

ARKANSAS STATE BOARD OF HEALTH

RULES AND REGULATIONS PERTAINING TO IMMUNIZATION REQUIREMENTS



**Promulgated Under the Authority of
Ark. Code Ann. §§ 20-7-109, 6-18-702, 6-60-503, and 20-78-206.**

By the Arkansas State Board of Health

Arkansas Department of Health & Human Services (DHHS)

Division of Health

Little Rock, Arkansas

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**RULES AND REGULATIONS PERTAINING TO
IMMUNIZATION REQUIREMENTS**

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SECTION I. AUTHORITY.

The following Rules and Regulations Pertaining to Immunization Requirements are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 20-7-109 and Ark. Code Ann. §§ 6-18-702, 6-60-503, and 20-78-206.

SECTION II. PURPOSE.

Immunizations against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, mumps, rubella, varicella (chickenpox), Haemophilus influenzae type b, hepatitis B, and pneumococcal, and other communicable diseases have resulted in a dramatic decrease in the incidence of these diseases in Arkansas. However, these diseases continue to occur in childcare facilities, schools, and colleges and universities. A requirement that children and students furnish proof that they have immunity against certain communicable diseases will ~~alleviate~~ reduce the potential for an outbreak of those diseases.

SECTION III. IMMUNIZATION REQUIREMENTS.

A. Childcare and ~~Early Childhood Education~~ Facilities.

1. Except as otherwise provided in these regulations, no infant or child shall be admitted to attend a childcare facility in this state who has not been age-appropriately immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, *Haemophilus influenzae type b*, hepatitis B, pneumococcal disease and varicella (chickenpox) (See Table I.), as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization.
2. Every child must have received all of the vaccines, be in-process of receiving needed doses listed in Table I for their age, or show proof that they have applied for an

exemption for those vaccines he/she has not received in order to continue attendance in a childcare facility. If the child does not meet the immunization requirements for entering the childcare facility, refer the child to a medical authority (private doctor or health department) for immunization or consultation.

3. A facility may temporarily admit a child provided that the child becomes age-appropriately immunized, is in-process of receiving the needed doses of vaccine, or obtains an exemption for those vaccines he/she has not received within fifteen (15) program days after the child's original admission.

4. Childcare facilities are required to evaluate the immunization status of all children in their facilities. Table I is used to determine if the child meets the immunization requirements to be admitted to and continue attendance in a childcare facility.

B. Kindergarten Through Grade Twelve.

1. Except as otherwise provided in these regulations, no child shall be admitted to a public or private school of this state who has not been immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, hepatitis B, and varicella (chickenpox) (See Table II.), as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization.

2. The requirements for entry into school are:

Kindergarten: At least four doses of Diphtheria/Tetanus/Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT pediatric), at least three doses of Polio vaccine; two doses of Rubeola (measles) vaccine, one dose of Rubella (German measles) vaccine, one dose of Mumps vaccine, three doses of Hepatitis B vaccine and one dose of Varicella (chickenpox) vaccine. (See Table II)

1st through 12th grade: At least three doses of Diphtheria/Tetanus/ Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT pediatric), ~~or~~ Tetanus/Diphtheria (Td Adult) or Tetanus/Diphtheria/Acellular Pertussis), (Tdap Adult); at least three doses of Polio vaccine; two doses of Rubeola (measles) vaccine, one dose of Rubella (German measles) vaccine, ~~and~~ one dose of Mumps vaccine, and an appropriate series of Hepatitis B vaccine. (See Table II)

~~Transfer students: (Students not in your school district last year): At least three doses of Diphtheria/Tetanus/ Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT pediatric), or Tetanus/Diphtheria (Td Adult); at least three doses of polio vaccine; two doses of Rubeola (measles) vaccine; one dose of Rubella (German measles) vaccine; one dose of Mumps vaccine; and an appropriate series of Hepatitis B vaccine. (See Table II)~~

7th grade: In addition to the vaccines requirements listed under 1st through 12th grade, one or two doses of varicella (chickenpox) vaccine. ~~and an appropriate series of Hepatitis B vaccine. (See Table II)~~

~~An appropriate series of Hepatitis B is required for Transfer students (students not in your school district last school year) and students entering the seventh grade. (See Table II.)~~

3. A facility may temporarily admit a child provided that the child becomes appropriately immunized, ~~or~~ is in-process of receiving the needed doses of vaccine, or

shows proof that they have applied for an exemption for those vaccines he/she has not received within thirty (30) ~~calendar program~~ days after the child's original admission.

