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Sequence Number: 10-14-18
Rule ID(s): 7255
File Date: 10/8/18
Effective Date: 1/6/19

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Technological University
Division:	
Contact Person:	Marc Burnett, Vice President for Student Affairs
Address:	1000 N. Dixie Avenue, Cookeville, TN
Zip:	38505
Phone:	(931) 372-3411
Email:	mburnett@tntech.edu

Revision Type (check all that apply):

___ Amendment
X New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
0240-09-04	Student Immunization Requirements
Rule Number	**Rule Title**
0240-09-04-.01	Immunization Requirements
0240-09-04-.02	Documentation Related to Specific Illnesses
0240-09-04-.03	Exemptions
0240-09-04-.04	Other Requirements
0240-09-04-.05	Information Provided to Students

Rules
Of
Tennessee Technological University, Cookeville

Chapter 0240-09-04
Student Immunization Requirements

New Chapter

Table of Contents is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04.01 Immunization Requirements
0240-09-04.02 Documentation Related to Specific Illnesses
0240-09-04.03 Exemptions
0240-09-04.04 Other Requirements
0240-09-04.05 Information Provided to Students

0240-09-04.01 Immunization Requirements is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04-.01 Immunization Requirements

(1) Unless otherwise exempted by this rule or by other law, all full-time students admitted to Tennessee Technological University ("Tennessee Tech") must provide health information to Tennessee Tech that establishes the student's compliance with the recommended immunization schedule for measles, mumps, rubella, and varicella for adults, 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 Tennessee Tech residential facilities must provide proof of adequate immunization against meningococcal disease as recommended for adults 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) 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 other proof deemed acceptable by regulation or statute.

Authority: T.C.A. § 49-7-124(g).

0240-09-04.02 Documentation Related to Specific Illnesses is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04-.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).

0240-09-04.03 Exemptions is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04-.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

(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 judgment 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).

0240-09-04.04 Other Requirements is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04-.04 Other Requirements

(1) Notwithstanding the foregoing, any applicant enrolling in a school of nursing, laboratory technology, or any other allied health profession must present proof of compliance with the immunization schedule for healthcare personnel issued by the Centers for Disease Control and Prevention.

Authority: T.C.A. § 49-7-124(g).

0240-09-04-.05 Information Provided to Students is added to Chapter 0240-09-04 Student Immunization Requirements and shall read as follows:

0240-09-04-.05 Information Provided to Students

(1) Tennessee Tech 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 must return a completed waiver form indicating that Tennessee Tech has provided the information required in this section.

Authority: T.C.A. § 49-7-124(g).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Tom Jones	X				
Trudy Harper	X				
Barbara Fleming	X				
Melissa Geist	X				
Rhedona Rose	X				
Purna Saggurti				X	
Johnny Stites	X				
Teresa Vanhooser	X				
Capt. Barry Wilmore	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Technological University Board of Trustees on 09/18/2018, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 9/18/2018

Signature: [signature]

Name of Officer: Marc Burnett

Title of Officer: Vice President for Student Affairs

Subscribed and sworn to before me on: 9/18/18

Notary Public Signature: Deborah Kay Combs

My commission expires on: 6/29/2020

DEBORAH KAY COMBS NOTARY PUBLIC STATE OF TENNESSEE PUTNAM COUNTY

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

10/4/2018
Date

Department of State Use Only

Filed with the Department of State on: 10/8/18

Effective on: 1/6/19

Tre Hargett
Secretary of State

RECEIVED
2018 OCT -8 AM 11:32
SECRETARY OF STATE
PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small business.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

In 2016, Tennessee Tech University (TTU) initiated a comprehensive review of the Student Immunization Requirements policy. This review was initiated due to the separation of TTU from the Tennessee Board of Regents system. TTU is in the process of establishing rules for necessary key areas.

This rule describes the requirements for immunizations for certain diseases or exemptions from said requirements and was developed in consultation with the Department of Health.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 49-7-124(g) and 125(c)

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students of TTU are most directly affected by this rule. A policy that mirrors the proposed rule was reviewed and approved by the Administrative Council at TTU. The Council includes student, staff, and faculty representatives. The TTU Board urges adoption of this rule. TTU believes the State of Tennessee Department of Health would urge adoption of this rule as it tracks closely the Department's rule related to immunizations. TTU is not aware of any persons, organizations, corporations, or governmental entities that urge rejection of the rule.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

None

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Marc Burnett, TTU Vice President for Student Affairs/Leigh Ann Ray, TTU Director of Health Services

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Marc Burnett, TTU Vice President for Student Affairs/Leigh Ann Ray, TTU Director of Health Services

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Marc Burnett, TTU Vice President for Student Affairs 1000 N. Dixie Avenue	Leigh Ann Ray, TTU Director Health Services 10 West 7th Street

Cookeville, TN 38505 931-372-3411 mburnett@tntech.edu	Cookeville, TN 38505 931-372-3320 lray@tntech.edu

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

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