

**CHAPTER 4604
DEPARTMENT OF HEALTH
IMMUNIZATION**

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4604.0100 SCOPE AND EFFECT.

According to Minnesota Statutes, sections 121A.15, subdivision 12, and 135A.14, subdivision 7, parts 4604.0100 to 4604.1000 modify the requirements of and supersede any conflicting provisions of Minnesota Statutes, sections 121A.15 and 135A.14.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

4604.0200 DEFINITIONS.

Subpart 1. **Applicability.** The terms used in parts 4604.0100 to 4604.1000 have the meaning given them in this part and in Minnesota Statutes, sections 121A.15, subdivision 9, and 135A.14, subdivision 1.

Subp. 2. **Enroll.** "Enroll" in a child care facility or school means to begin attending the child care facility or school. The first day that a child begins attending the facility or school is the day that the child enrolls in the facility or school.

Subp. 3. **Pneumococcal vaccine.** "Pneumococcal vaccine" means the pneumococcal conjugate vaccine licensed for vaccination of children from two months to five years of age.

Subp. 4. **Provider.** "Provider" means a licensed physician, registered physician assistant, or advanced practice registered nurse, as defined in Minnesota Statutes, section 148.171, subdivision 3.

Subp. 5. **Varicella disease.** "Varicella disease" means the chicken pox disease.

Subp. 6. **Varicella vaccine.** "Varicella vaccine" means the product used to vaccinate persons against the chicken pox disease.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

4604.0250 PHYSICIAN AND PROVIDER STATEMENTS.

For purposes of Minnesota Statutes, section 121A.15, subdivisions 1, 2, 3, and 4, a statement from a physician or a statement signed by a physician includes a statement from or a statement signed by a provider, as defined under part 4604.0200, subpart 4.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

4604.0300 SCHEDULE CHANGES.

Subpart 1. **School-age children.**

A. If a required immunization for an elementary or secondary school student involves a series of doses, then the elementary or secondary school student must complete the required immunization series within eight months of the first day on which the requirement was imposed to remain enrolled in elementary or secondary school.

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B. If an elementary or secondary school student is unable to complete the required immunization series within eight months due to a medical condition, a provider must submit a request for an extension until the student's medical condition allows the student to complete the series. The request must be submitted to the administrator or other person having general control and supervision of the school.

Subp. 2. **Timing of administered vaccine dose.** A vaccine dose administered four or less days before the minimum age required by law is considered timely for purposes of parts 4604.0100 to 4604.1000 and Minnesota Statutes, sections 121A.15 and 135A.14.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0400 IMMUNIZATION DOCUMENTATION RECORD.

To document a person's immunization history as required under parts 4604.0100 to 4604.1000 and Minnesota Statutes, section 121A.15, all child care facilities and elementary and secondary schools must use the Department of Health's official record form or a similar document approved by the commissioner of health when communicating to parents or guardians regarding immunization requirements and exemption procedures. The record form requests information about immunizations and includes statements for documenting medical or conscientious exemptions. Nothing in this part limits a facility or school from sending other information to parents or guardians that is related to immunizations and is in compliance with law.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0500 HAEMOPHILUS INFLUENZA TYPE B (HIB) DOSE REQUIREMENT FOR CHILD CARE ENROLLMENT.

Except as provided in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c), (d), or (f), to enroll or remain enrolled in a child care facility, a child's parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the child care facility that the child received at least one dose of vaccine for HIB at or after 12 months of age.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0600 CHANGES IN MEASLES, MUMPS, AND RUBELLA VACCINE REQUIREMENTS.

Subpart 1. **Measles, mumps, and rubella at kindergarten.** Except as provided in subpart 2 or in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), a student enrolling in kindergarten during or after the 2004-2005 school year must submit documentation that the student received two doses of vaccine each for measles, mumps, and rubella or have an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3. The documentation must be submitted to the administrator or person having general control and supervision of the school.

Subp. 2. **Grades 7 through 12 sunset provision.** The requirement in Minnesota Statutes, section 121A.15, subdivision 10, paragraph (d), regarding a statement of measles, mumps, and rubella vaccination in grades 7 through 12, expires after the 2011-2012 school year.

