

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Disease Control and Environmental Epidemiology Division

#### THE INFANT IMMUNIZATION PROGRAM, VACCINES FOR CHILDREN PROGRAM, AND IMMUNIZATION OF STUDENTS ATTENDING SCHOOL

##### 6 CCR 1009-2

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### I. Definitions

- A. Advisory Committee on Immunization Practices (ACIP) - a group of medical and public health experts that develops recommendations on how to use vaccines to control diseases in the United States. ACIP was established under Section 222 of the Public Health Service Act (42 U.S.C. § 2L7A).
- B. Child - any student less than 18 years of age.
- C. College student - any student who is enrolled for one or more classes at a college or university and who is physically present at the institution. This includes students who are auditing classes but does not include persons taking classes by correspondence only.
- D. Dose - a measured quantity of an immunizing agent; quantity and frequency of administration determined by recognized health authorities and the manufacturer of each agent. (partial, "split," half or fractionated "doses" are not acceptable for certification.).
- E. Emancipated student - any student who has reached age 18; a lawfully married child of any age; a child 15 years of age or older who is managing his/her own financial affairs and who is living separate and apart from his/her parent.
- F. Immunization tracking system - a comprehensive immunization tracking system established by the Department of Public Health and Environment pursuant to Section 25-4-1705(E), C.R.S.
- G. Indigent child - any child whose parent cannot afford to have the child immunized or if emancipated, who cannot himself/herself afford immunization and who has not been exempted.
- H. Infant - any child up to twenty-four months of age or any child eligible for vaccination and enrolled under the Colorado Medical Assistance Act, Article 4 of Title 26, C.R.S.
- I. In-process student - a student may be considered in-process if:
  - 1. Within fourteen days after receiving direct personal notification that the certificate is not up-to-date according to the requirements of the state board of health, the parent or emancipated student submits documentation that the next required immunization has been given and a signed written plan for obtaining the remaining required immunizations. The scheduling of immunizations in the written plan shall follow medically recommended minimum intervals consistent with the U.S. Public Health Service Advisory Committee on Immunization Practices. If the student does not fulfill the plan, the student shall be suspended or expelled from school for non-compliance as noted in Section 25-4-907, C.R.S. if the next dose is not medically indicated within fourteen days, then the medically approved minimum intervals would apply.

2. With regards to college or university students as defined in Section I Provision C and O, the student must present to the appropriate official of the school either (I) a signed written authorization requesting local health officials to administer required immunizations or (II) a plan for receipt of the required immunization or the next required immunization in a series within either 30 days or the medically approved minimum interval. If this does not occur, the college or university student will not be allowed to register for the current term or session. Such written authorizations and plans must be signed by one parent or guardian or the emancipated student or the student eighteen years of age or older.
- J. Parent - the person or persons with parental or decision-making responsibilities for a child.
- K. Practitioner - a duly licensed physician, advanced practice nurse, or other person who is permitted and otherwise qualified to administer vaccines under the laws of this state.
- L. School - a public, private, or parochial nursery school, day care center, child care facility, family child care home, foster care home, head start program, kindergarten, or elementary or secondary school through grade twelve, or a college or university. "School" does not include a public services short-term child care facility as defined in Section 26-6-102 (6.7), C.R.S., a guest child care facility as defined in Section 26-6-102 (5), C.R.S., a ski school as defined in Section 26-6-103.5 (6), C.R.S., or college or university courses which are offered off-campus; or are offered to nontraditional adult students, as defined by the governing board of the institution; or are offered at colleges or universities which do not have residence hall facilities.
- M. School health authority - an individual working for or on behalf of the child care facility or school who is knowledgeable about childcare/school immunizations.
- N. School official - the school's chief executive officer or any person designated by him/her as his/her representative.
- O. Student - any person enrolled in a Colorado school as defined in I (L).
- P. Vaccines for Children (VFC) program - a federally funded program for the purchase and distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children.
- Q. VFC-Eligible Children - Federally purchased vaccines under the VFC program will be made available to children who are 18 years of age or younger and who are eligible for Medicaid or who are not insured under any form of health insurance or who are not insured with respect to the vaccine and who are administered pediatric vaccines by a Federally Qualified Health Center (FQHC) or in a Rural Health Clinic or who are American Indians/Alaskan natives, as defined in Section 4 of the Indian Health Care Improvement Act.

## **II. Exemptions from Immunization**

It is the responsibility of the parent(s) to have his or her child immunized unless the child is exempted. A student may be exempted from receiving the required immunizations in the following manner:

- A. Medical exemption - By submitting to the student's school a Certificate of Immunization with the statement of medical exemption signed by an advanced practice nurse or physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States indicating that the physical condition of the student is such that immunizations would endanger his/her life or health or is medically contraindicated due to other medical conditions.

