SECTION IX: IMMUNIZATIONS

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NEW MEXICO IMMUNIZATION LAW

INTRODUCTION

New Mexico law requires that all students be immunized against certain communicable diseases. These requirements are determined by the NM Department of Health (NMDOH) in collaboration with the NM Vaccine Advisory Committee using recommendations from the national Advisory Committee on Immunization Practices (ACIP). The State's official immunization requirements for schools and childcare facilities are released annually and can be accessed at http://immunizenm.org/sched.shtml.

In the school setting, the school nurse is best qualified to determine which students are missing required vaccinations and subsequently notifies parents/guardians. The NM Immunization Program surveys immunization records of a cohort of school districts identified through a random selection process by the Centers for Disease Control and Prevention (CDC) each year. Each selected school is notified of its survey status early in the school year to provide adequate time to establish survey dates with selected sites.

IMMUNIZATION ASSESSMENT

- For the student who has begun the process of immunization vaccination and the process is being accomplished in accordance with the current NM immunization requirement schedules, that student meets New Mexico immunization standards and may enroll in and attend school.
- For the student who has no immunization record but was formerly enrolled in a school in the United States, a formal request for immunization records must be made by the school nurse to the previous school attended to be considered in process. The student should be reevaluated in one month. If the student was formerly enrolled in a school in another country and has no record or any contact information to acquire records, initiation of required immunizations must begin immediately or have an appointment to do so to be considered in process. http://www.nmcpr.state.nm.us/nmac/parts/title06/06.012.0002.htm
- For the student whose immunizations are not up-to-date but who has received all immunizations currently permissible by medical practice, s/he is considered in process.
- For the student who is attempting to reach compliance but is behind on a vaccination series, s/he is no longer considered in process. A scheduled appointment to receive required immunizations can be considered in process, allowing the student to register and attend school. If proof of immunization is not presented the first school day after this appointment, disenrollment procedure can begin. When any student is kept out of school longer than five consecutive days for noncompliance, the local Regional Health Officer (RHO) for NMDOH should be notified. http://www.nmcpr.state.nm.us/nmac/parts/title07/07.005.0002.htm
- Children who are younger than five years of age and who attend childcare or early childhood development programs on school grounds should be in compliance with the NM required immunization schedule for childcare centers.

NEW MEXICO ADMINISTRATIVE CODES

TITLE 7 HEALTH

CHAPTER 5 VACCINATIONS AND IMMUNIZATIONS PART 2 IMMUNIZATION REQUIREMENTS

http://www.nmcpr.state.nm.us/nmac/parts/title07/07.005.0002.htm

TITLE 6 PRIMARY & SECONDARY EDUCATION

CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION – HEALTH AND SAFETY

PART 2 HEALTH – IMMUNIZATIONS OF SCHOOL CHILDREN

http://www.nmcpr.state.nm.us/nmac/parts/title06/06.012.0002.htm

NEW MEXICO STATUTES ANNOTATED

CHAPTER 24 HEALTH AND SAFETY

ARTICLE 5 IMMUNIZATION

http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0

SECTION 1 Immunization Regulations

SECTION 2 Unlawful to enroll in school unimmunized; unlawful to refuse to permit

immunization

SECTION 3 Exemption from immunization

SECTION 4 Superintendent; duty to report

SECTION 5 Who may immunize; who must pay

SECTION 6 Penalty

SECTION 7 Immunization registry; creation

SECTION 8 Reporting

EXEMPTIONS FROM IMMUNIZATION

INTRODUCTION

A student in New Mexico may be exempt from NM Public Education Department (PED) immunization requirements to register and attend school upon providing to the school an **EXEMPTION FROM SCHOOL, CHILDCARE AND PRE-SCHOOL IMMUNIZATION**

EXEMPTION FROM SCHOOL, CHILDCARE AND PRE-SCHOOL IMMUNIZATION

The New Mexico Immunization Exemption Statute (24-5-3) allows **only** two types of exemptions for children seeking exemption from required immunizations to enter school, childcare or preschool. The two exemptions are medical or religious. If there is a medical reason for exempting from immunization, a signed medical exemption must be obtained from a duly-licensed physician attesting that the required immunization(s) would endanger the life of the child. If there is a religious reason for exempting from immunization, the child's parent/guardian must: a) ask an officer of the church to write a letter on your behalf stating that you are a member of the church, and the church uses prayer or spiritual means alone for healing; or if access to a church officer is not possible, then the child's parent/guardian must b) complete the **Certificate of Religious Exemption Form.** http://immunizenm.org/sched.shtml The form requires a statement of the religious reasons for requesting to have a child exempted from immunization.

The law does not grant immunization exemptions for philosophical or personal reasons. Once a completed, notarized, original Certificate of Religious Exemption Form is filed with the Department of Health, the Department has up to sixty days to notify the parent/guardian if the request is approved or denied. If approved, the parent/guardian will receive two copies of the original form with a clear "Approved" box checked, a signature from an officer of the Department, and an expiration date. The parent/guardian must take the Approved form to the child's school.

