



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

**MEMORANDUM**

TO: Local Health Departments  
Local Health Officers  
Department of Education  
County School Superintendents  
School Administrators  
School Nurses  
Vaccines for Children (VFC) Providers

FROM: Catherine C. Slemp, M.D., M.P.H. *CCS*  
Acting State Health Officer

Loretta E. Haddy, Ph.D., Director *LEH*  
Division of Surveillance and Disease Control  
State Epidemiologist

DATE: March 18, 2008

RE: **INTERPRETIVE RULE, 64CSR95, REQUIREMENTS AND  
RECOMMENDATIONS FOR NEW SCHOOL ENTERERS**

The attached interpretive rule became effective February 28<sup>th</sup>, 2008. This rule adopts the most current recommendations from the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP) to clearly define immunization requirements and recommendations for new school enterers.

The most significant updates included in the rule are:

- Varicella (chickenpox) and hepatitis B have been added to the list of vaccines required for new school enterers into grades K-12.

---

Bureau for Public Health  
Division of Surveillance and Disease Control  
Immunization Program  
Room 125, 350 Capitol Street  
Charleston, West Virginia 25301-3715  
(304) 558-2188 or 1-800-642-3634

- Mumps immunization (typically already received as part of the MMR vaccine) is also now officially required by this rule.
- The minimum number of doses of DTaP required of children < 7 years of age is now four instead of three.
- Children enrolled in pre-kindergarten housed in a facility with K-12 students are included in the definition of "new school enterer" and must meet the same requirements to the extent they are age appropriate. (Note: many preschools require additional vaccines beyond the "school entry" immunizations listed in this rule.)
- The inclusion of recommended (not required) vaccines for adolescents (meningococcal, Tdap, and HPV) and for all school enterers (influenza).
- The process which parents, providers and local health officers must follow to submit requests for medical exemptions is outlined.

Section 9 in the rule, **Medical Exemptions**, sets forth the procedure to follow and establishes the acceptable basis for review of all requests for medical exemptions. Requests must be based on current standards of immunization practice and be vaccine (or antigen)-specific. The request must include: 1) the specific vaccine(s) to be exempted; 2) the specific medical condition(s) upon which the exemption request is based; 3) whether the exemption is temporary or permanent; and 4) if temporary, when the exemption should be reevaluated. All requests for medical exemptions must be reviewed and approved by the local health officer of the county where the prospective student will be attending school.

In section 9.3, local health officers must send copies of requests for medical exemptions and their responses to the same to the state health officer by mail or fax to:

State Health Officer  
c/o WV Immunization Program  
350 Capitol Street, Room 125  
Charleston, WV 25301

Fax: (304) 558-6335

Additionally, the local health officer must assure that information related to any medical exemption granted is entered into the West Virginia Statewide Immunization Information System (WVSIS) in accordance with section 9.4 of the rule.

Please contact Jeff Neccuzi of the Immunization Program with any comments or questions by telephone at 1-800-642-3634.

cc:	Chris Curtis	Patricia Moss	Marsha Morris
	Joe Barker	Kay Shamblin	Andrea Labik
	Denise Ferris	Nancye Bazzle	Jeff Neccuzi

**TITLE 64  
INTERPRETIVE RULE  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH**

**SERIES 95  
IMMUNIZATION REQUIRMENTS AND RECOMMENDATIONS  
FOR NEW SCHOOL ENTERERS**

**§64-95-1. General.**

1.1. Scope. -- This rule establishes immunization requirements for enrollment as a new school enterer in a West Virginia School. Additionally, the rule includes recommendations for immunizations to promote public health.

1.2. Authority. -- W. Va. Code §§ 5-16-9, 16-1-4, 16-1-6, 16-3-4 and 16-3-5.

1.3. Filing Date. -- January 28, 2008.

1.4. Effective Date. -- February 28, 2008.

1.5. Applicability - This rule applies to all new school enterers and to students transferring into a West Virginia school from out of state. This rule supersedes the legislative rule, Immunization Criteria for Transfer Students, 64CSR58.

1.6. Purpose - The purpose of this rule is to clearly define the requirements and recommendations for immunizations for new school enterers.

1.7. Standards - The standards of medical practice used in this rule incorporate the most current recommendations issued by the U.S. Department of Health and Human Services, Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the American Academy of Family Physicians (AAFP).

