

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter D. Immunization and Disease

Part 104. Rules Pertaining to Tuberculosis Screening for Foreign-Born University and College Students

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION I. AUTHORITY

Pursuant to Act 96 of 1913, the Arkansas Department of Health has the authority to require testing for communicable diseases which the Arkansas Department of Health designates as having the potential to cause outbreaks when they occur on college and university campuses. Arkansas Code Ann. § 20-7-109. Arkansas Code Ann. § 20-7-110 grants the state Board of Health: ". . . direction and control of all matters of quarantine regulations and enforcement. It shall have full power and authority to prevent the entrance of such diseases from points outside the state. The board shall also have direction and control over all sanitary and quarantine measures for dealing with all infectious, contagious, and communicable diseases within the state and direction and control to suppress them and prevent their spread."

One third of the world's population is infected with Mycobacterium tuberculosis, and increasing numbers of students from countries where tuberculosis (TB) is much more prevalent than in the United States are attending higher educational institutions in Arkansas. The Department of Health has identified colleges and universities within the State of Arkansas as populations at risk for TB infection. Targeted testing and treatment of individuals with Latent TB Infection (LTBI) or TB disease (active TB) in collaboration with institutions of higher education are effective methods to prevent, control, and eliminate TB among college and university students, faculty, and staff.

The Department of Health has authority to treat TB patients pursuant to Arkansas Code Ann. § 20-15-701, et seq."

"CERTIFICATION

This will certify that the foregoing Rules Pertaining to Tuberculosis Screening for Foreign-Born University and College Students adopted by the State Board of Health at a regular session of the Board held in Little Rock, Arkansas on the 28th day of July 2011.

/original signed/

Paul Halverson, DrPH, FACHE, Secretary, Arkansas State Board of Health"

Subpart 1. Generally

20 CAR § 104-101. Definitions.

As used in this part:

- (1) "Control officer" means State Tuberculosis Control Officer;
- (2) "Department" means Department of Health;
- (3) "Division" means Division of Tuberculosis, Department of Health;
- (4) "Radiograph" means standard fourteen-inch by seventeen-inch (14" x 17") antero-posterior seventy-two-inch (72") chest radiograph;
- (5)(A) "Student" means any person:
 - (i) Born in a country where TB is endemic;
 - (ii) Who is not a permanent resident; and
 - (iii) Who receives instruction in a room in which other students are present.
- (B) People who receive only individual instruction at which only they and an instructor are present are excluded.
- (C) People who receive instruction solely by electronic means are excluded if no other students occupy the room in which they receive instruction at the same time.
- (D) Part-time students as well as full-time students are included.
- (E) Auditors are included.

(F) TB is not endemic in the countries listed below, and students from these countries are not included:

American Region:

Canada	Saint Lucia
Jamaica	USA
Saint Kitts and Nevis	Virgin Islands (USA)

European Region:

Belgium	Luxembourg
Denmark	Malta
Finland	Monaco
France	Netherlands
Germany	Norway
Greece	San Marino
Iceland	Sweden
Ireland	Switzerland
Italy	United Kingdom
Liechtenstein	

Western Pacific Region:

American Samoa Australia
New Zealand; and

(6) "Tuberculin tests" means:

(A) Tuberculin skin test (TST) performed by the Mantoux method, consisting of intradermal injection of five tuberculin units (5TU) of purified protein derivative (PPD) in a volume of one-tenth of one milliliter (0.1 ml), read in forty-eight (48) to seventy-two (72) hours by measuring the palpable induration, with a positive reaction being ten millimeters (10 mm) or greater in diameter; or

(B) Special TB blood tests (interferon-gamma release assays (IGRAs)) to measure how the immune system reacts to the bacteria that cause TB.

Authority. Arkansas Code § 20-7-109.

Codification Notes. "TB" means tuberculosis.

20 CAR § 104-102. Applicability.

(a) Students, as defined in 20 CAR § 104-101(5), who enroll in higher education institutions in Arkansas are subject to the requirements of this part.

(b) Previous receipt of Bacillus Calmette Guerin (BCG) vaccine will have no effect on application of this part.

Authority. Arkansas Code § 20-7-109.

20 CAR § 104-103. Requirements.

(a) TB screening at initial enrollment.

(1)(A) Students without a documented previous tuberculin skin test reaction of ten millimeters (10 mm) or more induration or a positive interferon-gamma release assay (IGRA) must have a tuberculin test.

