

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R079-06

Effective July 14, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 441A.120.

A REGULATION relating to immunizations; revising provisions relating to the proof of immunity to certain communicable diseases by persons attending a university in the State of Nevada; and providing other matters properly relating thereto.

Section 1. NAC 441A.755 is hereby amended to read as follows:

441A.755 1. ~~[Unless]~~ *Except as otherwise provided in subsection 9 or unless* excused because of religious belief or medical condition, a person shall not attend ~~[the University of Nevada, Reno, or the University of Nevada, Las Vegas,]~~ *a university* until he submits to the ~~[University]~~ *university* proof of immunity to tetanus, diphtheria, measles, mumps, rubella ~~[,]~~ and any other disease specified by the State Board of Health. The division shall establish the immunization schedule required for admission of the student.

2. A student may enroll in the ~~[University of Nevada, Reno, or the University of Nevada, Las Vegas,]~~ *university* conditionally if the student, or, if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.

3. The ~~University of Nevada, Reno, and the University of Nevada, Las Vegas,~~ *university* shall retain the proof of immunity on a computerized record or on a form provided by the Division.

4. The ~~University of Nevada, Reno, and the University of Nevada, Las Vegas,~~ *university* shall not refuse to enroll a student because he has not been immunized if the student, or, if the student is a minor, the parent or legal guardian of the student, has submitted to the ~~University~~ *university* a written statement indicating that his religious belief prohibits immunizations. The ~~University~~ *university* shall keep the statement on file.

5. If the medical condition of a student does not permit him to be immunized to the extent required, the student or, if the student is a minor, the parent or legal guardian of the student ~~]~~ must submit to the ~~University of Nevada, Reno, or the University of Nevada, Las Vegas,~~ *university* a statement of that fact written by a licensed physician. The ~~University~~ *university* shall keep the statement on file.

6. If additional requirements of immunity are imposed by law after a student has been enrolled in the ~~University of Nevada, Reno, or the University of Nevada, Las Vegas,~~ *university*, the student or, if the student is a minor, the parent or legal guardian of the student ~~]~~ shall submit an additional proof of immunity to the ~~University~~ *university* stating that the student has met the new requirements of immunity.

7. If the health authority determines that, at the ~~University of Nevada, Reno, or the University of Nevada, Las Vegas,~~ *university*, there is a case having a communicable disease against which immunity is required for admission to the ~~University of Nevada, Reno, or the University of Nevada, Las Vegas,~~ *university*, and a student who has not submitted proof of

immunity to that disease is attending that ~~University, the President of the University~~ *university, the president of the university* shall require that:

(a) The student be immunized; or

(b) The student be excluded from the ~~University~~ *university* until allowed to return by the health authority.

8. A student shall not attend a ~~University~~ *university* from which he is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a ~~University~~ *university* from which he is excluded until allowed to return by the health authority.

9. Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

10. As used in this section:

(a) *“On-campus housing” means a dormitory or other student residence that is owned, operated by or located on the campus of a university.*

(b) *“Postsecondary educational institution” has the meaning ascribed to it in NRS 394.099.*

(c) *“University” means any university within the Nevada System of Higher Education or any private postsecondary educational institution that provides on-campus housing.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R079-06**

The State Board of Health adopted regulations assigned LCB File No. R079-06 which pertain to chapter 449 of the Nevada Administrative Code on June 16, 2006.

Notice date: 5/17/2006
Hearing date: 6/16/2006

Date of adoption by agency: 6/16/2006
Filing date: 7/14/2006

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Public comment was solicited through newspaper legal notices announcing the public workshops on April 3 and 4, 2006. Legal notices were published on the following days:

Las Vegas Review Journal:	March 15, 2006
Reno Gazette Journal:	March 15, 2006
Nevada Appeal:	March 13, 14, and 15, 2006

A copy of the proposed, draft regulation language, the Small Business Impact Statement and the proposed Petition Form were also made available at each main county library and other state and county offices. A copy of the Public Notice is attached.

- 2. The Number of persons who:**
- (a) Attended each hearing.**
 - (b) Testified at each hearing.**
 - (c) Submitted written statements to the agency.**
- (a) Three individuals attended the public workshops.
 - (b) One individual testified in Washoe County and two individuals in Clark County. All comments were positive in nature.
 - (c) No written statements were submitted to the Health Division
- 3. A description of how comment was solicited from affected businesses, a summary of their response(s), and an explanation of how other interested individuals may obtain a copy of the summary.**

All Universities and colleges were provided with a questionnaire to assess the impact of these changes on their businesses and a copy of the regulations. Thirty-two questionnaires were sent out and 4 were returned. None of the responses met the definition of a small business.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.**

Not Applicable

- 5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**
(a) both adverse and beneficial effects.
(b) both immediate and long term effects.

The beneficial effect of this regulation is that fewer university enrollment requirements would be required of Distant Learning Students.

- 6. The estimated cost to the agency for enforcement of the proposed regulation.**

There is no cost to the agency for enforcement.

- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No overlap or duplication is created.

- 8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Not applicable.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Not applicable.

- 10. If the agency is required to adopt this regulation pursuant to a federal statute or regulation; and exceeds the agency's specific statutory authority or sets forth requirements more stringent than a statute of this state, includes a statement that adoption of the regulation is required by federal statute or regulation.**

Not applicable.