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 File Date: 7/1/2022

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	East Tennessee State University
Division:	
Contact Person:	Mark A. Fulks, J.D. Ph.D. University Counsel & Chief Compliance Officer
Address:	1276 Gilbreath Drive, Suite 306, PO BOX 70285, Johnson City, TN 37614
Phone:	(423) 439-8550
Email:	fulksm@etsu.edu

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Mary Little Director and ADA/504 Coordinator
Address:	Nell Dossett Hall, 3rd floor PO Box 70605 Johnson City, TN 37614
Phone:	423-439-8493
Email:	littleme@etsu.edu

Hearing Location(s) (for additional locations, copy and paste table)

Zoom Option:	https://etsu.zoom.us/j/95883661843?pwd=VWtgZkg2UkxPL2Q4QIBebjg3T	
	Pass code: 003637	
Address 1:	In-Person Option: 1276 Gilbreth Dr., Rm 309	
Address 2:		
City:	Johnson City, TN	
Zip:	37614	
Hearing Date:	August 23, 2022	
Hearing Time:	8:30 AM	<input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Additional Hearing Information:

You may attend this hearing in-person or via Zoom. Please check the following website for updates: <http://www.etsu.edu/universitycounsel>. Written comments may be submitted via email to Kay Lennon-McGrew at lennonk@etsu.edu. Written comments should be received by 4:30 PM eastern on August 19, 2022, in order to ensure consideration.

Revision Type (check all that apply):

Amendment
 New

Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-06-04	Student Immunization Requirements
Rule Number	Rule Title
0240-06-04.01	Immunization Requirements
0240-06-04.02	Documentation Related to Specific Illnesses
0240-06-04.03	Exemptions
0240-06-04.04	Other Requirements
0240-06-04.05	Information Provided to Students

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rules
of
East Tennessee State University, Johnson City
Chapter 240-06-04
Student Immunization Requirements

New

Table of Contents is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

Table of Contents

0240-06-04.01	Immunization Requirements
0240-06-04.02	Documentation Related to Specific Illnesses
0240-06-04.03	Exemptions
0240-06-04.04	Other Requirements
0240-06-04.05	Information Provided to Students

0240-06-04-.01 Immunization Requirements is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.01 Immunization Requirements

- (1) Unless otherwise exempted by this rule or by other law, all full-time students admitted to East Tennessee State University (ETSU) must provide health information to ETSU that establishes the student's compliance with the recommended immunization schedule for measles, mumps, rubella, and varicella issued by the Centers for Disease Control and Prevention.
- (2) Unless otherwise exempted by this rule or by other law, all students under the age of twenty-two (22) who reside in ETSU residential facilities must provide proof of adequate immunization against meningococcal disease as recommended by the Centers for Disease Control and Prevention.
- (3) Unless otherwise exempted by this rule or by other law, no new incoming student will be allowed to move into campus housing without providing proof of adequate immunization as required by statute.
- (4) Unless otherwise exempted by this rule or by other law, additional immunizations may be required in accordance with the Centers for Disease Control and Prevention recommended immunization schedule in response to an epidemic, pandemic, or emergent communicable disease outbreak.
- (5) Acceptable forms or proof of immunization
 - (a) General proof of immunization
 1. Proof of prior or current military service shall be considered proof of the recommended immunizations.
 2. If allowed by law or Department of Health rule or guideline, students with proof of graduation from a Tennessee high school after a certain date shall not be required to submit evidence of the recommended immunizations, except as required by law.
 3. Any proof deemed acceptable by regulation or statute.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.02 Documentation Related to Specific Illnesses is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.02 Documentation Related to Specific Illnesses.

- (1) Varicella
 - (a) Documentation of two (2) doses of varicella-containing vaccine administered at least twenty- eight (28) days apart; or
 - (b) Laboratory evidence of immunity; or
 - (c) A history verified by a physician, advanced practice nurse, physician's assistant, or health department of varicella disease; or
 - (d) Any other regulatory or statutory requirement.
- (2) Measles, Mumps, and Rubella
 - (a) Documentation of two (2) doses of vaccine against measles, mumps, and rubella administered at least twenty-eight (28) days apart and no earlier than four (4) days before the first birthday; or
 - (b) Laboratory evidence of immunity; or
 - (c) Any other regulatory or statutory requirement.

Authority: T.C.A. § 49-7-124(g).

0240-06-04- .03 Exemptions is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.03 Exemptions.

- (1) Students enrolling in a course of study that is exclusively online and does not involve any experiential component shall not be asked to provide immunization information.
- (2) Varicella - Students born before January 1, 1980 are not required to present proof of adequate immunization against varicella.
- (3) MMR - Students born before January 1, 1957 are not required to present proof of adequate immunization against measles, mumps, and rubella.
- (4) Students may be exempted from the immunization requirements under this rule:
 - (a) Where a physician licensed by the board of medical examiners, the board of osteopathic examiners, or a health department certifies in writing that a particular vaccine is contraindicated for one of the following reasons:
 1. The student meets the criteria for contraindication set forth in the manufacturer's vaccine package insert; or
 2. The student meets the criteria for contraindication published by the Centers for Disease Control and Prevention; or
 3. In the best professional judgement of the physician, based upon the student's medical condition and history, the risk of harm from the vaccine outweighs the potential benefit.

- (b) Where a parent or guardian, or, in the case of an adult student, the student, provides the school with a written statement, affirmed under the penalties of perjury, that the vaccination conflicts with the religious tenets and practices of the parent or guardian or, in the case of an adult student, the student.

(5) Any other regulatory, statutory, or legal exemption.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.04 Other Requirements is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.04 Other Requirements.

- (1) International students are required to comply with the immunization schedule issued by the Centers for Disease Control and Prevention.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.05 Information Provided to Students is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.05 Information Provided to Students.

- (1) ETSU will provide each new incoming student with detailed information concerning the risk factors for hepatitis B infection and meningococcal meningitis and the availability and effectiveness of vaccine for persons who are at risk of the disease.
- (2) Each new incoming student under the age of eighteen (18) years must return a completed waiver form indicating that ETSU has provided the information required in this section.
- (3) Each new incoming student age of eighteen (18) years and older must complete the electronic waiver indicating that ETSU has provided the information required in this section.

Authority: T.C.A. § 49-7-124(g).

Administrative History:

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

RECEIVED

JUL 01 2022

Secretary of State
Division of Publications

Date: 6/30/22

Signature: Adam S. Green

Name of Officer: Adam S. Green

Title of Officer: ETSU Board of Trustees Secretary

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Filed with the Department of State on: _____

7/1/2022

Tre Hargett

Tre Hargett
Secretary of State