(B) Tuberculin tests.

(i) A tuberculin skin test with five tuberculin units (5TU) of purified protein derivative applied by the Mantoux method and read after forty-eight (48) to seventy-two (72) hours with the reading reported in millimeters (mm) of induration.

(ii)(a) When a student has an undocumented history of a positive tuberculin reaction, he or she may, at the option of the provider administering the test, be tested initially with a half-dose of two and five-tenths tuberculin units (2.5TU) of PPD.

(b) If this test causes less than ten millimeters (10 mm) of induration, the student must be retested with the full dose of five tuberculin units (5TU) PPD.

(iii) A student may be tested using an interferon-gamma release assay (IGRA) to measure how the immune system reacts to the bacteria that cause TB.

(C) When a tuberculin skin test causes ten millimeters (10 mm) or more of induration or an interferon-gamma release assay (IGRA) is positive, the student must have a radiograph that must be interpreted by:

(i) A physician associated with the Department of Health; or

(ii) A State Board of Health-eligible:

(a) Radiologist;

(b) Pulmonologist; or

(c) Infectious disease specialist;

(2)(A) Students with a previous documented tuberculin skin test reaction of ten millimeters (10 mm) or more or a previous positive interferon-gamma release assay (IGRA).

(B) A radiograph, which must be interpreted by:

(i) A physician associated with the Department of Health; or

(ii) A board-eligible:

(a) Radiologist;

(b) Pulmonologist; or

(c) Infectious disease specialist;

(3)(A) Students who have radiographic findings consistent with TB disease.

(B)(i) Additional evaluation and/or treatment as required to assure that the student does not pose a risk of TB infection to others, as determined by the State Tuberculosis Control Officer.

(ii) No student in this group may begin attending or continue to attend classes or reside in communal housing under the college's control without the approval of the control officer.

(b) Follow-up TB screening for TST reactors and positive interferon-gamma release assays.

(1) Tuberculin-positive students are required to have an annual radiograph meeting the requirements of subdivision (a)(2) of this section, above.

(2) **Exception.** Students who can document completion of an adequate course of treatment for latent TB infection with a negative initial radiograph.

(3) Only the control officer or his or her designee may determine the adequacy of:

(A) A course of treatment; or

(B) Documentation of treatment.

(c) **Follow-up TB screening for active disease.**

(1)(A) Any student who has a history of TB disease should present documentation that he has completed an adequate course of treatment.

(B) If he or she is unable to present such documentation, he or she must undergo screening just as if he or she did not have the history of TB.

(C) Such students will not be excused from meeting the deadlines for completing the requirements for screening due to difficulties in obtaining documentation or any other reason.

(D) If the original documentation is not in English, a translator approved by the control officer must translate it.

(E) The student will be responsible for all costs of translation and for arranging for payment with the translator.

(2)(A) Students who have a history of TB disease are required to have an annual screening for two (2) years following completion of an adequate course of treatment.

(B) The screening will include a chest radiograph and bacteriologic studies to rule out relapse of disease, as well as such other evaluation the control officer directs.

(3) Only the control officer or his or her designee may determine the adequacy of a course of treatment or of documentation of treatment.

(d) **Follow-up TB screening for HIV-positive students.** Any student who is HIV-positive must receive a chest radiograph initially and annually regardless of tuberculin test results.

(e) **Screening facilities.**

(1) TB screening may be done by any of the following:

(A) Department facilities;

(B)(i) College and university student health services that are approved by the department.

(ii) Obtaining approval will require that one (1) or more individuals employed by the service be certified to:

(a) Apply and read tuberculin skin tests; and

(b) Draw and properly handle tuberculosis blood test specimens;

and

(C) Licensed physicians.

(2)(A) When necessary, more than one (1) provider or type of provider may provide TB screening services to a student; e.g., a college health service might perform tuberculin testing, but refer students with positive tests to another facility for chest radiography.

(B) In such a case, the college health service would retain overall responsibility for assuring that the student fully complies with the requirements of this part.

(C) The college's responsibility will be discharged if it:

(i) Refers the student to the department; and

(ii) Conditions continued enrollment on the student's cooperation with the department for prompt completion of the screening required by this part.

Authority. Arkansas Code § 20-7-109.

Codification Notes. "HIV" means human immunodeficiency virus.

"PPD" means purified protein derivative.

