

(c) The local health officer, in consultation with the Chief of TB Control, shall review the discharge plan within three business days of receiving a copy of same, taking into consideration the language of the order of commitment, the principle of least restrictive alternatives, and the medical and social resources available to the person. If the local health officer disagrees with the terms of the discharge plan, he or she shall so notify the medical director of the commitment facility, in writing, including the reasons for disagreement with the discharge plan, no later than three business days after receipt.

(d) The local health officer shall keep the discharge plan on file for five years.

8:57-5.11 Commitment facilities

(a) The Commissioner, or his or her designee, shall designate sufficient commitment facilities or commitment units of facilities from among those facilities submitting proposals in accordance with (b) below.

(b) Proposals shall include, at a minimum:

1. Medical services available to TB patients including diagnostic services and medical care for non-TB related illnesses;
2. The qualifications of professional medical staff providing services to TB patients;
3. The security plan, policies and procedures for proposed TB services;
4. A quality assurance plan for TB services; and
5. A location for court hearings.

(c) Within 60 days of the adoption of these rules, the Commissioner, or his or her designee, in consultation with the Commissioner of Human Services, shall issue a request for proposals for designation as a commitment facility or commitment unit of a facility.

(d) The Commissioner, or his or her designee, shall consider the following in designating commitment facilities or commitment units of facilities:

1. Geographic incidence and prevalence rates of tuberculosis;
2. Quality and appropriateness of the proposed tuberculosis service;
3. Costs and financial viability of the facility or units;
4. Department of Health records related to licensing and quality assurance; and
5. Other criteria identified in the request for proposals.

8:57-5.12 Procedures for commitment by local health officers

(a) The local health officer may request assistance from the local police department(s) if the local health officer determines that there is a reasonable likelihood that a person will attempt to avoid commitment or detention.

(b) If assistance is requested, the local health officer shall provide the police with the order under which commitment or detention, as the case may be, is authorized. The local health officer may seek assistance of the police before providing a copy of the order.

(c) If assistance is requested, the local health officer shall provide the police department with the name, address or last known location, and description of the physical characteristics of the person.

(d) The local health officer shall make all reasonable attempts to develop, in consultation with the local police department, a protocol for police assistance which includes the types of assistance which may be requested of the local police department and guidance on appropriate situations for use of emergency medical service personnel.

8:57-5.13 Annual report

The Chief of TB Control shall submit to the Commissioner an annual report describing trends in prevalence and incidence of TB and MDR-TB in New Jersey. The report shall also include descriptive statistics showing the frequency and trends of those reportable events set forth at N.J.A.C. 8:57-3. The first report shall be issued 12 months after the effective date of these rules and subsequent reports shall be due annually thereafter.

8:57-5.14 Confidentiality of records

(a) Patient medical information or information concerning reportable events pursuant to any section of this subchapter shall not be disclosed except under the following circumstances:

1. For research purposes, provided that the study is reviewed and approved by the applicable Institutional Review Board, and is done in a manner that does not identify any person, either by name or other identifying data element;
2. With written consent of the person identified;
3. When the Commissioner, or his or her designee, determines that such disclosure is necessary to enforce public health laws or to protect the life or health of a named party, in accordance with applicable State and Federal laws; or
4. Pursuant to a valid court order.

(b) Violation of (a) above may result in penalties as provided for at N.J.A.C. 8:57-5.16.

8:57-5.15 Mandatory exclusion from workplace or school

(a) Pursuant to N.J.S.A. 26:4-2, the local health officer may order that a person with known infectious tuberculosis be excluded from attending his or her place of work or school, or be excluded from other premises where the local health officer determines, after a review of the facts and circumstances of the particular case, that such an action is necessary to protect the public health.

(b) If a person excluded from a work place or school, pursuant to N.J.S.A. 26:4-2, requests a review of the order, the local health officer shall make an application for a court order authorizing such exclusion within five business days after such request. After any such request, exclusion shall not continue more than 10 business days without a court order. In no case shall a person be excluded from a workplace, school, or other premises for more than 60 days without a court order authorizing such exclusion. The local health officer shall seek further court review of such exclusion within 90 days of the original court order or each subsequent court order.

(c) In any court proceeding under (b) above, the local health officer shall prove each required element for such exclusion by clear and convincing evidence.

(d) The elements for an order for exclusion issued by a local health officer under this section are:

1. Documentation of medical evidence indicating the presence of infectious tuberculosis and an assessment of the person's medical condition;
2. An individualized assessment of the person's circumstances and/or behavior constituting the basis for the issuance of the order; and
3. The less restrictive alternatives that were attempted and/or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.

(e) The local health officer shall rescind the order for exclusion upon documentation by a health care provider that the patient had three negative sputum smears at clinically appropriate intervals and a significant reduction of clinical symptoms. The local health officer may seek independent review by another health care provider if he or she has reason to doubt the primary health care provider's determination.

