3 | 3 doses of polio vaccine, with at least one dose administered on or after the child's 4th birthday. These 3 doses are required for all students, Kindergarten through 12th grade. A child, who has received 4 or more doses of polio vaccine, does not have to receive a dose of polio vaccine after the 4 th birthday. |
| DTaP- Diphtheria/Tetanus/ Acellular Pertussis DTP-Diphtheria/Tetanus/ Pertussis DT-Pediatric Td-Adult Tdap- Adult with pertussis | 3 or 4 | For Kindergarten through 12 th grade at least one dose of the DTaP, Tdap, DTP, DT, or Td must have been administered on or after the child's 4th birthday. 3 doses are required for all students, 1 st through 12 th grade. Kindergarten students must receive 4 doses. |
| Measles (M, M/R, M/M/R, MMRV) | 2 | The first dose must have been administered on or after the child's 1st birthday. The second dose must have been administered at least 28 days after the first dose. Two doses are required for all students Kindergarten through 12th grade. |

| Vaccine | * Minimum Number Of Doses Required | Additional Requirements |
|--|------------------------------------|---|
| Rubella (R, M/R, M/M/R, MMRV) | 1 | This dose must have been administered on or after the child's 1st birthday. This dose is required for all students Kindergarten through 12th grade. |
| Mumps (M, M/M/R,MMRV) | 1 | The dose must have been administered on or after the child's 1st birthday. This dose is required for all students, Kindergarten through 12th grade. |
| Hepatitis B | 3 | **3 doses are required for all students Kindergarten through 12 th grade. *** Students 11-15 years of age may use an alternative two-dose schedule. |
| Varicella (chickenpox) (Varicella, MMRV) | 1or2 | One dose is required for all Kindergarten students. The dose must have been administered on or after the child's 1st birthday. One or two doses are required for all 7 th grade students. 7 th grade students less than 13 years of age who have not received a previous dose of varicella vaccine must receive one dose of vaccine. Students 13 years of age and older who have not received a previous dose of varicella vaccine must receive 2 doses of vaccine, separated by at least 28 days. A reliable history of disease from a physician/health care provider may be accepted in lieu of vaccine. |

*Doses of vaccine required for school entry may be less than the number of doses required for complete medical immunization. The Arkansas Department of Health recommends that a child receive by school age, 5 doses of DTaP, 4 doses of Oral or

Inactivated Polio, 3 or 4 doses of Hib, 3 doses of Hepatitis B, 2 doses of Measles/Mumps/Rubella, 1 dose of Varicella, and 4 doses of pneumococcal vaccine. This is based on an immunization schedule that ideally should begin within a few hours of birth.

** 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.

***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.

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

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.

NOTE: Public health personnel are not to use the above chart to determine whether a child is adequately immunized medically. Use the Immunization Schedule.

CERTIFICATION

This is to certify that the foregoing Rules and Regulations Pertaining to Imported Foods in Arkansas were adopted by the Arkansas State Board of Health at a regular session of said Board held in Paris, Arkansas on the 1st day of November, 2007.

Paul Halverson, Dr Ph
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 _____, 2007.

Mike Beebe
Governor