4. School officials are required to evaluate the immunization status of all children in their facilities. Table II is used to determine if the child meets the immunization requirements to enter school.

C. Colleges and Universities.

1. No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official immunization record from another educational institution in Arkansas or a certificate from a licensed medical doctor or an authorized public health department representative, or military service that he or she has immunity against measles, mumps, and rubella. Immunity can be shown by providing a serological test confirming immunity or documentation of having received two doses of measles, ~~and~~ one dose of rubella, and one dose of mumps vaccine for incoming freshmen and foreign students. ~~And~~ One dose of measles, ~~and~~ one dose of rubella, and one dose of mumps vaccine is required for all other students.

2. A "freshman" is defined as a student who has not earned 30 hours of college credit.

3. A "foreign student" is defined as any student born outside of the United States of America.

4. Full-time students who receive their education by correspondence and do not attend any classes on campus should not be required to receive measles, mumps, and rubella vaccine.

D. Documentation

1. The following documentation of immunizations is required:

a) All schools, childcare facilities, and colleges and universities may use the Arkansas Immunization/Health Record as a standard form for recording immunization information. Entities may order the form from the ~~Arkansas Department~~ Division of Health. Immunization records may be stored on a computer database, such as the Arkansas Public School Computer Network (APSCN). ~~as long as~~ A copy of the original source document is ~~contained~~ shall be placed in the individual's permanent file. It shall be the responsibility of the entity to maintain a list of individuals not appropriately immunized and a list of individuals with medical, religious or philosophical exemptions.

b) The only proof of immunizations to be accepted shall be a certificate by a licensed physician, health department, ~~or the~~ military service, or an official record from another educational institution in Arkansas, acknowledging the same, stating the vaccine type and dates of vaccine administration must be provided and entered on the school record. Terms such as "up-to-date", "complete", "adequate", etc. are not to be used.

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~~E. The Department of Health is charged with the responsibility of immunizing all children who need vaccine.~~

SECTION IV. EXEMPTIONS.

A. General Requirements.

1. ~~With the exception of medical exemptions for college and university students,~~ Exemptions shall be granted only by the ~~Department~~ Division of Health.
2. Individuals shall complete an annual application for medical, religious, and philosophical exemptions.
3. A notarized statement by the individual requesting the exemption must accompany the application.
4. All individuals requesting an exemption must complete an educational component developed by the ~~Department~~ Division of Health that includes information on the risks and benefits of vaccinations.
5. All individuals must sign an "informed consent" form provided by the ~~Department~~ Division of Health that includes:
 - a) A statement of refusal to vaccinate;
 - b) A statement of understanding that at the discretion of the ~~Department~~ Division of Health the non-immunized child or individual may be removed from the applicable facility during an outbreak if the child or individual is not fully vaccinated; and
 - c) A statement of understanding that the child or individual shall not return to the applicable facility until the outbreak has been resolved and the ~~Department~~ Division of Health approves the return.

B. Medical Exemptions.

1. Only a letter issued by the MEDICAL DIRECTOR, ~~COMMUNICABLE DISEASE/ IMMUNIZATION SECTION WORK UNIT~~, stating the vaccine or vaccines for which a child is exempt is to be accepted as a valid medical exemption by the school or childcare facility. Statements from private physicians are not to be accepted by the school, ~~or~~ childcare facility, or college/university without this letter. In addition to the general requirements found in section IV (A), the Immunization Section's standard form for medical exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.
2. Any individual, who has had a vaccine-preventable disease, as documented by an appropriate diagnostic or blood serology test, ~~should~~ shall not be required to have the vaccine for that disease. An individual, who is uncertain of their disease history, has lost his/her immunization records or whose serology test results are unavailable ~~should~~ shall be properly immunized for those diseases.
3. ~~If a medical doctor licensed to practice in Arkansas determines that an individual is deemed to have a physical disability which may contraindicate one (1) or more of the~~

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~~required vaccinations, a certificate approved by the Department of Health and signed by the medical doctor may be accepted by a college or university in lieu of proof of vaccination.~~

C. Religious Exemptions.

~~1. In addition to the general requirements found in section IV (A), the Arkansas Department of Health's Immunization Section's standard form for religious exemptions must be submitted to the CD/ Immunization Section Work Unit. This form is available from the Arkansas Department Division of Health Immunization Section upon request. A notarized statement is required from the parents or legal guardians that immunization conflicts with their religious beliefs.~~

D. Philosophical Exemptions.

~~1. In addition to the general requirements found in section IV (A), the Arkansas Department of Health's standard form for philosophical exemptions must be submitted to the Division of CD/ Immunization Section. This form is available from the Arkansas Department of Health Immunization Section upon request. A notarized statement is required from the parents or legal guardians that immunizations conflict with their philosophical beliefs.~~

SECTION V. EXCLUSION FROM FACILITIES.