If denied, the parent/guardian will receive a letter from the Department of Health explaining that the request is denied, and that the parent/guardian has the right to file an appeal with the Department of Health Cabinet Secretary. A process for appeal will also be included.

New Mexico Immunization Exemption Law (24-5-3):

Any minor child through his parent or guardian may file with the health authority charged with the duty of enforcing the immunization laws:

- (1) A certificate of a duly licensed physician stating that the physical condition of the child is such that immunization would seriously endanger the life or health of the child; or
- (2) Affidavits or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing;
- (3) Affidavits or written affirmation from his parent or legal guardian that his religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

NMAC 7.5.3: "Within sixty (60) days of receipt of a certificate of conscientious objection to immunization, the director of the public health division or the designee shall review the certificate to determine whether the certificate has been duly completed and notarized. The public health division shall investigate as may be appropriate to ascertain that the exemption is a bona fide claim of religious beliefs and practices." http://www.nmcpr.state.nm.us/nmac/parts/title07/07.005.0003.htm

SCHOOL AND COMMUNITY BASED IMMUNIZATION CLINICS

INTRODUCTION

School nurses may be involved in assisting with or coordinating on-site school and community based immunization activities. Partnering in these activities usually occurs between the school nurse and the Public Health Office at the local level as well as with the Immunization Program at the state level. Schools may choose to become independent Vaccines for Children (VFC) providers and obtain vaccine for their school-based immunization clinics directly from the VFC supplier. Information on becoming a VFC provider can be obtained from the NM Immunization Program web site at http://www.immunizenm.org/Provider/vacchild.shtml

PHYSICIAN COVERAGE AND STANDING ORDERS

School and community-based immunization projects supported by the NM DOH Immunization Program are considered Public Health clinics. As such, it is **not** required that a licensed physician be on the premises when immunizations are being administered. This clarification was issued by the NM Secretary of Health and DOH Chief Medical Officer in 1996. However, it is required that school VFC providers adhere to NM DOH Vaccine Protocol. http://www.immunizenm.org/Provider/provider.shtml It is also wise for the school nurse to notify the local public health office, Regional Health Officer (RHO) or School Health Advocate when engaging in any school based immunization clinic activities.

See **Section XV** of this manual for the standing order for immunization administration issued by the Regional health Officers and the Public Health Divisions Medical Director of the five Public Health Regions in New Mexico.

IMMUNIZATION DOCUMENTATION

A School Immunization - Consent Form http://immunizenm.org/Provider/vfcforms.shtml

School Immunizations forms are downloadable on the NM Immunization Programs web site for school nurses whose districts are VFC providers. These forms available in English and Spanish can be used to obtain consent with one signature for multiple vaccines as well as provide documentation of vaccines administered. It may also be used to obtain information required for

identifying and establishing immunization records in the NM Statewide Immunization Information System (NMSIIS). The form may be processed as follows for documentation purposes:

- For immunizations administered at any VFC clinic, staff trained in the use of NMSIIS is responsible for entering the information for vaccinations administered into the NMSIIS registry.
- The signed consent form can be held as part of the school health record.

IMMUNIZATION SCHEDULES AND CONSENT FORMS

NM School Immunization Requirements (K-12)
NM Immunization Requirements for Licensed Child Care Centers and Preschools
http://www.immunizenm.org/sched.shtml

Recommended Childhood & Adolescent Immunization Schedule--United States http://www.cdc.gov/vaccines/schedules/hcp/child-adolescent.html

Summary of Recommendations for Childhood & Adolescent Immunizations http://www.cdc.gov/vaccines/pubs/ACIP-list.htm

Summary of Recommendations for Adult Immunizations http://www.cdc.gov/vaccines/pubs/ACIP-list.htm

School Immunization - Consent Form (English and Spanish) http://immunizenm.org/Provider/vfcforms.shtml

PUBLIC HEALTH AUTHORITY FOR SCHOOL HEALTH OFFICES

See resource page, Section IX of the School Health Manual, for the letter from NM Secretary of Health granting school health offices public health authorization in the exchange of immunization information.

VACCINE INFORMATION STATEMENTS (VIS)

http://www.cdc.gov/vaccines/pubs/vis/default.htm

(English and Spanish)

DPT

DTaP

Hepatitis A

Hepatitis B

Hib

Influenza – Live Intranasal

Influenza - Inactivated

MMR

Meningococcal

Pneumococcal

Polio

Td

Tdap

Varicella

FOREIGN LANGUAGE VACCINE-RELATED TERMS

Interpreting Immunization records from Mexico http://immunizenm.org/Provider/provider.shtml#mexrec

Interpreting immunization records from other countries refer to the *Pink Book* at: http://www.cdc.gov/vaccines/pubs/textbks-manuals-guides.htm