

**Texas Department of State Health Services
Immunization Section Presents:**

Texas Immunization Laws and Rules

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Table of Contents

- Laws and Rules: A Review
- The Texas Legislative Process
- Immunization Laws and Rules
- Privacy Laws and Rules
- Perinatal Hepatitis B Prevention Program (PHBPP)
- Pre-K and Childcare Immunization Requirements
- Student Grades K – 12 Immunization Requirements
- Higher Education Immunization Requirements
- Exemptions for Required Immunizations
- Texas Immunization Registry (ImmTrac2)
- Texas Vaccines for Children (TVFC) and Texas Adult Safety Net (ASN)



Texas Laws and Rules



Texas Laws and Rules: What is the difference?

- Both laws and rules govern actions or procedures but differ in origin and scope.
- Laws, or statutes, must be approved by both chambers of Congress and signed into law by the governor.
- Rules are written by administrative state agencies to implement or enforce laws passed by the legislature.
- In general, laws are based on broad principles meant to provide guidelines to a community, while rules are based on narrow technicalities in their application to specific cases and people involved in different situations.
- Texas Rules are created by agencies, such as HHS and DSHS, and the Texas government creates new Texas Laws by passing legislative bills.





The Texas Legislative Process



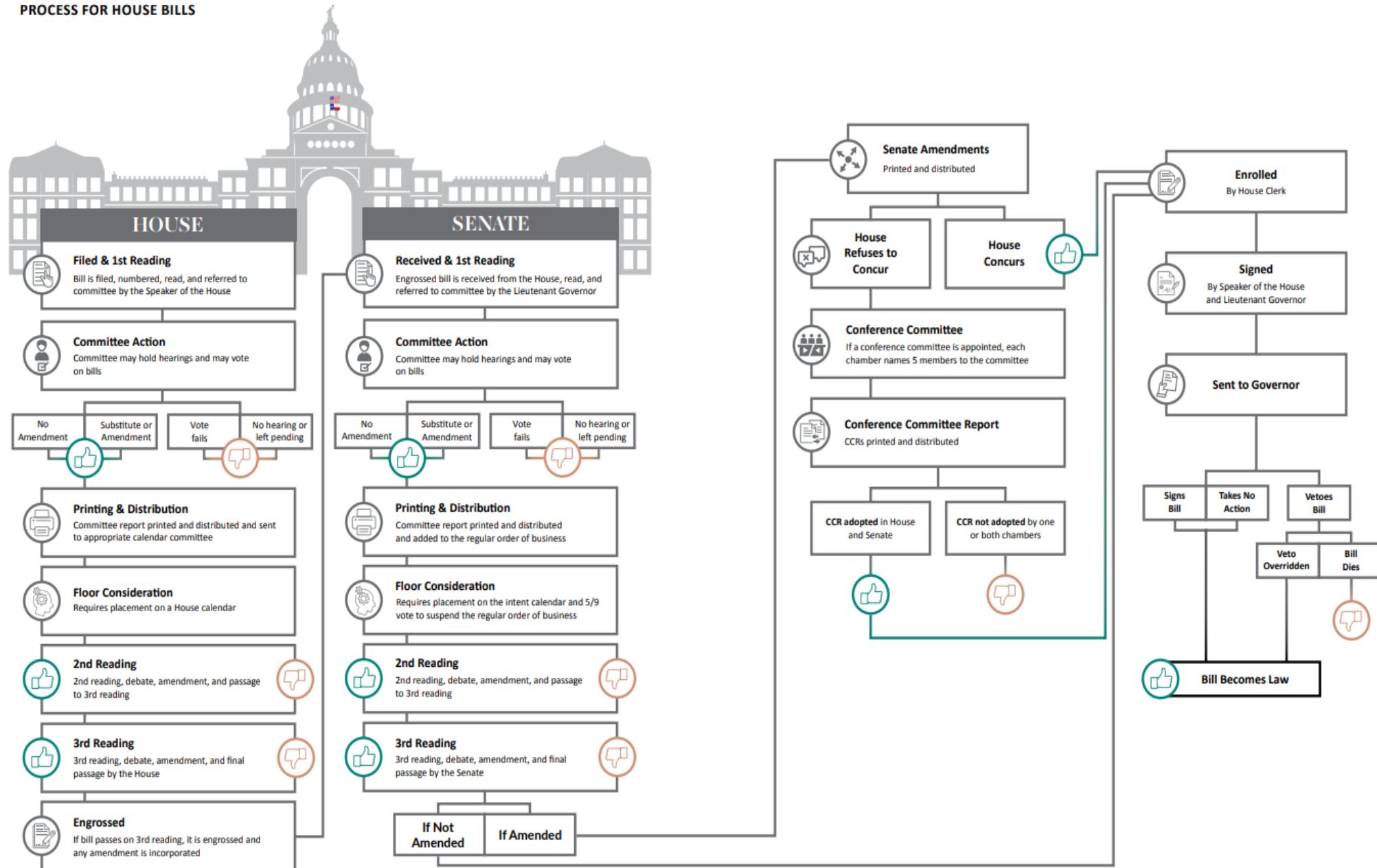
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Texas Legislative Process

