

Bill No. 4132-08

No. 21-08-OR

## AN ORDINANCE

A Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations, "School Health Immunization", pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

**Whereas**, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §12001 et seq., created the Allegheny County Health Department, and the Allegheny County Board of Health; and

**Whereas**, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

**Whereas**, on September 7, 2007, the Allegheny County Board of Health adopted the attached amendments to Allegheny County Health Department Rules and Regulations, Article X, School Health Immunization, requiring full immunization for all school age children; and

**Whereas**, it is the desire of Council to ratify the Allegheny County Health Department regulation amendments as approved by the Board of Health.

### ***The Council of the County of Allegheny hereby resolves as follows:***

#### ***SECTION 1.      Incorporation of Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

#### ***SECTION 2.      Ratification of Regulations***

Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the amendments to the Allegheny County Health Department Rules and Regulations, Article X, School Health Immunization, attached as Exhibit "A".

#### ***SECTION 3.      Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.***

**SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.**

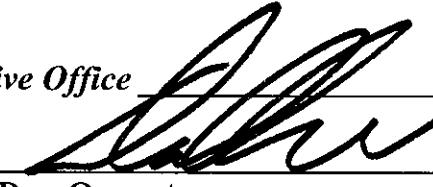
Enacted in Council, this 1st day of July, 2008.

Council Agenda No. 4132-08.



Rich Fitzgerald  
President of Council

Attest: John Mascio  
John Mascio  
Chief Clerk of Council

Chief Executive Office  JULY 7, 2008

Approved:   
Dan Onorato  
Chief Executive

Attest: Donna Beltz  
Donna Beltz  
Executive's Secretary

## Summary of Legislation

The Allegheny County Health Department's Rules and Regulations for School Health Immunizations, Article X, Section 1003, requires all students in kindergarten through grade twelve to be fully immunized.

## ARTICLE X. SCHOOL HEALTH IMMUNIZATION

### 1001. PURPOSE AND SCOPE.

This subchapter has been promulgated to insure that all school children are immunized against diseases which spread easily in schools and interrupt school life and learning for individuals and groups. This subchapter affects all public, private, and parochial schools including all kindergartens, special education classes, home education programs and vocational classes in Allegheny County.

### 1002. DEFINITIONS.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Ascertain.** To determine whether or not every child is immunized as defined in this subchapter.

**Attendance at school.** The attendance at any grade, or special classes, kindergarten through 12th grade, including all public, private, parochial, vocational, intermediate unit and home education students.

**Certificate of Immunization.** The official form furnished by the Department; this Certificate is filled out by the parent or health care provider and signed by the health care provider, public health official, or school nurse or a designee. The Certificate is given to the school as proof of immunization. This form shall be identical to the form required by the Commonwealth of Pennsylvania. The school maintains the Certificate as the official school immunization record or stores the details of the record in a computer data base.

**Department.** Allegheny County Health Department.

**Director.** The Director of the Allegheny County Health Department.

**Immunization.** The requisite number of dosages of the specific antigens at the recommended time intervals in accordance with this subchapter.

**Record of Immunization.** Any written document acceptable to the Director showing the date of immunization - that is, baby book, Health Passport, family Bible, other states' official immunization documents, International Health Certificate, immigration records, physician record, school health records, and other similar documents or history.

### 1003. IMMUNIZATION REQUIREMENTS.

**A.** The following immunizations are required for all school enterers, that are children entering kindergarten and/or first grade, as a condition of attendance at school, at any public, private, or parochial school and intermediate unit, including special education and home education programs in Allegheny County.

1. **Diphtheria.** Four or more properly spaced doses of diphtheria vaccine, provided separately or as DTaP, DT, Td, or Tdap. One dose should be on or after the fourth birthday. Students, seven years of age or older, just starting the series will only need three doses. An alternative to immunization would be serologic evidence of antibodies to diphtheria.
2. **Tetanus.** Four or more doses of tetanus toxoid provided separately or as DTaP, DT, Td, or Tdap. One dose which may be administered separately, in

combination with diphtheria toxoid or in combination with diphtheria toxoid and pertussis vaccine. One dose should be on or after the fourth birthday. Students, seven years of age or older, just starting the series will only need three doses. An alternative to immunization would be serologic evidence of antibodies to diphtheria.

