

# Rhode Island Vaccine Exemption Laws

## TITLE 16

### Education

#### CHAPTER 16-38

##### Offenses Pertaining to Schools

###### § 16-38-2 Immunization.

(a) Every person upon entering any public or private school including any college or university in this state as a pupil shall furnish to the administrative head of the school evidence that the person has been immunized against any diseases that may from time to time be prescribed by regulation of the director of health and tested for tuberculosis, or a certificate from a licensed physician stating that the person is not a fit subject for immunization for medical reasons, or a certificate signed by the pupil, if over eighteen (18) years of age, or by the parent or guardian stating that immunization and/or testing for communicable diseases is contrary to that person's religious beliefs. It shall be the responsibility of the administrative head of the school to secure compliance with these regulations.

(b) Every child more than twenty-four (24) months of age, resident in the state of Rhode Island, shall be eligible to receive the immunization against meningococcal disease. The Department of Health shall include meningococcal vaccine in the department's immunization program, established by § 23-1-44.

## TITLE 23

### Health and Safety

#### CHAPTER 23-1

##### Department of Health

###### § 23-1-44 Routine childhood and adult immunization vaccines.

(a) The department of health shall include in the department's immunization program those vaccines for routine childhood immunization as recommended by the Advisory Committee for Immunization Practices (ACIP) and the Academy of Pediatrics (AAP), and for adult influenza immunization as recommended by the ACIP, to the extent permitted by available funds. The childhood immunization program includes administrative and quality assurance services and KIDSNET, a confidential, computerized child health information system that is used to manage statewide immunizations, as well as other public health preventive services, for all children in Rhode Island from birth through age 18.

(b) The director of the department of health shall appoint an advisory committee that will be convened after the ACIP makes a recommendation regarding adult immunization. The committee will review the ACIP recommendations for the state, assess the vaccine cost and feasibility, and advise the director of health and the office of the health insurance commissioner regarding insurers and providers acting on the ACIP adult immunization recommendation. All recommendations will be posted on the department of health website. The advisory committee membership shall include, but not be limited to, a primary care provider, pharmacist, representatives of the nursing home industry, the home health care industry and major insurers.

**TITLE 23**  
**Health and Safety**  
**CHAPTER 23-17.19**  
**Immunization In Long Term Care Facilities**

**§ 23-17.19-4 Resident immunization.**

(a) Notice to resident. Upon admission, the facility shall notify the resident and legal guardian of the immunization requirements of this chapter and request that the resident agree to be immunized against influenza virus and pneumococcal disease.

(b) Records and immunizations. Every facility shall document the annual immunization against influenza virus and immunization against pneumococcal disease for each resident which includes written evidence from a health care provider indicating the date and location the vaccine was administered. Upon finding that a resident is lacking the immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. Immunization and the documentation of the immunization shall take place no later than November 30 of each year.

(c) Other immunizations. An individual who becomes a resident after November 30 and prior to April 1 of the following year shall have his or her status for influenza and pneumococcal immunization determined by the facility, and, if found to be deficient, the facility shall make available the necessary immunizations.

**§ 23-17.19-5 Employee immunization.**

(a) Notice to employees. Every facility shall notify every employee of the immunization requirements of this chapter and request that the employee agree to be immunized against influenza virus.

(b) Records and immunizations. The facility shall require documentation of annual immunization against influenza virus for each employee, which includes written evidence from a health care provider indicating the date and location the vaccine was administered. Upon finding that an employee is lacking the immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. Immunization and the documentation of the immunization shall take place no later than November 30 of each year.

(c) Other immunizations. An individual who is newly employed as an employee and after November 30 and prior to April 1 shall have his status for influenza determined by the facility, and, if found to be deficient, the facility shall make available the necessary immunization.

(d) Immunization authorized. Nothing in this section shall prohibit the immunization against pneumococcal disease to employees.

**TITLE 42**

**State Affairs and Government**

**CHAPTER 42-72.1**

**Licensing and Monitoring of Child Care Providers and Child-Placing Agencies**

**§ 42-72.1-3 Powers and scope of activities.**

(a) The department shall issue, deny, and revoke licenses for, and monitor the operation of, facilities and programs by child placing agencies and child care providers, as defined in § 42-72.1-2.

(b) The department shall adopt, amend, and rescind regulations in accordance with this chapter and implement its provisions. The regulations shall be promulgated and become effective in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

(c) The department through its licensing unit shall administer and manage the regulations pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and administrative powers necessary to carry out its functions.

(d) The administrator shall investigate complaints of noncompliance, and shall take licensing action as required.

(e) Regulations formulated pursuant to the foregoing authority shall include, but need not be limited to, the following:

(1) Financial, administrative and organizational ability, and stability of the applicant;

(2) Compliance with specific fire and safety codes and health regulations;

(3) Character, health suitability, qualifications of child care providers;

(4) Staff/child ratios and workload assignments of staff providing care or supervision to children;

(5) Type and content of records or documents that must be maintained to collect and retain information for the planning and caring for children;

(6) Procedures and practices regarding basic child care and placing services to ensure protection to the child regarding the manner and appropriateness of placement;

(7) Service to families of children in care;

(8) Program activities, including components related to physical growth, social, emotional, educational, and recreational activities, social services and habilitative or rehabilitative treatment;

(9) Investigation of previous employment, criminal record check and department records check; and

(10) Immunization and testing requirements for communicable diseases, including, but not limited to, tuberculosis, of child care providers and children at any child day-care

center or family day-care home as is specified in regulations promulgated by the director of the department of health. Notwithstanding the foregoing, all licensing and monitoring authority shall remain with the department of children, youth, and families.

(f) The administrator may:

- (1) Prescribe any forms for reports, statements, notices, and other documents deemed necessary;
- (2) Prepare and publish manuals and guides explaining this chapter and the regulations to facilitate compliance with and enforcement of the regulations;
- (3) Prepare reports and studies to advance the purpose of this chapter;
- (4) Provide consultation and technical assistance, as requested, to assist licensees in maintaining compliance; and
- (5) Refer to the advisory council for children and families for advice and consultation on licensing matter.

(g) The department may promulgate rules and regulations for the establishment of child day care centers located on the second floor.

(h) When the department is otherwise unsuccessful in remedying noncompliance with the provisions of this chapter and the regulations promulgated under it, it shall petition the family court for an order enjoining the noncompliance or for any order that equity and justice may require.

(i) The department shall collaborate with the departments of human services, elementary and secondary education, and health to provide monitoring, mentoring, training, technical assistance, and other services which are necessary and appropriate to improving the quality of child care offered by child care providers who are certified, licensed, or approved by the department or the department of elementary and secondary education or who are seeking certification, licensure, or approval pursuant to § 42-72-1 or § 16-48-2, including non-English speaking providers.

(j) The department shall adopt, amend, and rescind regulations in the same manner as set forth above in order to permit the placement of a pregnant minor in a group residential facility which provides a shelter for pregnant adults as its sole purpose.