- **The Legislative Body:**
 - 31 members of the Texas Senate
 - 150 members of the Texas House of Representatives
- **The Regular Legislative Session:**
 - 140 days, every two years
 - Beginning the 2nd Tuesday in January, odd-numbered years
- **The Role of Committees:**
 - Much of the work that affects DSHS during session occurs in standing committees
 - Senate committees: 15 standing
 - House committees: 34 standing
 - Committees with direct oversight of DSHS include:
 - Senate Health and Human Services
 - House Public Health
 - HHS Transition Legislative Oversight Committee (TLOC)

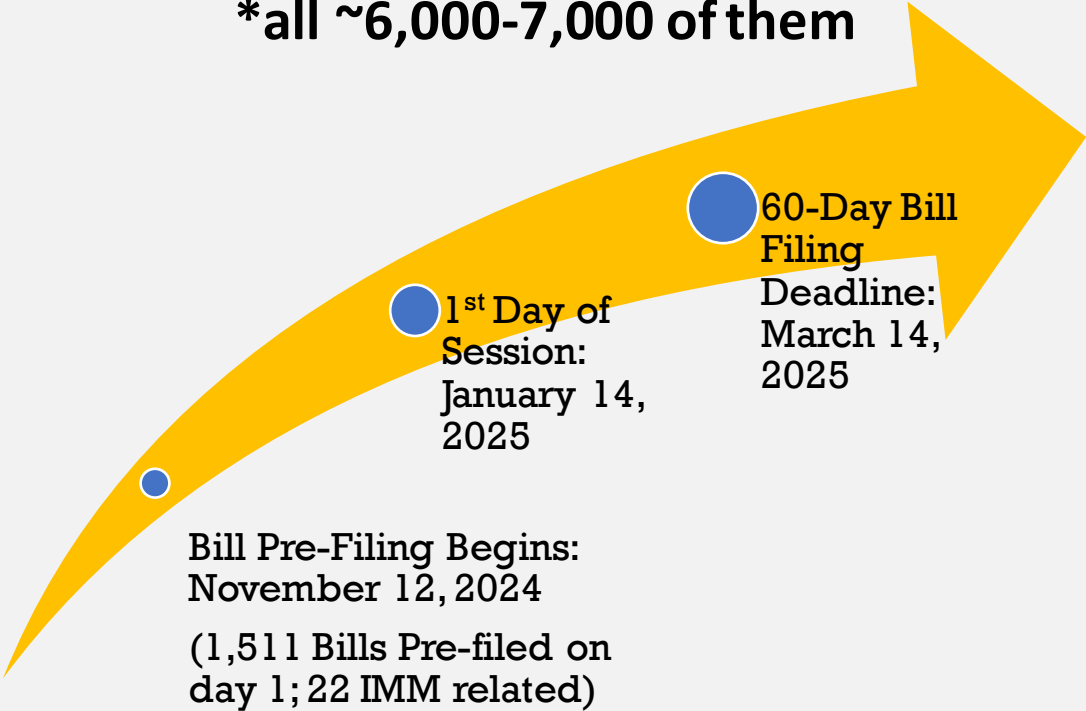
PROCESS FOR HOUSE BILLS



Legislative Dates of Interest

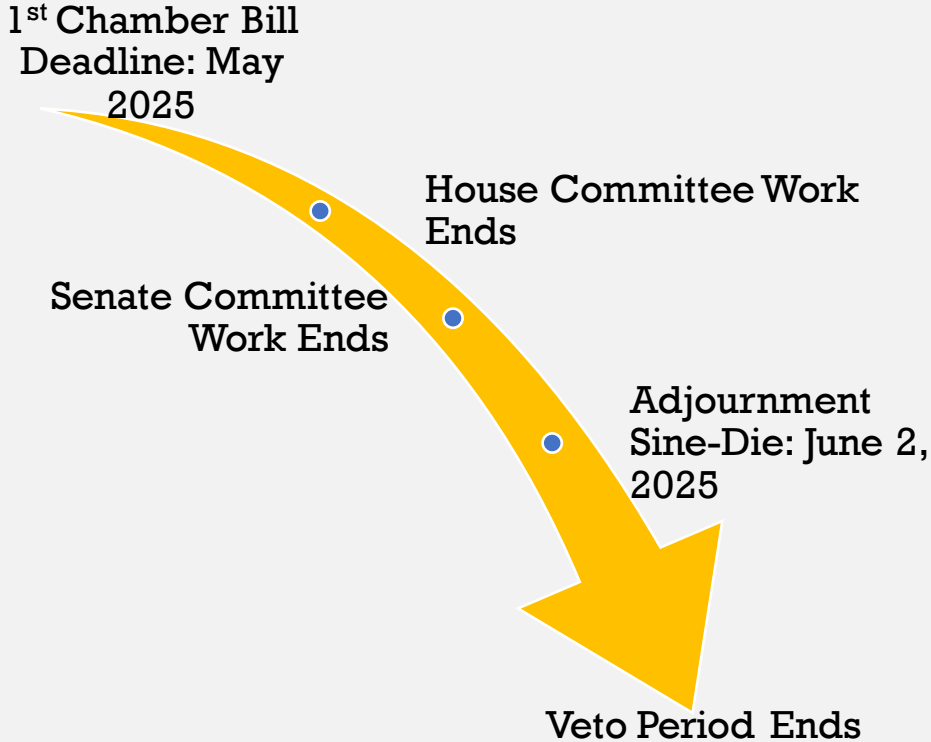
When Bills are Born

*all ~6,000-7,000 of them



When Bills Die

*all ~5,000-6,000 of them





Immunization Laws and Rules



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Texas Immunization Laws

- Texas Health and Safety Code (HSC):
 - [Chapter 81.](#) Communicable Diseases; Public Health Disasters; Public Health Emergencies
 - [Chapter 81B.](#) Prohibited Coronavirus Preventative Measures
 - [Chapter 81D.](#) Prohibited Coronavirus Vaccine Mandates By Private Employer
 - [Chapter 94A.](#) State Plan For Streptococcus pneumoniae
 - [Chapter 161.](#) Public Health Provisions (Subchapter A. Immunizations)
 - [Chapter 181.](#) Medical Records Privacy
 - [Chapter 182.](#) Electronic Exchange Of Health Information
 - [Chapter 826.](#) Rabies
- Texas Education Code:
 - [Chapter 38.](#) Health And Safety
 - [Chapter 51.](#) Provisions Generally Applicable to Higher Education
- Texas Human Resources Code:
 - [Chapter 42.](#) Regulation of Certain Facilities, Homes, And Agencies That Provide Child-Care Services.
- Texas Occupations Code:
 - [Chapter 554.052.](#) Immunizations and Vaccinations; Physician Supervision



Texas Immunization Rules

- Texas Administrative Code (TAC):
 - Chapter 1. Miscellaneous Provisions, [Subchapter Z](#). Vaccine Preventable Disease Policy