A. ~~Childcare and Childhood Education~~ Facilities

1. Children will not be allowed to attend a childcare facility unless they can document appropriate immunizations, ~~or~~ are in the process of completing the minimum requirements, or have a medical, religious, or philosophical exemption for those vaccines he/she has not received. "In process" means they have received at least one dose of the required immunizations and are waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, ~~it is the responsibility of the childcare facility to assure~~ shall require each the child to completes the required doses on schedule. A written statement from a public health nurse or private physician stating that the child is in process and containing a date when he/she must return for the next immunization shall ~~should~~ be in the child's file. If a child does not produce documentation of additional immunizations per the schedule or show proof that they have applied for an exemption from the immunization requirements, they must be excluded from the childcare facility until documentation is provided.

An ~~The~~ immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirement.

B. Kindergarten through Grade Twelve

1. The responsibility for the enforcement of these regulations rests equally with each school district of this state and the parent or guardian of the student and each of them shall be separately and individually liable for permitting any violation of this law. Students will not be allowed to attend school unless they can document appropriate

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immunizations, ~~or~~ are in the process of completing the minimum requirements or have a medical, religious, or philosophical exemption for those vaccines he/she has not received “In process” means they have received at least one dose of the required immunizations and are waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, it is the responsibility of the school to assure the student completes the required doses on schedule. A written statement from a public health nurse or private physician stating that the child is in process and containing a date when he/she must return for the next immunization ~~should~~ shall be in the student’s file. If a student does not produce documentation of additional immunizations per the schedule or show proof that they have applied for an exemption from the immunization requirements, they must be excluded from school until documentation is provided. When students are in violation of the compulsory school attendance law, the local enforcing authority shall be notified.

An ~~The~~ immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirement.

C. Colleges and Universities

1. No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official immunization record from another educational institution in Arkansas, ~~or~~ a certificate from a licensed medical doctor, ~~or~~ an authorized public health department representative, or military service that he or she has immunity against measles, ~~and~~ rubella, and mumps or show proof that they have applied for a medical, religious or philosophical exemption from the immunization requirements. If the student does not provide proof of immunizations received or an application for exemption from the required immunizations, they must be excluded from the college/university until documentation is provided.

D. Childcare Facilities/Public and Private Schools/Colleges and Universities

1. Each facility must maintain an accurate and current list of all exempt and deficient individuals ~~must be maintained~~. Individuals who are exempt or deficient (except those who have had the disease) will be excluded from the facility if the Division of Health ~~Department~~ determines that a sufficient outbreak of the related disease exists in the local community. The exempt or deficient child or individual shall not return to the facility until the outbreak has been resolved and the Division of Health approves the return.

SECTION VI. REPORTING REQUIREMENTS.

A. In order to identify areas where additional emphasis is needed and to measure levels of immunization compliance, the ~~Arkansas Department~~ Division of Health will conduct annual surveys and on-site immunization record audits ~~of selected grades~~ in all schools, childcare facilities, and colleges and universities. The entity’s cooperation in completing these surveys and audits is required.

B. The ~~Department~~ Division of Health shall report every six (6) months to the House and Senate

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Interim Committees of Public health, Welfare, and Labor regarding:

1. The geographical patterns of exemptions and vaccination rates of the state, and
 - a) Disease incidence of vaccine preventable disease collected by the ~~Department~~ Division of Health.

~~C. The collections of exemption information shall begin January 4, 2004.~~

D. The ~~Department~~ Division of Health shall ~~facilitate~~ conduct an annual a study ~~to include~~ of the religious, philosophical, and medical exemption patterns and the incidence of disease in the state.

1. The study shall include:
 - a) An evaluation of the state's immunization policies;
 - b) The incidence of disease in Arkansas and other states; and
 - c) A risk evaluation of specific populations in Arkansas.
- ~~2. The study shall begin July 3, 2003, and shall be completed by December 31, 2004.~~

~~E. The study shall be a collaborative effort coordinated by the Department of Health. The Department of Health shall issue a final assessment on the impact of exemptions to the Senate and House Public Health, Welfare, and Labor Committees during the 2005 regular session of the General Assembly.~~

SECTION VII. PENALTIES.

