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File Date: 8/27/2020

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	University of Tennessee
<b>Division:</b>	
<b>Contact Person:</b>	C. Ryan Stinnett, General Counsel
<b>Address:</b>	719 Andy Holt Tower, Knoxville, TN 37996
<b>Phone:</b>	865-974-2540
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*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Melissa Tindell
<b>Address:</b>	P267 Andy Holt Tower, 1331 Circle Park, Knoxville, TN 37996
<b>Phone:</b>	865-974-0741
<b>Email:</b>	mtindell@tennessee.edu

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	University of Tennessee		
Address 2:	Ballrooms in the Student Union (Room 272 A-C)		
City:	Knoxville		
Zip:	37996		
Hearing Date:	10/23/2020		
Hearing Time:	8:30 a.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

**Additional Hearing Information:**

Oral and written comments on the proposed rulemaking will be received at the public hearing on Friday, October 23, 2020 at 8:30 a.m. EDT. In addition, interested parties may submit written comments on or before October 23, 2020, by mail or email to the following person:

C. Ryan Stinnett, General Counsel  
University of Tennessee  
719 Andy Holt Tower  
Knoxville, TN 37996  
865-974-2540  
ryanstinnett@tennessee.edu

**Revision Type (check all that apply):**

Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter 1720-01-17 Student Immunization Requirements is added as a new rule, which shall read as follows:

**RULES  
OF  
THE UNIVERSITY OF TENNESSEE  
(ALL CAMPUSES)**

**CHAPTER 1720-01-17  
STUDENT IMMUNIZATION REQUIREMENTS**

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<b>Rule Number</b>	<b>Rule Title</b>
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1720-01-17-.02	General Exemptions
1720-01-17-.03	Measles, Mumps, Rubella (MMR)
1720-01-17-.04	Varicella (Chicken Pox)
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Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

**1720-01-17-.01 GENERAL.**

- (1) The purpose of this section is to establish a uniform policy for immunization requirements for students of the University of Tennessee (“the University”). These rules are subject to any superseding federal or state law and are not to be construed as limiting the University in other areas.
- (2) For the purpose of this section, the term “student” means a person admitted, enrolled, or registered for study at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students in University programs.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

**1720-01-17-.02 GENERAL EXEMPTIONS.**

- (1) The following students are exempted from all immunization requirements:
  - (a) Students enrolling in a course of study that is exclusively online and does not involve any experiential component.
  - (b) Students enrolled in a dual enrollment program exclusively offered on the site of a local education authority or secondary school.
  - (c) Students that provide a written certification from a physician licensed by the Board of Medical Examiners, the Board of Osteopathic Examiners, or a health department; a nurse practitioner; or another medical professional approved by the University, that a particular vaccine is contraindicated for one (1) 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 (CDC) or the Advisory Committee on Immunization Practices (ACIP); or
  3. In the best professional judgment of the physician or other healthcare provider, based upon the student's medical condition and history, the risk of harm from the vaccine outweighs the potential benefit.
- (d) Students that provide a written statement from a parent or guardian, or, in the case of an adult student, the student, 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. The term "adult student" means a person who is eighteen (18) years or older and not under the care of a guardian, or is an emancipated minor.
- (e) Students that satisfy any other regulatory, statutory, or legal exemption.

**Authority:** T.C.A. § 49-7-124(c); T.C.A. § 49-9-209(e).

**1720-01-17-.03 MEASLES, MUMPS, RUBELLA (MMR).**

- (1) General requirement: All students must provide proof of immunization for measles, mumps, and rubella within seven (7) business days before the first day of classes or the date on which the student's program begins, as applicable.
- (2) Exemptions: In addition to the general exemptions in 1720-01-17-.02, the following students are exempted from the MMR immunization requirement:
  - (a) Students born before January 1, 1957.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

**1720-01-17-.04 VARICELLA (CHICKEN POX).**

- (1) General requirement: All students must provide proof of immunization for varicella within seven (7) business days before the first day of classes or the date on which the student's program begins, as applicable.
- (2) Exemptions: In addition to the general exemptions in 1720-01-17-.02, the following students are exempted from the Varicella immunization requirement.
  - (a) Students born before January 1, 1980.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

**1720-01-17-.05 MENINGOCOCCAL DISEASE.**

- (1) All students who reside in University residential facilities must provide proof of adequate immunization against meningococcal disease as recommended for adults in the current advisory committee on immunization practices "Recommended Adult Immunization Schedule" published by the Center for Disease Control within seven (7) business days before the date on which the student moves in to the residential facility. Students who fail to provide proof of adequate immunization will not be allowed to move into University residence halls unless they have a valid exemption.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

### **1720-01-17-.06 HEPATITIS B.**

- (1) Hepatitis B immunizations are not required but are strongly recommended. All new incoming students will be provided with information concerning hepatitis B disease in accordance with state law and regulation.
- (2) During the registration process each new incoming student will complete a waiver form indicating receipt of the information and acknowledging that the University has provided the information required in this section.