**§64-95-2. Definitions.**

2.1. Bureau - means the Bureau for Public Health in the Department of Health and Human Resources.

2.2. Child - means any person between the ages of birth and eighteen years or up to twenty-one years of age when that child is attending school.

2.3. Commissioner - means the Commissioner of the Bureau for Public Health as that term is defined in W. Va. Code §16-1-2, or his or her designee.

2.4. Contraindication - means a medical condition which renders an immunization improper for a particular individual. Contraindications for each vaccine are found in statements written and published by the Advisory Committee on Immunization Practices (ACIP) as Recommendations of the Immunization Practices Advisory Committee and in Vaccine Information Statements (VIS) from the Centers for Disease Control and Prevention (CDC). The recommendations of the ACIP and VIS regarding contraindications can be found at [www.cdc.gov](http://www.cdc.gov).

2.5. Delinquent - means lacking age appropriate immunization(s) which are required to have been completed prior to school entry.

2.6. Local Health Officer - means the individual physician, with a current West Virginia license to practice medicine, who supervises and directs the medical activities of a local health department and is appointed by the local board of health with approval from the Commissioner.

2.7. Medical exemption - means an exemption from any of the requirements for compulsory immunization due to a contraindication or precaution to any or all of the vaccines required by law and this rule.

2.8. New School Enterer – means any child entering a school building housing kindergarten through twelfth grade students to attend classes or programs or to participate in extracurricular activities taking place in the school building and includes children entering for pre-school programs as well as all students in grades kindergarten through twelfth grade and students who transfer into a West Virginia school from another state.

2.9. Precaution – means a condition defined under the current standards of immunization practice that might increase the chance or severity of an adverse vaccine reaction or compromise the ability of the vaccine to produce immunity.

2.10. State Health Officer - means the person appointed to serve as State Health Officer who is a licensed physician authorized to practice medicine in accordance with West Virginia Code §16-1-5.

**§64-95-3. Recommended Immunization Schedules.**

The recommended immunization schedule for childhood immunization is the schedule jointly approved by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule is issued annually and can be found at [www.cdc.gov](http://www.cdc.gov) by searching under “Immunization Schedules”. Recommended schedules for children birth to age 6 as well as for children age 7 through 18 may be found at this website.

**§64-95-4. Immunizations Required for School Entry and Specifics of Each Immunization Requirement.**

4.1. All new school enterers attending a West Virginia school for the first time shall show proof of immunization against the following diseases:

4.1.a. DIPHTHERIA;

4.1.b. HEPATITIS B;

4.1.c. MUMPS;

4.1.d. PERTUSSIS (whooping cough);

4.1.e. POLIOMYELITIS;

4.1.f. RUBELLA;

4.1.g. RUBEOLA (measles);

4.1.h. TETANUS; and

4.1.i. VARICELLA (chickenpox).

4.2. Dosage and interval schedule for diphtheria, pertussis and tetanus vaccines are as follows:

4.2.a. Before being admitted to school, each child shall show proof that he or she has received a minimum of four doses of DIPHTHERIA, TETANUS, acellular PERTUSSIS (DTaP) vaccine, with the last dose having been received on or after the child's fourth birthday and prior to school entry; and

4.2.b. The interval between the third and fourth or final dose shall be at least six months; and

4.2.c. Children seven years of age and older may receive tetanus, diphtheria (Td) vaccine in lieu of DTaP vaccine. A single dose of Tdap vaccine should be considered in the series if age appropriate.

4.2.d. Occurrence of prior disease may be used as evidence of immunity for pertussis in accordance with subsection 6.4 of this rule.

4.3. Children entering school shall show proof that they have received at least three doses of HEPATITIS B vaccine with at least one dose having been given on or after six months of age. The second and third doses should be separated by at least two months. Occurrence of prior disease may be used as evidence of immunity in accordance with subsection 6.4. of this rule.

4.4. Children entering school shall show proof that they have received two doses of RUBEOLA (MEASLES) vaccine, the first dose

on or after the first birthday and the second dose no less than one month after the first dose. Alternatively, immunity may be proven through laboratory testing. Occurrence of prior disease may be used as evidence of immunity in accordance with subsection 6.4. of this rule.

4.5. Children entering school shall show proof that they have received at least two doses of MUMPS vaccine, the first dose on or after the first birthday and the second dose no less than one month after the first dose. Alternately, immunity may be shown through laboratory testing. Occurrence of prior disease may be used as evidence of immunity in accordance with subsection 6.4. of this rule.