3. **Poliomyelitis.** Three or more properly spaced doses of any combination of oral polio vaccine or enhanced inactivated polio vaccine. There are no alternatives to immunization.
4. **Measles (Rubeola).** Two properly spaced doses of measles vaccine, preferably given as MMR. Single antigen measles vaccine is also acceptable. The first dose of vaccine should be given on or after the first birthday. Alternatives to immunization would be a positive hemagglutination inhibition blood test or comparable test. A history of disease is not acceptable.
5. **German Measles (Rubella).** One dose of rubella vaccine preferably given as MMR but single antigen vaccine is also acceptable. An alternative to immunization would be a positive hemagglutination inhibition test or any comparable test. A history of disease is not acceptable.
6. **Mumps.** Two doses of mumps vaccine preferably given as MMR but single antigen mumps is acceptable. An alternative to immunization would be a written physician's statement confirming the previous history of disease.
7. **Hepatitis B.** Three properly spaced doses of Hepatitis B vaccine. An alternative to immunization would be a history of Hepatitis B immunity proved by laboratory testing.
8. **Chickenpox (Varicella).** Two properly spaced doses of varicella vaccine. The first dose should be given at twelve months of age or older. Students one to thirteen years need two doses separated by three months. Students greater than 13 years need two doses separated by one month. An alternative to immunization would be serologic proof of immunity or a written statement of history of chickenpox from a physician that includes the month and the year of disease.

**B.** In addition, to the above vaccines students attending grades 7 through 12 need the following vaccines:

1. Meningococcal Vaccine. One dose of meningococcal vaccine.
2. Tetanus/Diphtheria/Pertussis. One dose of tetanus/diphtheria and acellular Pertussis vaccine given as Tdap if it has been five years since their last Tetanus/diphtheria containing vaccine. Students with valid contraindications to pertussis vaccine should receive a Td booster instead.

The Pa. Bulletin Vol., 32, No 10 (March 9, 2002) for the Pa. Department of Health allows a four day grace period for all vaccines, including the date of immunization and spacing between doses. Immunizations that fall outside of the four day grace period may be accepted if proof of immunity is proven by serologic evidence or a note from the child's physician or his/her designee is provided stating that the immunizations are adequate.

#### **1004. EXEMPTION FOR IMMUNIZATION.**

- A. **Medical Exemption.** Children need not be immunized if a physician or his/her designee provides a written statement that immunization may be detrimental to the health of the child. When the physician determines that immunization is no longer detrimental to the health of the child, the child shall be immunized according to this subchapter.
- B. **Religious Exemption.** Children need not be immunized if the parent, guardian, or emancipated child objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

## 1005. RESPONSIBILITIES OF SCHOOLS AND SCHOOL ADMINISTRATORS.

- A. The administrator in charge of every school shall appoint a knowledgeable person to perform the following:
  1. Inform the parent, guardian, or emancipated child at registration or prior to registration, if possible, of the requirements of this subchapter.
  2. Ascertain the immunization status of every child prior to admission to school or continued attendance at school.
    - (i) The parent, guardian, or emancipated child shall be asked for a completed Certificate of Immunization.
    - (ii) In the absence of a Certificate of Immunization, the parent, guardian, or emancipated child shall be asked for a record or history of immunization which indicates the month, day, and year that immunizations were given. This information shall be recorded on the Certificate of Immunization and signed by the school official or his/her designee, or the details of the record shall be stored in a computer database.
- B. If the knowledgeable person designated by the school administrator is unable to ascertain whether a child has received the immunizations required by 1003 (relating to immunization requirements) or by 1005(E) (*relating to provisional admission*) or is exempt under 1004 (relating to exemption for immunization), the school administrator may admit the child to school only according to the requirements of subsections (D) and (E).
- C. The parent or guardian of a child or the emancipated child who has not received all of the immunizations required by 1003 (relating to immunization requirements) shall be informed of the specific immunizations required and advised to go to his/her usual source of care, or nearest local Health Department Immunization clinic, to obtain the required immunizations.
- D. A child not previously admitted to or not allowed to continue attendance at school because such child has not had all the required immunizations shall be admitted to or permitted to continue attendance at school only upon presentation to the school administrator or school administrator's designee of a completed Certificate of Immunization or immunization record, or upon submission of information sufficient for an exemption under 1004 (relating to exemption for immunization), or upon compliance with 1005(E).
- E. Any student in kindergarten through 12th grade, may be provisionally admitted to school only if evidence of the administration at least one dose of each antigen described in 1003 is given to the school administrator or the administrator's designee and the parent or guardian's plan for completion of the required immunizations is made part of the child's health record. The plan for completion