"TB" means tuberculosis.

"TST" means tuberculin skin test.

20 CAR § 104-104. Records.

(a) Colleges that have health services that perform TB screening.

(1) These institutions may keep their internal records in the format of their choice, including electronic form.

(2) They are not required to use Department of Health forms for students they screen.

(3) If some students are screened elsewhere, the procedures described below for colleges whose own health services do not provide screening must be followed for those cases only.

(b) Colleges that do not provide screening through their own health services.

(1) The institution should provide the Arkansas Certification of Tuberculosis Screening for Institutions of Higher Education to the students.

(2) It will be the responsibility of the student to:

(A) Obtain the prescribed screening;

(B) Have the form filled out and signed by the provider or providers; and

(C) Return it to the college.

(3) The form may be obtained from the department.

(c) Acceptance of evidence of prior TB screening.

(1) Students who have had the required screening performed in the United States or Canada within the six (6) months prior to enrollment will not be required to have it repeated, provided that they present satisfactory documentation.

(2) Documentation of tuberculin testing must include:

(A) Name and address of provider;

(B) Date applied;

(C) Result of TST in millimeters (mm) of induration or of interferon-gamma release assay (IGRA);

(D) Date TST read or interval between application and reading; and

- (E) Signature of provider;
- (3) Documentation of chest radiography must include:
 - (A) Name and address of provider;
 - (B) Date performed;
 - (C) Interpretation;
 - (D) Interpreter's signature;
 - (E) Printed or typed name of interpreter; and
 - (F) Identification of interpreter's medical specialty, which must be radiology, pulmonology, or infectious disease.

(d) Intrastate transfers.

(1) Students will not be required to have additional screening for TB solely because they transfer from one (1) college to another within the state, provided that they supply documentation to the receiving college that they have previously complied with this part.

(2) The form, Arkansas Certification of Tuberculosis Screening for Institutions of Higher Education, should be used as the documentation.

(e) **Retention of records.** All documentation and records required by this part or required to document compliance will be retained for three (3) years after the student's last attendance, during which time they will be made available to department representatives on request.

Authority. Arkansas Code § 20-7-109.

Codification Notes. "TB" means tuberculosis.

"TST" means tuberculin skin test.

20 CAR § 104-105. Reporting.

(a)(1) The Department of Health will provide a secure website where college personnel will enter the required information.

(2) Other electronic means of reporting acceptable to the department and colleges may be used.

(b) The information provided to the department shall include the items listed in the appendix.

Authority. Arkansas Code § 20-7-109.

20 CAR § 104-106. Compliance.

(a) All students as defined in 20 CAR § 104-101(5) are subject to the provisions of this part.

(b) Students are required to comply within forty-five (45) days of enrollment.

(c)(1) Students who, at the time of initial enrollment, are expected to complete their course of study within six (6) weeks are not required to comply.

(2) If such students continue to be enrolled, re-enroll, or return after six (6) weeks, they shall comply within forty-five (45) days.

(d) No student who is not fully in compliance with the requirements of this part shall be permitted to:

- (1) Enroll for a subsequent semester or term;
- (2) Have credits transferred; or
- (3) Graduate until he or she is fully compliant.

Authority. Arkansas Code § 20-7-109.

20 CAR § 104-107. Exclusion from school.

(a)(1) The responsibility for the enforcement of this part rests equally with each college and university of this state, the parent or guardian of the student, and the student.

(2) Each of them shall be separately and individually responsible for permitting any violation of this part.

(b)(1) Students will not be allowed to attend school unless they can document compliance with this part or are in the process of completing the requirements within the timeframes described in 20 CAR § 104-106.

(2) Students must be excluded from the college or university until they complete the required testing and documentation is provided.

Authority. Arkansas Code § 20-7-109.

20 CAR § 104-108. Nonlimitation.

Nothing in this part shall be construed as restricting any college or university from having more stringent requirements for TB screening than this requires.

Authority. Arkansas Code § 20-7-109.

Codification Notes. "TB" means tuberculosis.

20 CAR § 104-109. Severability.

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

Authority. Arkansas Code § 20-7-109.

20 CAR § 104-110. Repeal.

All rules and any parts of rules in conflict herewith are hereby repealed.

Authority. Arkansas Code § 20-7-109.

Appendix A. Data to be Reported to the Department Regarding Each Student

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/83/20CARpt.104Appendix.pdf>