 - Chapter 21. Student Services, [Subchapter T](#). The Vaccination Against Bacterial Meningitis For Entering Students At Public And Private Or Independent Institutions Of Higher Learning
 - [Chapter 97](#). Communicable Diseases
 - [Subchapter A](#). Control of Communicable Diseases
 - [Subchapter B](#). Immunization Requirements In Texas Elementary And Secondary Schools And Institutions Of Higher Education
 - [Subchapter C](#). Consent For Immunization
 - [Chapter 100](#). Immunization Registry
 - Chapter 746. Minimum Standards For Child-Care Centers, [Subchapter C, Division 1](#). Records of Children





Privacy Laws and Rules



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HIPAA

- Health Insurance Portability & Accountability Act (HIPAA)
- Federal law enacted in 1996 that protects the privacy and security of health information and provides people with certain rights to their health information
- **Protected health information (PHI) under HIPAA includes:**
 - Lab results, Medicaid ID numbers, medical records, prescription history, medical billing records, etc.
- **HIPAA Violations:**
 - Impermissible PHI use & disclosure
 - Lack of PHI protections
 - Lack of physical, administrative, and technical PHI precautions
 - Violations can result in civil monetary penalties, criminal charges, and professional license suspension



Texas Medical Records Privacy Act

- Texas Medical Records Privacy Act (HSC [Chapter 181](#))
 - Individuals have the right to receive a notice that PHI might be subject to electronic disclosure
 - Access their PHI in electronic format from a provider within 15 days of a written request
- Also prohibits DSHS from the following:
 - Re-identify an individual from de-identified information
 - Market PHI without written permission
 - Sell PHI
 - Electronical disclosure of PHI without proper authorization (in general: authorization not required when disclosure is for treatment, payment & health care operations)