of the required immunizations shall be reviewed every 60 days by the school administrator or his/her designee. Subsequent immunizations shall be entered on the Certificate of Immunization or entered in the school's computer database. Immunization requirements described in 1003 shall be completed within 8 months of the date of provisional admission to school. If the requirements are not met, the school administrator shall not admit the child to school nor permit continued attendance.

F. Each school shall maintain on file a Certificate of Immunization for every child enrolled. An alternative to maintaining a certificate on file is to transfer the immunization information from the certificate to a computer database. The Certificate of Immunization or a facsimile therof generated by computer shall be returned to the parent, guardian, or emancipated child or the school shall transfer the Certificate (or facsimile) with the child's record to the new school when a child withdraws, transfers, is promoted, graduates, or otherwise leaves the school.

**1006. SCHOOL REPORTING.**

A. Every public, private, or parochial school and intermediate unit if it has students under its direct supervision shall report immunization data to the Department on October 15 of each year, using forms provided by the Department.

B. The school administrator or his/her designee shall forward the reports to ACHD, Division of Infectious Diseases, 3441 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

C. Content of the October 15 report shall include but is not limited to the following information:

- (1) The identification of the school including the name of the school, the school district, the county, the intermediate unit, and the type of school.
- (2) The month, day, and year of report.
- (3) The number of children attending school by grade.
- (4) The number of children attending school by grade who were completely immunized.
- (5) The number of children attending school by grade who were classed as medical exemptions.
- (6) The number of children attending school by grade who were classed as religious exemptions.
- (7) The number of children provisionally admitted.
- (8) The number of children who were denied admission because of their inability to qualify for provisional admission.
- (9) Other information as required by the Department.

**1007. RESPONSIBILITIES OF THE DEPARTMENT.**

- A. The Department will provide the Certificates of Immunization and reporting forms to schools.
- B. The Department will monitor school districts for compliance with this subchapter and will have access to school immunization records whether the records are maintained as certificates or whether the records are contained in a school's computer database.
- C. Questions concerning these regulations should be addressed to the Allegheny County Health Department, Division of Infectious Diseases, 3441 Forbes Avenue, Pittsburgh, PA 15213.

**1008. THIS ARTICLE SHALL TAKE EFFECT ON JANUARY 1, 1983.**

**1009. UNCONSTITUTIONALITY CLAUSE.**

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

**1010. PENALTIES.**

- A. **Summary Offenses.** Any person who violates any of the provisions of this article or any rule or regulation of the Allegheny County Department of Health, or who interferes with the Director or any other agent of the Department of Health in the discharge of his/her official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in the city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30) nor more than three hundred dollars (\$300) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.
- B. **Misdemeanors.** Any person who violates any of the provisions of this article or any rule or regulation of the County Department of Health, or who interferes with a Health Director or any agent of the Department of Health in the discharge of his/her official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one (1) year, or both.
- C. **Separate offenses.** For the purpose of this section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this article shall constitute a separate offense.
- D. **Enforcement interpretation.** The Director shall interpret this Article in conformance with the current standards of the Advisory Committee of Immunization Practices of the Center for Disease Control, a copy of which shall be on file in the office of the Allegheny County Health Department

**M E M O R A N D U M**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.   
County Manager

ALLEGHENY COUNTY COUNCIL

DATE: June 12, 2008

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RE: Proposed Ordinance

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Attached is an Ordinance ratifying amendments to Allegheny County Health Department Rules and Regulations, "School Health Immunization", pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.