**Authority:** T.C.A. § 49-7-125; T.C.A. § 49-9-209(e).

### **1720-01-17-.07 OTHER REQUIREMENTS.**

- (1) All students admitted into a college of medicine, a college of nursing, a college of pharmacy, a college of dentistry, or any allied health professions program must also have the following vaccinations in accordance with current Center for Disease Control (CDC) guidelines, subject to immunization exemptions:
  - (a) Tetanus, diphtheria, pertussis (Tdap);
  - (b) MMR (Measles, Mumps, Rubella);
  - (c) Varicella;
  - (d) Polio;
  - (e) Tuberculosis;
  - (f) Influenza;
  - (g) Hepatitis B;
  - (h) Any other immunization recommended for healthcare personnel as issued by the CDC; and
  - (i) Any other vaccination as dictated by the specific clinical program in which the student is enrolled.
- (2) The University may require students to provide proof of immunization for any other vaccination recommended by the Centers for Disease Control (CDC) or the Tennessee Department of Health. If the University requires any immunizations under this section, the University shall establish a timeframe for providing proof of such immunization to the University.
- (3) For the purpose of 1720-01-17-.07, the University may determine that no exception to immunization requirements will be granted under the following circumstances:
  - (a) In the professional and academic judgment of the applicable college or program, the risk to patient and/or student safety outweighs the need for an exemption; or
  - (b) A clinical/experiential training site does not allow for an exemption to a specific immunization requirement and the training is fundamental to the academic program.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

### **1720-01-17-.08 COVID-19 AND FLU.**

- (1) In order to protect the health and safety of the University community from COVID-19, the University may require students to have any immunizations that are recommended by the Centers for Disease Control and Prevention (CDC) or the Tennessee Department of Health, and which are deemed to aid in preventing, controlling, or monitoring the spread of COVID-19. Such

immunizations may include but are not limited to a COVID-19 vaccine if one (1) is developed and/or the seasonal flu vaccine. If the University requires any such immunizations under 1720-01-18-.08, the University shall establish a timeframe for providing proof of such immunization to the University. For any multi-dose immunization required under 1720-01-18-.08, students will satisfy the requirement by providing proof of having timely obtained the initial dose of the immunization, then subsequently providing proof of having timely obtaining all subsequent doses of the immunization.

- (2) Any student who does not provide proof of COVID-19 and/or flu immunization in accordance with the timeframe established by the University and after notification of the requirement shall be permitted to continue to be enrolled in classes that are available for remote learning, but shall not be permitted to participate in on-campus classes or activities.
- (3) For the purpose of 1720-01-18-.08, the term "COVID-19 vaccine" means an immunization to prevent or reduce the chance of someone becoming ill from 2019 novel coronavirus, also known as SARS-CoV-2, which causes COVID-19.
- (4) For the purpose of 1720-01-18-.08, the term "seasonal flu vaccine" means an immunization to prevent or reduce the chance of someone becoming ill from influenza A and B viruses that spread and cause illness in people during the time of year known as the "flu season." Influenza A and B viruses cause annual U.S. influenza epidemics during fall, winter, and spring, and circulate among people worldwide.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

#### **1720-01-17-.09 PROOF OF IMMUNIZATION.**

- (1) Proof of immunization may include, but not be limited to:
  - (a) Completed Certificate of Immunization form signed by a health care provider;
  - (b) Official health department or medical provider immunization card or shot record;
  - (c) Titer laboratory report proof of immunity;
  - (d) Military form DD 214;
  - (f) Active Military – ID must be provided;
  - (g) A form immunization certificate as provided by the University; or
  - (f) Any other proof deemed appropriate by the University and allowed by state law or regulation.

**Authority:** T.C.A. § 49-7-124(g); T.C.A. § 49-9-209(e).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: August 27, 2020

Signature: \_\_\_\_\_



Name of Officer: C. Ryan Stinnett

Title of Officer: General Counsel

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Tre Hargett  
Secretary of State

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