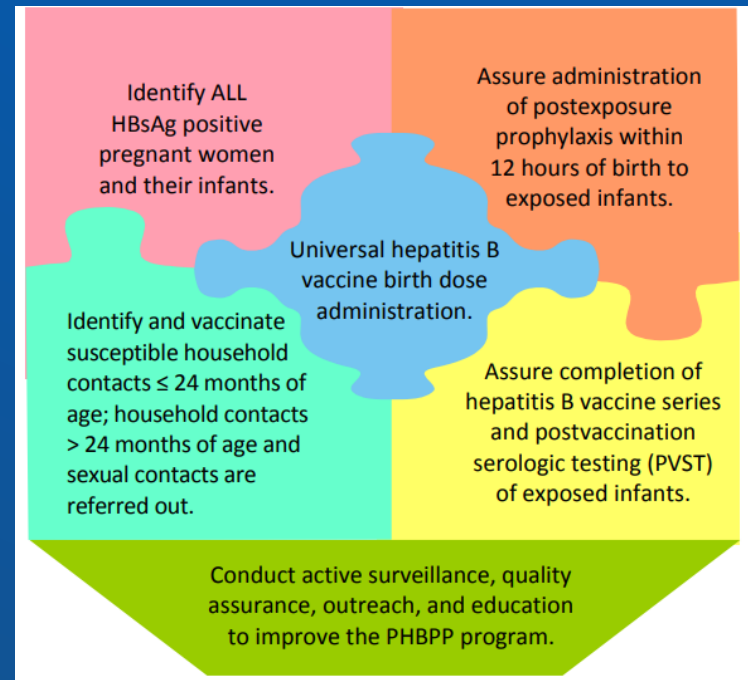


DSHS Exemptions to Privacy Laws/Rules

- HIPAA allows use/disclosures of PHI without written authorization for certain activities (Title 45, Code of Federal Regulations, Parts [160](#) and [164](#)):
 - Records requests
 - Treatment, payment & health care operations
 - Public health activities required by law
- The Public Information Act (Texas Government Code, [Chapter 552](#))
 - Requires DSHS & other government agencies to release certain information to the public upon request. All information must be de-identified prior to information release.
- Texas Health & Safety Code Title 2, [Chapter 81](#)
 - Authorizes local health departments to conduct disease investigation and gather all pertinent medical information



Perinatal Hepatitis B Prevention Program (PHBPP)



Perinatal Hepatitis B Prevention Program (PHBPP)

Texas Laws

- Texas Health and Safety Code (HSC) [§81.041](#) requires DSHS to establish a list of reportable communicable diseases, classify each according to its nature and effect on public health, and establish methods for reporting reportable diseases to DSHS.
- HSC [§81.049](#) states that it is a Class B misdemeanor for a person to knowingly fail to report a notifiable condition to DSHS.
- HSC [§81.0495](#) authorizes DSHS to impose a civil penalty of not more than \$1,000 on a healthcare facility for every failure to report a notifiable condition.
- HSC [§81.090](#) requires medical providers to screen pregnant women for Hepatitis B (also HIV and syphilis) at the first prenatal examination (regardless of trimester), and again upon delivery, or as soon as feasibly possible thereafter. Before the sample is taken, the provider must provide educational materials created and distributed by DSHS that explain:
 - The incidence and mode of transmission of Hepatitis B;
 - How being infected with Hepatitis B could affect the child; and,
 - Methods to prevent the transmission of Hepatitis B.



Perinatal Hepatitis B Prevention Program (PHBPP)

Texas Rules

- Texas Administrative Code (TAC) [§97.1](#) defines "notifiable condition" to have the same meaning as the term "reportable disease" used in the Health and Safety Code (HSC).
- TAC [§97.2](#) requires any person who knows that a person or animal is suspected of having a notifiable condition to notify their local health authority or the DSHS, and to provide all the information they know concerning the illness and physical condition of the infected persons or animals.
- TAC [§97.4](#) requires all confirmed or suspected cases of acute or chronic Hepatitis B infection in a pregnant woman to be reported to DSHS within one week of identification.
- TAC [§97.4](#) also requires all confirmed or suspected cases of prenatal Hepatitis B infection to be reported to DSHS within one day of identification.



Pre-K and Childcare Immunization Requirements



Pre-K and Childcare Immunization Requirements

Texas Laws

- Texas Health and Safety Code (HSC) [§81.023](#) directs DSHS to cooperate with the Department of Family and Protective Services to formulate and implement the immunization requirements for children admitted to childcare facilities.
- HSC [§161.004](#) requires every child in Texas to be immunized against vaccine-preventable diseases caused by infectious agents following the minimum required immunization schedules adopted by DSHS.
- Texas Human Resources Code [§42.043](#) authorizes DSHS to require children in childcare facilities to be immunized against diphtheria, tetanus, poliomyelitis, mumps, rubella, rubeola, invasive pneumococcal disease, hepatitis A, and any other communicable disease recommended by the agency.



Pre-K and Childcare Immunization Requirements

Texas Rules

- Texas Administrative Code (TAC) [§97.61](#) states that vaccine requirements apply to all children and students entering, attending, enrolling in, and/or transferring to childcare facilities.
- TAC [§97.63](#) requires that every child in the state be vaccinated against vaccine-preventable diseases caused by infectious agents. The rule requires children enrolled in child-care facilities, pre-kindergarten, or early childhood programs to be immunized against diphtheria, pertussis, tetanus, poliomyelitis, Haemophilus influenzae type b (Hib), measles, mumps, rubella, hepatitis B, hepatitis A, invasive pneumococcal, and varicella diseases.
- TAC [§746.613](#) requires all children enrolled or admitted to child-care centers to meet the applicable immunization requirements specified by DSHS.



