

STATE OF MAINE

POST-SECONDARY SCHOOL IMMUNIZATION RULE 10-144 CODE OF MAINE RULES CHAPTER 262



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
Augusta, Maine 04333-0011

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**10-144: DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION**

Chapter 262: POST-SECONDARY SCHOOL IMMUNIZATIONS RULE

SUMMARY

This rule is established by the Department of Health and Human Services - Maine Center for Disease Control and Prevention (Maine CDC) to implement immunization requirements for post-secondary students. Pursuant to 20-A MRS § 6359(6), Chapter 262 is a routine technical rule as defined in 5 MRS § 8071(2)(A), except for those provisions that specify the diseases for which immunization is required, which are major substantive as defined in 5 MRS § 8071(2)(B). Nothing in this rule shall be construed to preclude the governing board of a public or private post-secondary school from adopting immunization requirements that are more stringent than the provisions set forth in this rule.

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SECTION 1. PURPOSE AND DEFINITIONS

- A. Purpose.** This rule identifies certain preventable diseases for which immunization is required of all students attending public or private post-secondary schools in the State, unless exempt under Maine law; specifies the prescribed schedule for required immunizing agents; and defines the chief administrative officer's responsibilities, exclusion periods, record-keeping and reporting requirements for school officials, in accordance with 20-A MRS § 6359.
- B. Definitions.** As used in this rule, unless the context indicates otherwise, the following terms have the following meanings:
1. **Certificate of Immunization** means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the vaccine administered and the date it was administered.
 2. **Chief administrative officer** means the person designated by the legal governing authority as president, administrator or director of a public or private post-secondary school.
 3. **Disease** means diphtheria, measles, mumps, rubella, and tetanus.
 4. **Distance learning program** means an educational course or course of study offered by a public or private post-secondary school and delivered remotely, exclusively.
 5. **Immunizing agent** means a vaccine, toxoid, or other substance used to increase an individual's immunity to a disease.
 6. **Parent** means a student's parent, legal guardian or custodian. A person shall be regarded as a student's custodian, if that person is an adult and has assumed legal charge and care of the student.
 7. **Public health official** means the director of the Maine Center for Disease Control and Prevention, or any designated employee or agent of the Department of Health and Human Services.
 8. **Post-secondary school** means any public or private educational or training institution that is not a public or private nursery, elementary or secondary school defined in 20-A MRS §6353 (7) and 22 MRS § 8301-A (1-A) (D). Post-secondary schools include schools that issue certificates or degrees, after completion of requisite studies, apprenticeships, professional certificate programs and trade certificate programs. Post-secondary schools include, but are not limited to, colleges, universities, vocational-technical colleges, institutes, schools for the health professions and trade schools.
 9. **School** means, for the purpose of this rule, any public or private post-secondary school in the State.
 10. **Student** means any person entering school who was born after 1956 who attends school full time or who is otherwise a candidate for a degree or a diploma or graduate certificate. Part time students who are degree candidates are included under this definition.
 11. **School health provider** means a physician, physician's assistant, registered nurse, or nurse practitioner, licensed to practice by the State and appointed by the Chief Administrative Officer to provide health care to the student population.

SECTION 2. IMMUNIZATION REQUIRED

Except with respect to students who are exempt, pursuant to Section 3:

- A. It is the responsibility of every student or parent, if the student is a minor, to ensure that required doses of immunizing agents have been administered to the student or that the student is otherwise protected against the diseases as defined.
- B. No chief administrative officer may permit any student to be enrolled in or to attend school without a certificate of immunization for each disease, or laboratory results or medical records demonstrating immunity to each disease, except that a student without documented evidence of immunization or immunity who is enrolled in a distance learning program offered by a school and does not physically attend any classes or programs at a school facility, including campus, center or site of that school, or at a school facility, including a campus, center or site of any other school, is permitted to continue participating remotely in the education program.

SECTION 3. EXEMPTIONS

A student who does not provide evidence of immunization or immunity against a disease may only be permitted to enroll in or to attend school, in accordance with 20-A MRS § 6359(3) and Section 2(B) of this rule.

SECTION 4. EVIDENCE OF IMMUNIZATION OR IMMUNITY

- A. A student required to demonstrate adequate immunization or immunity against each disease specified in this rule must present the school with documented evidence of immunization or immunity to the disease.
 - 1. A certificate of immunization from a physician, nurse, public health official, or school health provider who has administered the immunizing agent(s) to the student must specify the immunizing agent and the date(s) on which it was administered. Secondary school health records may also be accepted as proof of immunization under this rule, in lieu of certificates of immunization, as long as the secondary school health records were compiled and maintained as official documents, were based on certificates of immunization, and state, at a minimum, the month and year that the immunization was administered.
 - 2. Laboratory results or medical records demonstrating immunity will be considered acceptable evidence of meeting the purpose of this requirement. Secondary school health records may be accepted as proof of immunity if they contain copies of laboratory evidence of immunity.
- B. The fact that appropriate documentation was presented must be recorded in the student health record.
- C. The presentation of acceptable proof of immunization/immunity must be made prior to the student's attendance at class or participation in other activities conducted by the school, except as otherwise provided in this rule and 20-A MRS § 6359.