4.6. Dosage and interval schedule for the POLIO vaccine is as follows:

4.6.a. Before being admitted to school each child shall show proof that he or she has received a minimum of three doses of trivalent polio vaccine (PV) with the last dose having been received on or after the child's fourth birthday and prior to school entry. Although less desirable, immunity may be shown through laboratory testing showing immunity to all 3 poliovirus strains included in the vaccine. The impact on duration of immunity given an incomplete series but positive titers is not known.

4.7. Children entering school shall show proof that they have received at least two doses of RUBELLA vaccine, the first dose on or after the first birthday and the second dose no less than one month after the first dose. Alternately, immunity may be proven through laboratory testing. Occurrence of prior disease may be used as evidence of immunity in accordance with subsection 6.4. of this rule.

4.8. Children entering school shall show proof that they have received two doses of VARICELLA (CHICKENPOX) vaccine, the first dose on or after the first birthday and the second dose no less than three month after the first. Alternately, immunity may be shown through the written or verbal statement of a parent or legal guardian attesting to the fact of their child's history of chickenpox. A third

alternative is to show immunity through laboratory testing.

4.9. For preschool children entering a school housing other children in grades kindergarten through twelfth, the above immunization requirements hold to the extent that they are age appropriate in accordance with the immunization schedules referenced in section 3 of this rule.

#### **§64-95-5. Compliance with the Law.**

5.1. A child shall be considered to be in compliance with the law requiring compulsory immunizations of school children prior to school entry when that child has a complete certificate of immunization, or similar medical record of immunizations.

5.2. If a child has been determined to be medically exempt from receiving one or more vaccinations, in accordance with the provisions of section nine of this rule, the certificate of immunization shall note specifically which vaccine the child is exempt from, the reason for the exemption, and whether or not the reason for the exemption is permanent or temporary. If the exemption is temporary, a notation shall be made as to the future date at which the exemption should be reevaluated.

5.3. A student who does not have a completed certificate of immunization or other similar medical record of immunizations shall show proof that he or she has received at least one dose of each of the required vaccines in order to be provisionally enrolled in school.

5.4. Provisional enrollment may continue for up to seven months from school entry. After attending school for a maximum of seven months, all provisionally enrolled students shall show proof to the school that they have completed all of the required immunizations.

5.5. Children who are delinquent for any required vaccinations, or who have exceeded the seven month provisional enrollment period, will be considered to be out of compliance with the law and may be required to stop attending school until the appropriate vaccine(s) are

received and the records are amended.

**§64-95-6. Proof of Immunity.**

6.1. Proof that a child has received the immunizations required by law and this rule, in the correct number and spacing of doses, shall be recorded on a completed document, such as a certificate of immunization, for all new school enterers.

6.2. A Certificate of Immunization form has been developed by the West Virginia Department of Health and Human Resources, Bureau for Public Health, Immunization Program. This form is available to appropriate health care providers electronically through participation in the West Virginia Statewide Immunization Information System (WVSIIS) <http://www.wvdhhr.org/immunizations/wvsiis1.asp>. The form is also available from:

ATTN: WVSIIS  
Bureau for Public Health  
Immunization Program  
350 Capitol Street, Room 125  
Charleston, WV 25301

6.3. The documentary evidence of immunizations shall contain the day, month and year of each vaccine received by the child or sufficient information of the time interval between doses to enable verification that the minimum intervals required or suggested by this rule have been observed.

6.4. Proof of prior measles, mumps, rubella, pertussis or hepatitis B disease being used in lieu of vaccination requires a document signed by a physician indicating, at a minimum, the name of the patient, the date of the illness and any obtained laboratory evidence of the diagnosis. If the historical disease diagnosis is in question, current laboratory evidence of immunity may be required.

6.5. The verbal or written statement of the parent or legal guardian of a child shall suffice to prove that a child has had chickenpox and is considered to be proof of immunity.

**§64-95-7. Commissioner's Authority to**

**Change Immunization Requirements for New School Enterers.**

The Commissioner may, by Order filed with the Secretary of State, modify, add or delete vaccines to be required for new school enterers. The Commissioner's Orders shall be made after consultation with the State Health Officer and shall be consistent with the immunization schedules referenced in section 3 of this rule. The Commissioner's Orders shall not exceed those recommendations.