Pre-K and Childcare Immunization Requirements

2024 – 2025 Minimum State Vaccine Requirements

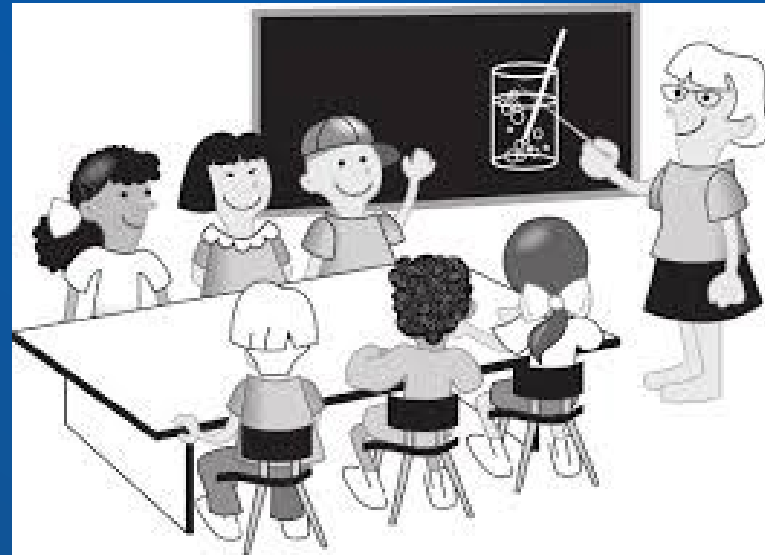
2024 - 2025 Texas Minimum State Vaccine Requirements for Childcare and Pre-k Facilities

This chart summarizes the vaccine requirements incorporated in the Texas Administrative Code (TAC), Title 25 Health Services, §§97.61-97.72. This chart is not intended as a substitute for consulting the TAC, which has other provisions and details. The Department of State Health Services (DSHS) is granted authority to set immunization requirements for childcare facilities by the Human Resources Code, Chapter 42.

A child shall show acceptable evidence of vaccination prior to entry, attendance, or transfer to a childcare facility in Texas.

Age at which child must have vaccines to be in compliance:	Minimum Number of Doses Required of Each Vaccine							
	Diphtheria / Tetanus / Pertussis (DTaP)	Polio	Hepatitis B (HepB) ¹	Haemophilus influenzae type b (Hib) ²	Pneumococcal conjugate vaccine (PCV) ³	Measles, Mumps and Rubella (MMR) ^{1,4}	Varicella ^{1,4,5}	Hepatitis A (HepA) ^{1,4}
Zero through two months								
By three months	One dose	One dose	One dose	One dose	One dose			
By five months	Two doses	Two doses	Two doses	Two doses	Two doses			
By seven months	Three doses	Two doses	Two doses	Two doses	Three doses			
By 16 months	Three doses	Two doses	Two doses	Three doses	Four doses	One dose	One dose	
By 19 months	Four doses	Three doses	Three doses	Three doses	Four doses	One dose	One dose	
By 25 months	Four doses	Three doses	Three doses	Three doses	Four doses	One dose	One dose	One dose
By 43 months	Four doses	Three doses	Three doses	Three doses	Four doses	One dose	One dose	Two doses

Student Grades K – 12 Immunization Requirements



Student Grades K – 12 Immunization Requirements

Texas Laws

- Texas Health and Safety Code (HSC) [§81.023](#) directs DSHS to cooperate with the State Board of Education to formulate and implement the immunization requirements for students admitted to public or private primary or secondary schools (K-12).
- HSC [§161.004](#) requires every child in Texas to be immunized against vaccine-preventable diseases caused by infectious agents following the minimum required immunization schedules adopted by DSHS.
- Texas Education Code [§38.001](#) requires every student to be fully immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis.



Student Grades K – 12 Immunization Requirements Texas Rules

- Texas Administrative Code (TAC) [§97.61](#) states that vaccine requirements apply to all children and students entering, attending, enrolling in, and/or transferring to public or private primary or secondary schools.
- TAC [§97.63](#) requires students in Kindergarten through twelfth grade to be immunized against Diphtheria/Tetanus/Pertussis, Polio, Measles, Mumps, Rubella, Hepatitis B, Varicella, Meningococcal, and Hepatitis A.



Vaccine Requirements for Students K - 12

2024 – 2025 Minimum State Vaccine Requirements

2024 - 2025 Texas Minimum State Vaccine Requirements for Students Grades K - 12

This chart summarizes the vaccine requirements incorporated in the Texas Administrative Code (TAC), Title 25 Health Services, §§97.61-97.72. This document is not intended as a substitute for the TAC, which has other provisions and details. The Department of State Health Services (DSHS) is granted authority to set immunization requirements by the Texas Education Code, Chapter 38.