SECTION 5. IMMUNIZATION DOSAGE

The following schedule is the schedule of minimum requirements for immunizing agents administered to students entering school. For students who have received required vaccinations on a schedule not in accordance with this rule, the student, parent, and/or superintendent may consult with the Department to determine an appropriate catch-up schedule.

- A. **Diphtheria/Tetanus:** one dose of tetanus, diphtheria, pertussis (Tdap); or tetanus and diphtheria (Td) toxoid within 10 years prior to enrollment.
- B. **Measles:** Two doses of MMR vaccine, administered after the student's first birthday.
- C. **Rubella (German Measles):** Two doses of MMR vaccine, administered after the student's first birthday.
- D. **Mumps:** Two doses of MMR, administered after the student's first birthday.

SECTION 6. EXCLUSION FROM SCHOOL

A. Exclusion by Order Of Public Health Official

A student not immunized or immune from a disease may be excluded from school when, in the opinion of a public health official, the student's continued presence in school poses a clear danger to the health of others. The chief administrative officer may be directed to exclude the student from school during the period of danger or for one incubation period following immunization, when one or more cases of disease are present in the school. An excluded student who was infected with a disease is permitted to return to school after the Department, in consultation with the physician responsible for the individual's care, determines that return is permissible and will not pose a threat to public health. An exempted student may be permitted to return to school by providing proof of immunity through laboratory results. An exempted student who receives immunization following the identification of a disease must wait one incubation period following the date of immunization before returning to school.

The documented occurrence of a single case of any of these diseases among students or staff may be interpreted as a clear danger to the health of others.

The following periods are defined as the "period of danger":

- i. **Measles:** 15 days (one incubation period) from the onset of symptoms of the last identified case.
- ii. **Rubella:** 23 days (one incubation period) from the onset of symptoms of the last identified case.
- iii. **Mumps:** 18 days (one incubation period) from the onset of symptoms of the last identified case.

SECTION 7. RECORDS AND RECORD-KEEPING

A. Designated Record Keeping

The chief administrative officer shall be responsible for the maintenance of immunization records. The chief administrative officer may designate a person to be responsible for record keeping.

B. Individual Health Records

Each school shall adopt a uniform permanent health record for maintaining information regarding the health status of each student.

- i. The immunization status of the student with regard to each disease shall be noted on the student's individual health record.
- ii. The school will provide, upon request from a public health official, a list of each student's date of matriculation.
- iii. The school health record for each student enrolled must include, at a minimum, the month and year that each immunizing agent was administered.
- iv. Where laboratory evidence of immunity has been submitted, a copy of the documentation must be on file.
- v. The school health record for any student with a medical exemption to any immunization requirement must include the written statement required by 20-A MRS § 6359(3).

C. List of Non-Immunized Students

The designated record keeper in each school shall keep a listing of the names of all students within the school who are not currently immunized against each disease. This list shall include the names of all students with authorized exemptions from immunization and students who have not met the schedule of minimum requirements for immunizing agents or who are otherwise not in compliance with the applicable laws related to immunization. The list of nonimmunized students must be made available to the Department, upon request, in times of disease outbreaks, pursuant to 22 MRS §§ 802(1)(B) and (D). The Department will use this list of non-immunized students to quickly identify students vulnerable to the disease outbreak, to inform the chief administrative officer, who must then exclude those non-immunized students during the period of danger, in accordance with 20-A MRS § 6359 (4).

SECTION 8. REQUIRED REPORTS

A. Chief Administrative Officer's Responsibility

The chief administrative officer is responsible for completing an annual survey that reports to the Department the immunization status of students by December 15 of each year for each school. The chief administrative officer must certify in writing that the information contained in the survey is accurate and complete.

B. Maine Post-Secondary School Immunization Assessment (Survey)

The Maine Post-Secondary School Immunization Assessment (Survey) is the annual reporting mechanism required for each Post-Secondary School. The information within the survey includes the following information, at a minimum:

- i. Total number of students enrolled;
- ii. Number of enrolled students immunized (by vaccine type);
- iii. Number of enrolled students not immunized, due to exemptions; and
- iv. Number of enrolled students not immunized and out of compliance.

C. Compliance

The Maine CDC will review results of the Maine Post-Secondary School Immunization Assessment and share results with the chief administrative officer and other school administrators, as applicable, for the purpose of identifying problem areas and addressing findings of noncompliance.

STATUTORY AUTHORITY: 20-A MRS § 6359(6); 22 MRS § 802

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