- B. Religious exemption - By submitting to the student's school a Certificate of Immunization with the statement of religious exemption signed by the parent(s) or the emancipated student indicating that the parent(s) or emancipated student is an adherent to a religious belief whose teachings are opposed to immunizations.
- C. Personal belief exemption - By submitting to the student's school a Certificate of Immunization with the statement of personal exemption signed by the parent(s) or the emancipated student indicating that the parent(s) or emancipated student has a personal belief that is opposed to immunizations.
- D. In the event of an outbreak of disease against which immunization is required, no exemption or exception from immunization shall be recognized and exempted persons may be subject to exclusion from school and quarantine.
- E. All information distributed to the parent(s) by school districts regarding immunization shall inform them of their rights under Section II, Provisions A through C.
- F. If the school chooses to use the immunization tracking system to monitor compliance with the school law, and the parent(s) or student submits an exemption, the school must submit the exemption information to the immunization tracking system.

**III. Minimum Immunization Requirements**

- A. To attend school, a student must have an age- or grade-appropriate Certificate of Immunization. Initial certification does not exempt a student from meeting subsequent age or grade requirements. This certificate must demonstrate immunization against the following diseases:
  - 1. Hepatitis B
  - 2. Pertussis
  - 3. Tetanus
  - 4. Diphtheria
  - 5. Haemophilus Influenza Type B (HIB)
  - 6. Pneumococcal disease
  - 7. Polio
  - 8. Measles
  - 9. Mumps
  - 10. Rubella
  - 11. Varicella

- B. The minimum number of doses required by level of school/age of student is set forth in the 2014 Birth – 18 Years Recommended Immunization Schedule or the 2014 Catch-Up Immunization Schedule of the Advisory Committee on Immunization Practices (ACIP).
1. The 2014 ACIP Birth-18 Years Recommended Immunization Schedule (Schedule) is incorporated by reference for only those vaccines required to prevent the diseases listed in Section III, Provision A. Other immunizations included in the ACIP recommendations are not required. This schedule is set forth in Morbidity and Mortality Weekly Reports (MMWR) February 7, 2014 Volume 63 (05), and posted on the Centers for Disease Control and Prevention website at: <http://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-schedule.pdf>, or on the Colorado Department of Public Health and Environment website at [\[www.coloradoimmunizations.com\]](http://www.coloradoimmunizations.com), and, are available for public inspection during regular business hours at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Copies of the recommended schedules are available from the Colorado Department of Public Health and Environment for a reasonable charge that comports with the department's record request practices. This rule does not include any later amendments or editions of the ACIP Schedule.
  2. In addition, the 2014 ACIP Catch-Up Immunization Schedule is incorporated by reference for those children not fully immunized and only for those vaccines required to prevent the diseases listed in Section III, Provision A. Other immunizations included in the ACIP recommendations are not required. This recommended schedule is set forth in Morbidity and Mortality Weekly Reports (MMWR) February 7, 2014 Volume 63 (05), and posted on the Centers for Disease Control and Prevention website at <http://www.cdc.gov/vaccines/schedules/downloads/child/catchup-schedule-pr.pdf>, or on the Colorado Department of Public Health and Environment website at [\[www.coloradoimmunizations.com\]](http://www.coloradoimmunizations.com), and, are available for public inspection during regular business hours at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Copies of the recommended schedules are available from the Colorado Department of Public Health and Environment for a reasonable charge that comports with the department's record request practices. This rule does not include any later amendments or editions of the ACIP Catch-Up Schedule.
- C. Information concerning meningococcal disease and the meningococcal vaccine shall be provided to each new college or university student, or if the student is under 18 years, to the student's parent or guardian. If the student does not obtain a vaccine, a signature must be obtained from the student or if the student is under 18 years, the student's parent or guardian indicating that the information was reviewed.

#### **IV. Examination and Audit of School Immunization Records**

The Department of Public Health and Environment's representative shall have the right to audit and verify records to determine compliance with the law. Discrepancies found through audits shall be corrected by school officials, and any student not in full compliance shall be suspended or expelled from school according to the following rules:

- A. If the parent(s) or emancipated student was informed of the deficiencies in the student's Certificate of Immunization pursuant to Section I, Provision I.1 of the rules, the student shall be suspended or expelled pursuant to Section 25-4-907, C.R.S.

- B. If the parent(s) or emancipated student was not informed by a direct personal notification of the immunizations required and alternatives for compliance with the law, the school shall notify the parent(s) or emancipated student within 7 calendar days of the finding and the student shall: a) provide proof of immunization within fourteen days, b) continue as an in-process student, c) verify that the student is exempt, or d) the student shall be suspended or expelled pursuant to Section 25-4-907, C.R.S.