IMMUNIZATION REQUIREMENTS

A student shall show acceptable evidence of vaccination prior to entry, attendance, or transfer to a public or private elementary or secondary school in Texas.

Vaccine Required (Attention to notes and footnotes)	Minimum Number of Doses Required by Grade Level												Notes
	Grades K - sixth						Grade seventh	Grades eighth-12th					
	K	1	2	3	4	5	6	7	8	9	10	11	
Diphtheria/Tetanus/ Pertussis(DTaP/DTP/DT/ Td/Tdap)	five doses or four doses						three dose primary series and one booster dose of Tdap / Td within the last five years	three dose primary series and one booster dose of Tdap / Td within the last 10 years					For K – sixth grade: five doses of diphtheria-tetanus-pertussis vaccine; one dose must have been received on or after the fourth birthday. However, four doses meet the requirement if the fourth dose was received on or after the fourth birthday. ¹ For students aged 7 years and older, three doses meet the requirement if one dose was received on or after the fourth birthday. ¹ For seventh grade: one dose of Tdap is required if at least five years have passed since the last dose of tetanus-containing vaccine.* For eighth – 12th grade: one dose of Tdap is required when 10 years have passed since the last dose of tetanus-containing vaccine. **Td is acceptable in place of Tdap if a medical contraindication to pertussis exists.
Polio	four doses or three doses												For K – 12th grade: four doses of polio; one dose must be received on or after the fourth birthday. ¹ However, three doses meet the requirement if the third dose was received on or after the fourth birthday. ¹
Measles, Mumps, and Rubella ² (MMR)	two doses												For K – 12th grade: two doses are required, with the first dose received on or after the first birthday. ¹ Students vaccinated prior to 2009 with two doses of measles and one dose each of rubella and mumps satisfy this requirement
Hepatitis B ²	three doses												For students aged 11 – 15 years, two doses meet the requirement if adult hepatitis B vaccine (Recombivax®) was received. Dosage (10 mcg /1.0 mL) and type of vaccine (Recombivax®) must be clearly documented. If Recombivax® was not the vaccine received, a three dose series is required.
Varicella ^{2,3}	two doses												For K – 12th grade: two doses are required, with the first dose received on or after the first birthday. ¹
Meningococcal (MCV4)							one dose						For seventh – 12th grade, one dose of quadrivalent meningococcal conjugate vaccine is required on or after the student's 11th birthday. NOTE: If a student received the vaccine at 10 years of age, this will satisfy the requirement.
Hepatitis A ²	two doses												For K – 12th grade: two doses are required, with the first dose received on or after the first birthday. ¹

Higher Education Immunization Requirements



Higher Education Immunization Requirements

Texas Rules

- Texas Education Code [§38.0025](#) requires DSHS to prescribe the procedures by which each school shall provide information relating to bacterial meningitis.
- Texas Education Code [§51.9192](#) requires all students 21 years of age or younger enrolling in institutions of higher education to be immunized against bacterial meningitis. Under the law, DSHS is required to implement a secure, internet-based process for those students wishing to claim an exemption for reasons of conscience.
 - DSHS Website: [Exemption from Meningococcal Vaccination Requirement for Reasons of Conscience](#)
- Texas Education Code [§51.933](#) states that an institution of higher education may require applicants for admission who are pursuing a course of study in a human or animal health profession to be immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis. Under the law, students enrolled in a course of study that involves potential exposure to human or animal blood or bodily fluids are required to receive a Hepatitis B vaccination.



Higher Education Immunization Requirements

Texas Rules

- Texas Administrative Code (TAC) [§21.610](#) requires students entering institutions of higher education to show evidence of being immunized against bacterial meningitis.
- TAC [§21.613](#) requires students entering public or private institutions of higher education to show evidence of an initial bacterial meningitis vaccination dose or booster during the proceeding five years and at least ten days before the first day of the first semester.
- TAC [§97.64](#) lists the required vaccinations for students enrolled in health-related higher education courses which will involve direct patient contact with potential exposure to blood or bodily fluids.
- TAC [§97.72](#) authorizes DSHS and/or the local health authority to require additional vaccinations in specific situations to prevent the spread of disease.



Exemptions for Required Immunizations



Exemptions for Required Immunizations

1. Medical Exemptions
 2. Conscientious (including religious) Exemptions
 - Affidavit printed on non-reproducible paper must be requested in writing from DSHS
 - Notary required
 - DSHS is not allowed to keep the names of requestors
 - DSHS is required to submit the number to the Texas Legislature annually.
 3. Active-Duty Service Member
 4. Verification of Immunity/ Illness
 - Serologic evidence confirming immunity or infection of Hep A, Hep B, varicella, measles, mumps, and rubella is acceptable in place of a vaccine.
 - A written statement from a parent/guardian, school nurse, or physician confirming a student was either infected with or immune to varicella is acceptable in place of the vaccine.
- Texas Administrative Code [§97.62](#) , [§97.65](#) , and [§746.615](#)
 - Texas Education Code [§38.001](#)
 - Texas Health & Safety Code [§161.0041](#)



Provisional Enrollment

- Provisional Enrollment is available for up to 30 Days if:
 - A student is homeless or is in foster care.
 - A student transfers from one Texas school to another in state.
 - A student is dependent on an active-duty service member.
- Provisional Enrollment is available Until Up-to-Date if:
 - A student has received one dose of each age-appropriate vaccine and is not overdue for the next one.