8:57-5.16 Penalties for violation of rules

Any person who fails to adhere to any provision of this subchapter shall be subject to a fine of \$50.00 each day for the first offense and \$100.00 each day for the second and any subsequent offenses. All violations by health care providers shall be reported to the appropriate professional licensing authorities and public financing programs.

**SUBCHAPTER 6. HIGHER EDUCATION
IMMUNIZATION****Authority**

N.J.S.A. 18A:61D-1, as amended by P.L.
1994, c.48 (C. 18A:3B-1, et seq.).

Source and Effective Date

R.1995 d.587, effective October 20, 1995.
See: 27 N.J.R. 3631(a), 27 N.J.R. 4701(a).

Subchapter Historical Note

Subchapter 6, Higher Education Immunization, was adopted as Emergency New Rules by R.1995 d.518, effective August 21, 1995, to expire October 20, 1995. See: 27 N.J.R. 3631(a). The concurrent proposal of Subchapter 6 was adopted as R.1995 d.587, effective October 20, 1995, with changes to the provisions of R.1995 d.518, effective November 20, 1995. See: Source and Effective Date.

8:57-6.1 Applicability

(a) This subchapter shall apply to all new or continuing full- and part-time undergraduate and graduate students enrolled in a program of study leading to an academic degree at any public or independent institution of higher education in New Jersey.

(b) Two-year institutions shall apply these rules only to those students entering the college for the first time and registering for 12 or more credit hours of course study per semester/term.

(c) Four-year institutions shall apply the rules to all full- or part-time students enrolled in a program leading to an academic degree.

Petition for Rulemaking.
See: 31 N.J.R. 2275(a).

8:57-6.2 Exemptions

(a) A student shall be exempt from immunization requirements for medical or religious reasons, provided that he or she meets the criteria as set forth at N.J.A.C. 8:57-6.9 and 8:57-6.10, respectively.

(b) In addition, an exemption may be made, at the discretion of the institution, for the following categories of students:

1. Students born before 1957;
2. Students enrolled in a program for which students do not congregate, on campus, whether for classes or to participate in institution-sponsored events, such as those enrolled in programs for individualized home study or conducted entirely via electronic media.

(c) Nothing in this subchapter shall be construed as limiting the authority of a New Jersey institution of higher education to establish additional requirements for student immunizations and documentation that such institution shall determine appropriate and which is recommended by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service.

8:57-6.3 Required immunization; measles

(a) Each student entering college for the first time after September 1, 1995 shall have received two doses of a live measles-containing vaccine, or any vaccine combination containing live measles vaccine, that was administered after 1968. The first dose shall have been administered on or after the student's first birthday and the second dose shall have been administered no less than one month after the first dose.

(b) A student vaccinated with a killed measles-containing vaccine, or an unknown vaccine prior to 1968, shall be revaccinated or produce laboratory proof of measles immunity.

(c) A student who presents documented laboratory evidence of measles immunity shall not be required to receive measles vaccine.

8:57-6.4 Required immunization; mumps

(a) Each student entering college for the first time after September 1, 1995 shall have received one dose of live mumps virus vaccine, or any vaccine combination containing live mumps virus vaccine. The vaccine shall have been administered on or after the student's first birthday.

(b) A student who presents documented laboratory evidence of mumps immunity shall not be required to receive mumps vaccine.

8:57-6.5 Required immunization; rubella

(a) Each student entering college for the first time after September 1, 1995 shall have received one dose of live rubella virus vaccine, or any vaccine combination containing live rubella virus vaccine. The vaccine shall have been administered on or after the student's first birthday.

(b) A student who presents documented laboratory evidence of rubella immunity shall not be required to receive rubella vaccine.

8:57-6.6 Institutional responsibility for enforcement

(a) All New Jersey institutions of higher education shall require evidence of immunization as a prerequisite to enrollment of all students except those who meet the exemption requirements set forth at N.J.A.C. 8:57-6.2(b), N.J.A.C. 8:57-6.9 and N.J.A.C. 8:57-6.10, or those students enrolled in two-year institutions who are registered for fewer than 12 credit hours per semester/term.

(b) All New Jersey institutions of higher education shall identify to the State Department of Health an institutional official responsible for the administration and enforcement of this subchapter and for the maintenance of immunization records.

(c) All New Jersey institutions of higher education shall enforce student compliance with this subchapter within 60 days of enrollment.

Petition for Rulemaking.
See: 31 N.J.R. 2275(a).

8:57-6.7 Provisional admission

(a) A student may be registered in an institution of higher education on a provisional basis for his or her first term if the required immunization documentation is not available at the time of registration.

(b) Prior to registration for the second term, a student shall either present documentation of immunization or proof of immunity in accordance with the requirements of this subchapter or be reimmunized.

(c) A student in provisional status may be temporarily excluded from classes and from participation in institution-sponsored activities during a vaccine-preventable disease outbreak or threatened outbreak. This decision shall be made by the institution in consultation with the State Commissioner of Health or his or her designee. This exclusion shall continue until the outbreak is over or until proof of the student's immunization or immunity is furnished.