**V. Denial of Attendance**

- A. A student who is: not certified, not in-process, not appropriately vaccinated for his/her age, or not exempt shall be denied attendance in accordance with the law.
- B. If the student or child is attending a school which is not subject to the School Attendance Law, Section 22-33-101 et seq., C.R.S., the school officials shall take appropriate action to deny attendance to the student or child in accordance with that school's procedures or contract with the student; the college student will not be allowed to register for the current term or session. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the child at public expense.

**VI. Certification of Immunization**

- A. An official Certificate of Immunization or an approved Alternate Certificate of Immunization that has been approved by the Department of Public Health and Environment shall include one of the following forms of documentation that include the dates and types of immunizations administered to a student or the dates and types of exemption taken:
1. A paper document that includes information transferred from the records of a licensed physician, registered nurse, or public health official; or
  2. An electronic file or hard copy of an electronic file provided to the school directly from the immunization tracking system established pursuant to Section 25-4-1705(5)(e), C.R.S. or from a software program approved by the Department of Public Health and Environment.
- B. Any immunization record (original or copy) provided by a physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States, registered nurse, or public health official may be accepted by the school official as proof of immunization. The information is to be verified by the school official and transferred to an official Colorado Certificate of Immunization.
- C. A physician, nurse, or school health authority shall sign the appropriate section of the Certificate of Immunization when the child has met all immunization requirements.
- D. Schools shall have on file an official Certificate of Immunization for every student enrolled. The Certificate of Immunization will be kept apart from other school records. When a student withdraws, transfers, or is promoted to a new school, the school official shall return the Certificate of Immunization to the parent(s) or emancipated student upon request or transfer it with the student's school records to the new school. Upon a college or university student's request, the Certificate of Immunization shall be forwarded as specified by the student.

**VII. Reporting of Statistical Information**

School officials shall participate in annual school assessments completed on site by the Department of Public Health and Environment staff or designated local health agency representatives. On December 1 of each school year, college and university officials shall send an Immunization Summary Report to the Department of Public Health and Environment.

**VIII. Notification of Public Health Department**

- A. Section 25-4-907, C.R.S. requires that if a child is suspended or expelled from school for failure to comply with the immunization law, the school official shall notify the state or local department of health or public health nurse who shall then contact the parent(s) or emancipated student in an effort to secure compliance so that the child may be re-enrolled in school.
- B. Upon receipt of an immunization referral from the school the public health department or public health nurse shall contact the parent(s) of the referred child or the emancipated student himself/herself to offer immunization and to secure compliance with the school immunization law in order that the child may provide a completed Certificate of Immunization to the school and in the case of an expelled or suspended child, be re-enrolled in school.

**IX. Purchase, Storage, and Distribution of Vaccines**

As necessary to comply with Section 25-4-905, C.R.S., the Department of Public Health and Environment shall assure the purchase, storage, and distribution of the vaccines included in, but not limited to these rules.

**X. Contract Requirements for Providers, Hospitals, and Health Care Clinics to be an Agent of the Department of Public Health and Environment for the Purposes of the Immunization Program**

- A. To be an agent of the Department of Public Health and Environment for the purposes of administering immunizations to infants, children, and students, a provider, hospital, or health care clinic must agree to provide each patient receiving a vaccine, or the parent or legal guardian if such patient is an unemancipated minor, a copy of the currently approved vaccine information statement.
- B. The Department of Public Health and Environment shall make such requirements as are necessary to assure the confidentiality and security of information in an immunization tracking system operated pursuant to Section 25-4-1705(5)(e)(I)(H), C.R.S and Section 25-4-1705(7), C.R.S.

**XI. Fee for the Administration, Reporting, and Tracking of Vaccine**

This rule applies to immunizations purchased by CDPHE that are recommended by the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services and provided to Colorado practitioners.

- A. Practitioners may charge up to the Centers for Medicare and Medicaid services maximum regional fee for the administration of vaccine. These fees apply to all vaccines purchased by CDPHE, including but not limited to the Infant Immunization Program, and Immunization of Children Attending School.
- B. A vaccine recipient may not be denied vaccine provided by CDPHE because of inability to pay the administration fee.
- C. If a practitioner's vaccine administration costs are less than the Centers for Medicare and Medicaid Services maximum regional fee for the administration of vaccine, then they may only charge up to that lesser amount.

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**Editor's Notes**

**History**

Section I, Table 1, Table 2 eff. 03/01/2008.

Section I, Table 1 eff. 03/02/2009.

Sections I – XI, Table 1 eff. 12/30/2010.

Rules I.L., II. A., Table 1 eff. 07/01/2012.

Section XI emer. rule eff. 01/16/2013.

Section XI, Table 1, Table 2 eff. 04/14/2013.

Sections I – IV, VI, IX, XI eff. 10/15/2014; Table 1, Table 2 repealed eff. 10/15/2014.