- TAC Rule [§97.66](#) & [§97.69](#)
- Texas Education Code [§38.001](#) & [§38.002](#)



Immunization Records


- Texas schools and childcare facilities are required to document the immunization status of their students and provide annual reports to DSHS.
- Acceptable Evidence of Vaccination(s) include:
 - The records of vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered.
 - Documentation of vaccines administered that include the signature or stamp of the physician or physician's designee, or public health personnel, is acceptable. Immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp.
 - An official immunization record generated from a state or local health authority is acceptable.
 - An official record received from school officials, including a record from another state, is acceptable.
- TAC Rule [§97.67](#) [§97.68](#), [§97.70](#), [§97.71](#), and [§746.623](#)
- Texas Education Code [§38.001](#) & [§38.002](#)




Texas Immunization Registry (ImmTrac2)

ImmTrac2
Texas Immunization Registry

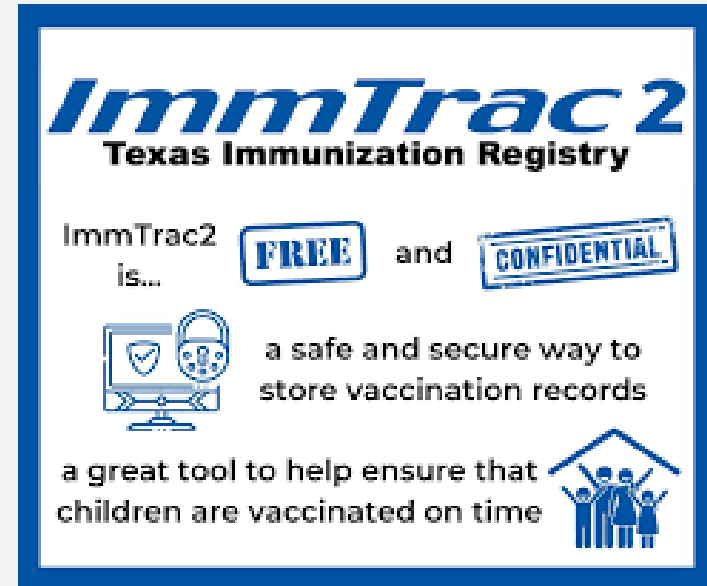
ImmTrac2 is... **FREE** and **CONFIDENTIAL**

 a safe and secure way to store vaccination records

a great tool to help ensure that children are vaccinated on time 

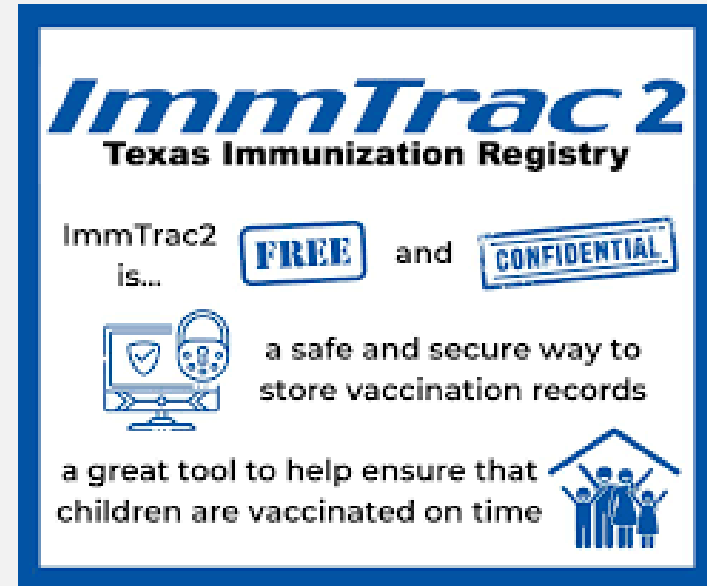
Immunization Registry (ImmTrac2)

- Texas Health and Safety Code [§161.007](#) requires DSHS to maintain a state immunization registry where current immunization records may be used in aiding, coordinating, and promoting efficient and cost-effective communicable disease prevention and control efforts.
- Written/electronic consent for individuals 18 years of age is required to be obtained only one time and must be received from the individual before the information is released:
 - Individual
 - Legally authorized rep
- After an individual's 18th birthday:
 - Individual
 - Legally authorized rep
 - Individual immunization info will remain in the registry until consent is withdrawn
- The department shall make a reasonable effort to provide notice to 18-year-old about their immunization info:
 - At least 2 attempts
 - Phone, email or regular mail or
 - General outreach efforts through health care providers, schools, or colleges/universities.
 - Notice must inform that records will be included in the registry until their 18th birthday unless they or their legally authorized representative withdraws consent or provides a signed adult consent form.