8:57-6.8 Documents accepted as evidence of immunization

(a) The following documents shall be accepted as evidence of a student's immunization history provided that the type of immunization and the date when each immunization was administered is listed:

1. An official school immunization record or copy thereof from any primary or secondary school indicating compliance with the immunization requirements set forth at N.J.A.C. 8:57-6.3, 6.4, and 6.5; or
2. A record from any public health department indicating compliance with the immunization requirements set forth at N.J.A.C. 8:57-6.3, 6.4, and 6.5; or
3. A record or an official college affidavit form signed by a physician licensed to practice medicine or osteopathy in any jurisdiction of the United States or in any foreign country, or any other licensed health professional approved by the New Jersey Department of Health, which indicates compliance with the immunization requirements set forth at N.J.A.C. 8:57-6.3, 6.4, and 6.5.

8:57-6.9 Medical exemptions

(a) A student shall not be required to have any specific immunizations(s) which are medically contraindicated.

(b) A written statement submitted to the institution from a physician licensed to practice medicine or osteopathy in any jurisdiction of the United States, or in any foreign country, indicating that an immunization is medically contraindicated for a specific period of time, and setting forth the reason(s) for the medical contraindication, based upon valid medical reasons as enumerated by the most recent recommendations of the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service, shall exempt a student from the specific immunization requirements for the stated period of time.

1. The guidelines identified in (b) above are available from the Advisory Committee on Immunization Practices, U.S. Public Health Service, Centers for Disease Control and Prevention, Atlanta, GA 30333.

(c) The physician's statement shall be retained as part of the student's immunization record and shall be reviewed annually by the institution to determine whether the exemption shall remain in effect for the next year. When the student's medical condition permits immunization, this exemption shall thereupon terminate and the student shall be required to obtain the immunization(s) from which he or she has been exempted.

(d) A student with medical exemptions to receiving specific immunizations may be temporarily excluded from classes and from participating in institution-sponsored activities during a vaccine-preventable disease outbreak or threatened outbreak. This decision shall be made by the institution in consultation with the State Commissioner of Health or his or her designee. This exclusion shall continue until the outbreak is over or until proof of the student's immunization or immunity is furnished.

8:57-6.10 Religious exemptions

(a) A student shall be exempted from mandatory immunization if the student objects thereto in a written statement submitted to the institution, signed by the student, explaining how the administration of immunizing agents conflicts with the student's religious beliefs.

(b) This statement shall be kept by the institution as part of the student's immunization record.

(c) A student with a religious exemption from receiving immunizing agents may be temporarily excluded from classes and from participation in institution-sponsored activities during a vaccine-preventable disease outbreak or threatened outbreak. This decision shall be made by the institution in consultation with the State Commissioner of Health or his or her designee. This exclusion shall continue until the outbreak is over.

8:57-6.11 Institutional records required

(a) All New Jersey institutions of higher education shall maintain records of immunizations on each student in a format either specified or approved by the Department. Each record shall indicate the date of each required immunization, laboratory evidence of immunity, or, where applicable, the requisite documents, as required pursuant to N.J.A.C. 8:57-6.9 or 8:57-6.10 pertaining to any medical or religious exemptions.

(b) All New Jersey institutions of higher education shall maintain immunization record forms in a manner which allows accessibility to health officials, yet insures the confidentiality of the student's other records. Student immunization histories may be entered into an institution's secure electronic database.

(c) All New Jersey institutions of higher education shall, upon request of a student who is transferring to another institution, send the student's original record of immunization, or an authenticated copy thereof, or electronically print out an authenticated copy of the student's immunization history in the same manner as a college transcript, with any attached statements, to the other institution.

(d) All New Jersey institutions of higher education shall, upon request, release to a student his or her immunization records or an authentic electronic printout of that record. Request for such records shall be honored for three years following a student's graduation, termination, transfer, or departure from the institution.

8:57-6.12 Reports to be submitted to the New Jersey Department of Health

(a) A report of the immunization status of students in every institution shall be sent each year to the New Jersey Department of Health. This report shall be submitted by the official designated pursuant to N.J.A.C. 8:57-6.6(b) to be responsible for the administration and enforcement of this subchapter and for the maintenance of immunization records.

(b) The form for the annual immunization status report shall be provided by the New Jersey Department of Health.

(c) The report shall document the total number of students who are specifically covered by this subchapter, the number of students who are vaccinated, the number of students with medical exemptions, the number of students with religious exemptions, and the number of students not receiving required immunizations.

(d) The report shall be submitted by December 1 of the academic year beginning in September of the same year after the review of all appropriate immunization records.

8:57-6.13 Records available for inspection

All institutions shall maintain centralized records of their students' immunization status. Upon 24 hours notice, those records shall be made available for inspection by authorized representatives of the Department of Health or the local board of health in whose jurisdiction the institution of higher education is located.

8:57-6.14 Providing immunization

Each institution may administer the vaccines required by this subchapter to those students who are unable to either obtain acceptable vaccine documentation or obtain the measles, mumps, or rubella vaccines from their own health care providers.