Every firm, person, or corporation who violates any of the rules or regulations issued or promulgated by the State Board of Health may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

SECTION VIII. SEVERABILITY.

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION IX. REPEALING CLAUSE.

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

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Table I
Childcare/Pre-school Immunization Requirements

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AGE	DTaP DTP/DT*	POLIO	Hib **	HEPATITIS_B ***	MMR ****	VARICELLA *****	PNEUMOCOCCAL ***
1-2 Months	None	None	None	1 dose None (1-2 doses possible)	None	None	<u>None</u>
3-4 Months	1 dose	1 dose	1 dose	1 dose <u>2 doses</u>	None	None	<u>1 dose</u>
5-6 Months	2 doses OR 1 dose within last <u>8 weeks</u> 2 months	2 doses OR 1 dose within last <u>8 weeks</u> 2 months	2 doses OR 1 dose within last <u>8 weeks</u> 2 months	2 doses OR 1 dose within last <u>8 weeks</u> 2 months	None	None	<u>2 doses</u> OR <u>1 dose within last</u> <u>8 weeks</u>
7-12 Months	3 doses OR 1 dose within last <u>8 weeks</u> 2 months	2-3 doses OR 1 dose within last <u>8 weeks</u> 2 months (3 doses possible)	2-3 doses OR 1 dose within last <u>8 weeks</u> 2 months	2 doses OR 1 dose within last <u>8</u> <u>weeks</u> 2 months (3 doses possible)	None	None	<u>3 doses</u> OR <u>1 dose within last 8</u> <u>weeks</u>
13-15 Months	3 doses OR 1 dose within last <u>8 weeks</u> 2 months	2-3 doses OR 1 dose within last <u>8 weeks</u> 2 months (3 doses possible)	2-3 doses OR 1 doses within last <u>8 weeks</u> 2 months	2 3 doses OR 1 doses within last <u>8 weeks</u> 2 months (3 doses possible)	None (1 dose possible)	None (1 dose possible) OR (History of disease)	<u>3 doses</u> OR <u>1 doses within last</u> <u>8 weeks</u> (4 doses possible)
16-18 Months	3 doses or 1 dose within last <u>8 weeks</u> 2 months	2-3 doses or 1 dose within last <u>8 weeks</u> 2 months (3 doses possible)	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age	2 3 doses OR 1 dose within the last <u>8 weeks</u> 2 months (3 doses possible)	1 dose	None (1 dose possible) OR History of disease	<u>4 doses</u> <u>Last dose must be</u> <u>on/after 1st birthday</u>
19-48 months	4 doses OR 3rd dose within last 6 months OR 1 dose within last <u>8 weeks</u> 2 months	3 doses OR 1 dose within last <u>8 weeks</u> 2 months	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age	3 doses OR 2 doses with 3rd dose due 5 months after 2nd dose OR 1 dose within last <u>8</u> <u>weeks</u> 2 months	1 dose	1 dose OR History of disease	<u>4 doses</u> <u>Last dose must be</u> <u>on/after 1st birthday</u> OR <u>1 dose on/after 24</u> <u>months of age</u>
AGE	DTaP DTP/DT*	POLIO	Hib **	HEPATITIS_B ***	MMR ****	VARICELLA *****	PNEUMOCOCCAL ***
49-72 Months	5 doses OR 4 th dose within last 6 months OR 1 dose within last <u>8 weeks</u> 2 months OR 3 doses with last dose on/after 4 th	4 doses OR 1 dose within last <u>8 weeks</u> 2 months OR 3 doses with last dose on/after 4 th birthday	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age Not required on/after 5th birthday	3 doses OR 2 doses with 3rd dose due 5 months after 2nd dose OR 1 dose within the last <u>8 weeks</u> 2 months	1 <u>2</u> doses	1 dose OR History of disease	<u>4 doses</u> <u>Last dose must be</u> <u>on/after 1st birthday</u> OR <u>1 dose on/after 24</u> <u>months of age</u> Not required on/after 5th birthday

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- * 5th DTaP/DTP/DT (Pre-school dose) must be given on/after the child's 4th birthday and may be given at anytime from 49 to 72 months of age. Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months.