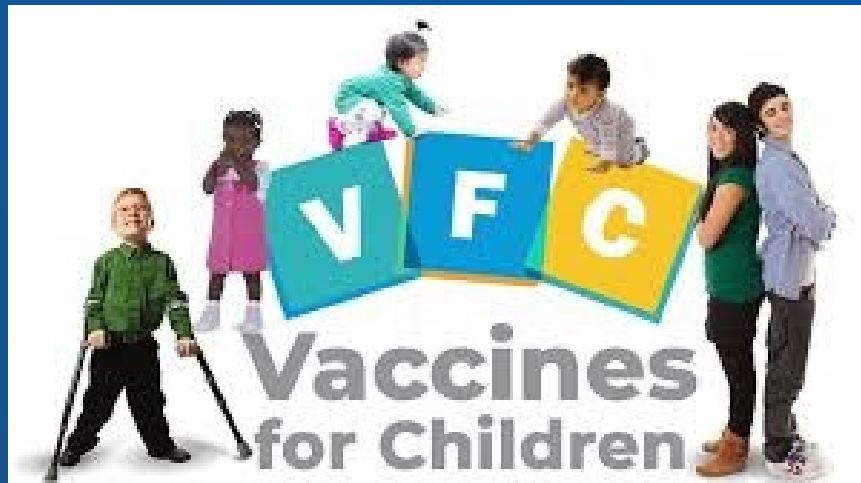


Immunization Registry (ImmTrac2)

- Texas Health and Safety Code [§161.008](#) requires DSHS to ensure the immunization records in the registry contain the following:
 - name and date of birth of the person;
 - dates of immunization;
 - types of immunization administered; and
 - name and address of the provider administering the immunization.
- DSHS may obtain the data constituting an immunization record from:
 - a public health district or local health department;
 - the individual or their legally authorized rep;
 - a physician or payor to the individual; or,
 - any other health care provider licensed or otherwise authorized to administer vaccines.
- DSHS may release the data constituting an immunization record to:
 - a public health district or local health department;
 - the individual or their legally authorized rep;
 - a physician or payor to the individual;
 - any other health care provider licensed or otherwise authorized to administer vaccines;
 - a school or child care facility in which they are enrolled;
 - a state agency having legal custody; or
 - an employer of a first responder or a first responder in accordance with Section [161.00708](#).



Texas Vaccines for Children (TVFC) and Adult Safety Network Review



Texas Vaccines For Children (TVFC) and Texas Adult Safety Network

- The Texas Vaccines for Children (TVFC) program and the Adult Safety Network (ASN) program are governed by Texas Administrative Code [Chapter 97](#) and the [Texas Vaccines for Children and Adult Safety Net Provider Manual](#).
- TVFC enables more than 4.3 million Texas children to have access to immunizations through a network of support provided by DSHS, Public Health Regions (PHRs), and contracted Local Health Departments (LHDs).
- DSHS created ASN to assist Texans 19 or older in getting vaccinated without health insurance.



TVFC Program Overview

- The Texas Vaccines for Children Program (TVFC) makes vaccines available to eligible children in Texas.
- Vaccines are available at no cost to providers to immunize eligible children (birth - 18 years of age).
- Vaccines are supplied to DSHS, doctors, and local health departments to be administered to eligible children.
- Federal VFC Program:
 - Medicaid
 - Uninsured
 - Underinsured children treated at a Federally Qualified Health Center/Regional Health Center or DSHS Regional or Local Health Department Clinic
 - American Indian/Alaskan Native

Texas TVFC Program (expansion of Federal VFC Program)

- CHIP
- Underinsured children treated in the private sector



ASN Program Overview

- The ASN program assists specific adult populations in Texas to receive vaccines. The following are key requirements to be a part of the program:
 - Anyone 19 years of age or older who does not have health insurance is eligible to receive low-cost vaccines under the ASN program.
 - ASN participants may be charged an administration fee of up to \$25 per vaccine (except for the COVID-19 vaccine). However, if a participant can not pay the fee, they will not be denied vaccination.
 - Individuals are not eligible to receive ASN vaccines if enrolled in Medicare or Medicaid, have other health insurance, or if their existing healthcare insurance does not cover vaccinations.
- ASN currently offers the following vaccines:
 - Hepatitis A vaccine
 - Hepatitis B vaccine
 - Combination hepatitis A-hepatitis B vaccine
 - Measles, mumps, & rubella (MMR) vaccine
 - Meningococcal vaccine
 - Tetanus, diphtheria, & pertussis (Tdap) vaccine
 - Tetanus-diphtheria (Td) vaccine



Thank you!

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