**§64-95-8. Recommended Vaccines.**

The following vaccines are recommended for children attending West Virginia schools:

**8.1. INFLUENZA VACCINE.**

8.1.a. Any child aged six months or older may be vaccinated against influenza. Children from six to twenty-three months are at substantially increased risk for influenza-related hospitalizations and children ages twenty-four to fifty-nine months are at increased risk for influenza-related clinic and emergency room visits. Children and school personnel with certain medical conditions and school personnel who are older are at increased risks of influenza complications and death.

8.1.b. An annual flu vaccine is recommended in accordance with annually released ACIP recommendations.

**8.2. MENINGOCOCCAL VACCINE**

8.2.a. Meningitis caused by *Neisseria meningitides*, termed meningococcal meningitis, is one of the leading causes of bacterial meningitis in the U.S. While children less than 1 year of age are at highest risk of the disease, children ages 11-18 are at increased risk compared to the general population. College freshmen housed in dormitories or other settings where adolescents and young adults are housed in close quarters also are at higher risk. Ten to fourteen percent of those contracting meningococcal meningitis die. Meningococcal disease can also result in significant disability. While the vast majority of cases are sporadic,

localized outbreaks of this disease do occur. Given disease severity and the challenges of managing this disease in the institutional or school setting, vaccination of all children is now recommended.

8.2.b. Meningococcal Vaccination is recommended at age 11-12. It is also recommended for previously unvaccinated children at high school entry.

### 8.3. Tdap VACCINE

8.3.a. Diphtheria and tetanus boosters are typically recommended throughout one's lifetime. Pertussis is a disease that has been increasing in West Virginia and the United States. Protection from the pertussis component of the primary DTaP series wanes over time. While pertussis disease is less severe in older children and young adults, they can readily pass the disease to younger children at high risk of severe disease or death from pertussis. The Tdap vaccine offers an opportunity to boost immunity to not only diphtheria and tetanus, but also to pertussis.

8.3.b. Tdap vaccine is recommended for children age 11-12 years who have completed the recommended childhood DTP/DTaP vaccine series and have not already received a tetanus and diphtheria (Td) booster dose. Adolescents age 13-18 who missed the 11-12 year old Tdap/Td dose and who have completed the primary DTP/DTaP series should also be given a dose of Tdap vaccine.

### 8.4. HUMAN PAPILLOMAVIRUS VACCINE - HPV Vaccine.

8.4.a. Approximately twenty million people in the United States are infected by genital human papillomavirus (HPV) and about six million more become infected each year. HPV can cause cervical cancer in women. Every year in the United States about ten thousand women get cervical cancer and three thousand seven hundred die from it. It is the second leading cause of cancer deaths among women worldwide. HPV is also associated with several less common types of cancer in both men and women and causes genital warts and

warts in the upper respiratory tract. More than fifty percent of sexually active men and women are infected with HPV at some time in their lives. The HPV vaccine works against the four types of the virus which are responsible for seventy percent of cervical cancer cases and ninety percent of genital warts cases.

8.4.b. The best way to ensure disease prevention is to give the HPV vaccine prior to the individual becoming sexually active.

8.4.c. The HPV vaccine is currently licensed for use in females ages nine to twenty-six. It consists of a three dose series. The first dose is recommended for girls at age eleven to twelve. It is also recommended for girls ages 13-18 who have not previously been vaccinated.

8.5. Other vaccines recommended for various high risk populations in the school setting may be found on the immunization schedules jointly approved by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians at [www.cdc.gov](http://www.cdc.gov) by searching under "Immunization Schedules".

### §64-95-9. Medical Exemptions.

9.1. The provisions of this rule may not apply if a child has a valid medical contraindication or precaution to a particular vaccine. To obtain a medical exemption the child's parent or guardian shall present a written request for an exemption from a physician who has treated or examined the child to the local health officer in the county where the child attends school.

9.2. The physician's request for exemption from immunization shall state specifically which vaccine or vaccines the child should be exempt from receiving, an explanation of the medical contraindication or precaution relied upon to make the request, and whether the reason for the exemption is permanent or temporary. If the medical exemption is temporary, the request shall also provide the future date or time when the exemption should be reevaluated.

9.3. Requests for medical exemption from vaccine requirements shall be reviewed and approved or denied initially by the local health officer in the county where the requestor attends school. Approval or denial of a request shall be in writing and a copy of the response shall be sent to the State Health Officer.