Subp. 3. **Documentation for out-of-state transfer students.** Beginning with the 2012-2013 school year, a student who transfers from outside Minnesota to a Minnesota school in grades 1 through 12 must show documentation that the student received two doses of vaccine each for measles, mumps, and rubella or have an exemption statement according

to Minnesota Statutes, section 121A.15, subdivision 3. The documentation must be submitted to the administrator or person having general control and supervision of the school.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0700 SUSPENSION OF SCHOOL IMMUNIZATION LAWS.

A. The commissioner of health shall suspend one or more of the immunization requirements in parts 4604.0100 to 4604.1000 or in Minnesota Statutes, section 121A.15 or 135A.14, if the commissioner determines that suspension of the requirement is necessary to address a vaccine shortage or other emergency situation statewide or in a portion of the state.

B. In determining whether suspension of the requirement is necessary to address a vaccine shortage or other emergency situation and in determining the portion of the state for which suspension is necessary, the commissioner shall consider the following factors:

- (1) the availability of the vaccine;
- (2) the inability to comply with the law due to a natural or man-made disaster;

or

(3) the ability to fulfill the commissioner's general duties under Minnesota Statutes, section 144.05.

C. The commissioner shall suspend a requirement for the length of time needed to remedy the vaccine shortage or emergency situation. If the commissioner suspends a requirement under this part, the commissioner shall publish notice of the suspension on the Department of Health's Web page and mail notices to all affected elementary, secondary, and post-secondary schools, child care facilities, and providers.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0800 HEPATITIS B DOSE REQUIREMENT.

A hepatitis B vaccine licensed for and administered according to an alternative dosing schedule, such as the two dose series for adolescents ages 11 through 15 years, meets the hepatitis B vaccination requirement in parts 4604.0100 to 4604.1000 and in Minnesota Statutes, section 121A.15.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

4604.0900 NEW VARICELLA VACCINE REQUIREMENT.

Subpart 1. **Requirements for child care enrollees.** Beginning September 1, 2004, a child 18 months of age or older who is enrolled in a child care facility in this state must submit documentation of receipt of the varicella vaccine consistent with medically acceptable standards, submit documentation of a history of the disease, or submit an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation required by this subpart must be submitted to the administrator or other person having general control and supervision of the child care facility.

Subp. 2. **Requirements for students.** Beginning with the 2004-2005 school year, a student entering kindergarten or seventh grade must submit documentation of receipt of the varicella vaccine consistent with medically acceptable standards, submit documentation of a history of the disease, or submit an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation required by this subpart must be submitted to the administrator or other person having general control and supervision of the school.

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Subp. 3. **Documentation of varicella vaccine.** Documentation of receipt of the varicella vaccine under subparts 1 and 2 must:

A. include a statement that the child received the varicella vaccination consistent with medically acceptable standards and must include the month, day, and year of the vaccination; and

B. be signed by a provider, a representative of a public clinic, or the child's parent or legal guardian.

Subp. 4. **Documentation of disease history.** Documentation of a history of the varicella disease under subparts 1 and 2 must include one of the following:

A. the signature of a provider and must include the date of the child's varicella illness;

B. the signature of a provider and must include a statement that a parent's or legal guardian's description of the child's varicella disease history is indicative of past varicella infection;

C. the signature of a provider or a representative of a public clinic and must include laboratory evidence of the child's varicella immunity; or

D. on or before August 31, 2010, the signature of the child's parent or legal guardian and must include the year that the child had the varicella disease. This item expires September 1, 2010.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

4604.1000 NEW PNEUMOCOCCAL VACCINE REQUIREMENT.

Subpart 1. **Requirement for child care enrollees.** Beginning September 1, 2004, a child enrolled or enrolling in a child care facility in this state who is at least two months old and not yet two years old must submit documentation of receipt of the pneumococcal conjugate vaccine consistent with medically acceptable standards or must submit an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation required by this subpart must be submitted to the administrator or other person having general control and supervision of the child care facility.

Subp. 2. **Documentation of vaccine.** Documentation of receipt of the pneumococcal vaccination under subpart 1 must:

A. include a statement that the child received the pneumococcal vaccination consistent with medically accepted standards and must include the month, day, and year of the vaccination; and

B. be signed by a provider or representative of a public clinic or, if the child is at least 15 months old, by a provider, a representative of a public clinic, or the child's parent or legal guardian.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*