

DATE: July 17, 2003

SUBJECT: Adoption of Permanent Rules-Immunization of Newly Matriculating Students

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: These proposed permanent rules are being promulgated pursuant to Public Chapters 104 and 136, Acts of 2003. Both public chapters involve the giving of notice to newly enrolling students of the risks of certain diseases and the availability and effectiveness of the respective vaccines. Both acts require the Commission to promulgate rules to effectuate the provisions.

Specifically, Public Chapter 104 requires notice be given to all newly enrolled students, who will be living in on-campus student housing at a public or private institutions of higher learning, concerning the risks of meningococcal disease and the availability and effectiveness of the vaccine. Public Chapter 136 requires the same notice be given to all newly enrolling students relative to hepatitis B.

The Commission adopted public necessity rules at its June 13, 2003 meeting in order to have rules in effect at the beginning of the Fall 2003 semester. Those rules will expire prior to the beginning of the Spring 2004 semester, thus requiring promulgation of these permanent rules.

The most significant change in these proposed rules and the public necessity rules previously approved is found in the definition of the terms "newly enrolled students" and "institution of higher learning". These definitions are being incorporated to more accurately reflect the intent of the legislation.

Input was received from the Tennessee Board of Regents, University of Tennessee, Tennessee Independent Colleges and Universities Association, Tennessee Association of Independent Colleges and Schools, as well as entities interested in the passage of the legislation and the Tennessee Department of Health. Most of the suggestions provided were incorporated into the proposed permanent rules.

Proposed Rules
of
Tennessee Higher Education Commission

1540-1-9
Immunizations for Newly Matriculating Students

The text of the proposed rules is as follows:

New Rules

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1540-1-9-.01 Definitions
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1540-1-9-.01 Definitions

- (1) “New incoming students” or “student” for the purpose of this chapter shall mean those students enrolling in an institution of higher learning for the first time, regardless of the level at which the student is matriculating. Additionally, the terms shall apply only to persons enrolled in a course or courses offered for college credit toward an associates degree or higher.
- (2) “Institution of higher learning” for the purposes of this chapter shall mean any institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level. It is the intent that the Tennessee Technology Centers operating under the jurisdiction of the Tennessee Board of Regents would be among the institutions exempt from the requirements of these rules.

1540-1-9-.02 Notice of Information

- (1) Each institution of higher learning in the state shall provide to all new incoming students, and/or the parent or guardian of new incoming students, information concerning hepatitis B disease. All new incoming students who will be living in on-campus student housing, and/or their parent or guardian, shall also be given information concerning meningococcal disease. In each instance, the information shall be provided to the student and/or parent or guardian prior to matriculation and include the risk factors and dangers of each disease as well as information on the availability and effectiveness of the respective vaccines for persons who are at-risk for the diseases. The institutions

shall utilize information from the Centers for Disease Control and/or the American College Health Association in satisfying this requirement.

- (2) Information on both hepatitis B and meningococcal disease may be included in the same notice.

1540-1-9-.03 Waiver

- (1) Prior to matriculating into the institution, the new incoming student and/or the student's parent or guardian shall complete and sign a waiver form to indicate that the student and/or the student's parent or guardian has received the information required by Rule 1540-1-9-.02 and has chosen to have the student vaccinated or has not chosen to have the student vaccinated.
- (2) The waiver may be part of the information document required by Rule 1540-1-9-.02.
- (3) A student who is eighteen (18) years of age may sign the waiver, but for minors, the student's parent or guardian must sign the waiver.
- (4) The institution shall maintain the signed waiver forms in a manner and location consistent with the maintenance of similar confidential education records.

Authority: Public Chapters 104 and 136, Acts of 2003.