9.4. Local health officials shall verify that immunization exemptions are entered into the West Virginia Statewide Immunization Information System -- WVSIS-- to enable support of individuals at increased risk of disease in an outbreak and to aid in disease control and surveillance.

9.5. The local health officer's decision on a request for a medical exemption from immunization may be reviewed by the State Health Officer. The request for state level review and the State Health Officer's decision on such requests shall be in writing.

9.6. Appeal from the ruling of the State Health Officer may be made through the administrative review procedure described in section ten of this rule.

9.7. All requests for medical exemption from immunization shall be reviewed, and determinations made, based on current medical science and recommendations from the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

#### **§64-95-10. Administrative Due Process.**

Any person adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in the manner prescribed in the Bureau's procedural rule, Rules for Contested Case Hearings and Declaratory Rulings, 64CSR1.



# West Virginia Immunization Requirements for New School Enters

State law and rules<sup>1</sup> require that all children entering school in West Virginia for the first time in grades K-12 must show proof of immunization against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, varicella and hepatitis B unless properly medically exempted<sup>2</sup>. The table below outlines immunization requirements as most commonly met.<sup>3</sup> The West Virginia Bureau for Public Health recommends that vaccine doses administered 4 days or fewer before the minimum interval or age should be considered valid.

Vaccine	Requirement	Provisional Enrollment	Additional Information
DTaP/DTP Td/Tdap	Before admission, four doses required. One dose must be after the 4 <sup>th</sup> birthday.	After one dose, student may be allowed up to 8 months to complete the series.	<ul style="list-style-type: none"> <li>Three doses only for children completing primary series at age 7 years and older.</li> <li>Children exempted from the pertussis component of DTaP vaccine should receive DT vaccine instead, or if past 7<sup>th</sup> birthday, Td / Tdap vaccine, as applicable.</li> </ul>
Polio (IPV)	Before admission, three doses required. One dose must be after the 4 <sup>th</sup> birthday.	After one dose, student may be allowed up to 90 days to complete the series.	<ul style="list-style-type: none"> <li>If polio immunization series included both OPV and IPV, then a total of 4 doses are required.</li> </ul>
Measles, Mumps & Rubella (MMR)	Before admission, two doses required. First dose must be after the 1 <sup>st</sup> birthday.	After one dose, student may be allowed up to 30 days to complete the series.	<ul style="list-style-type: none"> <li>Doses should be a minimum of 28 days apart.</li> </ul>
Varicella	Before admission, two doses required. First dose must be after the 1 <sup>st</sup> birthday.	After one dose, children less than 13 years of age may be allowed up to 90 days to obtain 2 <sup>nd</sup> dose; children aged 13 years and older may be allowed up to 30 days to obtain the 2 <sup>nd</sup> dose.	<ul style="list-style-type: none"> <li>Children less than 13 years of age must have a minimum interval of 12 weeks between the 1<sup>st</sup> and 2<sup>nd</sup> doses.</li> <li>Children aged 13 years and older may receive the 2<sup>nd</sup> dose 28 days after the first dose.</li> <li>Immunity may also be demonstrated through the legal guardian's written or verbal attestation of varicella (chickenpox) disease.</li> </ul>
Hepatitis B	Before admission, three doses required. Last dose must be after the age of 6 months.	After one dose, student may be allowed up to 4 months to complete the series.	<ul style="list-style-type: none"> <li>Final dose is not valid if administered before 24 weeks / 6 months of age.</li> </ul>

<sup>1</sup> See WV Code §16-3-4 and 64CSR95 for further information.

<sup>2</sup> Medical exemptions must be requested by a physician who has treated or examined the child and be reviewed and approved by the local health officer in the county in which the child attends school. Requests for exemptions must be based on current standards of immunization practice and include the following information: the vaccine(s) being exempted, the specific medical reason for the exemption, whether the exemption is temporary or permanent, and, if temporary, when the exemption should be reevaluated. West Virginia State Law does not allow for non-medical exemptions to immunization requirements.

<sup>3</sup> Occasionally, based on product used or the age at which a child is being immunized, deviations from these requirements may be acceptable. Any deviation must be consistent with applicable, age appropriate immunization schedules found at <http://www.wv.gov> and searching under "Immunization Schedules".