~~All children are required to have received a dose of varicella (chickenpox) vaccine on or after their first birthday or a history of disease obtained from the parent/guardian or a physician documented in the child's file.~~

- ** For Hib and Pneumococcal, children receiving the first dose of vaccine at age 7 months or older require fewer doses to complete the series

- *** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least ~~4 months~~ 16 weeks after the 1st dose, and ~~child must be at least~~ it should not be administered before the child is 24 weeks old of age. (~~All 3rd doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses.~~)

- **** MMR and Varicella vaccine must be given on/after the child's first birthday

**TABLE II.
KINDERGARTEN THROUGH GRADE TWELVE**

Vaccine	* Minimum Number Of Doses Required	Additional Requirements
Polio OPV – Oral IPV – Inactivated	3	<u>3 doses of polio vaccine, with at least one dose of polio vaccine must have been administered on or after the child's 4th birthday. A child who has received 4 or more doses of polio vaccine, does not have to receive a dose of polio vaccine after the 4th birthday.</u> These 3 doses are required for all students, Kindergarten through 12th grade. and Transfer.

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DTaP- Diphtheria/Tetanus/ Acellular Pertussis DTP-Diphtheria/Tetanus/ Pertussis DT-Pediatric Td-Adult <u>Tdap- Adult with pertussis</u>	3 or 4	At least one dose of the DTaP, <u>Tdap</u> , DTP, DT, or Td must have been administered on or after the child's 4th birthday. 3 doses are required for all students, 1 st through 12 th grade and Transfer . Kindergarten students must receive 4 doses.
Measles (M, M/R, M/M/R, <u>MMRV</u>)	2	The first dose must have been administered on or after the child's 1st birthday. One dose is required for all students, Kindergarten through 12th grade and Transfer. The second dose must have been administered at least 28 days after the first dose. The second Two doses <u>are</u> is required for all students Kindergarten through 12th grade and Transfer .
Vaccine	* Minimum Number Of Doses Required	Additional Requirements
Rubella (R, M/R, M/M/R, <u>MMRV</u>)	1	This dose must have been administered on or after the child's 1st birthday. This dose is required for all students Kindergarten through 12th grade and Transfer .
Mumps (M, M/M/R, <u>MMRV</u>)	1	The dose must have been administered on or after the child's 1st birthday. This dose is required for all students, Kindergarten through 12th grade and Transfer .
Hepatitis B	3	These **3 doses are required for <u>all students</u>

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		Kindergarten through 12 th grade, 7 th grade and Transfer students. 7 th graders and Transfer *** Students 11-15 years of age may use an alternative two-dose schedule.
Varicella (chickenpox) (<u>Varicella, MMRV</u>)	<u>1or2</u>	One dose is required for all Kindergarten students. The dose must have been administered on or after the child's 1st birthday. One or two doses are required for all 7 th grade students. depending on their age. 7 th grade students less than 13 years of age <u>who have not received a previous dose of varicella vaccine</u> must receive one dose of vaccine. Students 13 years of age and older who <u>have not received a previous dose of varicella vaccine</u> must receive 2 doses of vaccine, separated by at least 28 days. <u>A reliable history of disease from a parent/guardian or physician history of disease may be accepted in lieu of vaccine for 7th grade students but not for kindergarten students.</u>

*Doses of vaccine required for school entry may be less than the number of doses required for complete medical immunization. The ~~Arkansas Department~~ Division of Health recommends that a child receive by school age, 5 doses of DTaP, 4 doses of Oral or Inactivated Polio, 3 or 4 doses of Hib, 3 doses of Hepatitis B, 2 doses of Measles/Mumps/Rubella, ~~and~~ 1 dose of Varicella, and 4 doses of pneumococcal vaccine. This is based on an immunization schedule that ideally should begin within a few hours of birth.

** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks of age.

***An alternative two-dose hepatitis B schedule for 11-15 year old children may be substituted for the three dose schedule. Only a FDA-approved alternative regimen vaccine for the two-dose

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series may be used to meet this requirement. If you are unsure if a particular child's two-dose schedule is acceptable, please contact the ~~CD~~ Immunization Section ~~Work Unit~~ for assistance at 501-661-2169.

Vaccine doses administered up to 4 days before the minimum interval for age can be counted as valid.

If the child does not meet the immunization requirements for entering school, the school ~~is requested to~~ shall refer the child to a medical authority (private doctor or health department) for immunization or consultation for when the immunization is due.

NOTE: Public health personnel are not to use the above chart to determine whether a child is adequately immunized medically. Use the Immunization Schedule.

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