Code: AA-2002-08  
January 7, 2002

To: Provosts/Vice Presidents for Academic Affairs  
Vice Presidents for Student Affairs

From: Allison G. Jones

Subject: Meningococcal Disease and Vaccine

Assembly Bill Number 1452 (Vaccinations: meningococcal disease; stats. 2001, ch. 372) was signed into law in September, 2001. While this law is effective January 1, 2002, it applies to first-time freshmen who enroll beginning fall 2002 and who will reside in on-campus housing. The law requires that information about meningococcal disease be provided to each incoming freshman who has been accepted for admission to the CSU and who will be residing in on-campus housing. The information must include a response form with space in which incoming freshmen must indicate that they have received information about meningococcal disease including information about the availability of the vaccine that may prevent one from contracting the disease and whether they have chosen to receive the vaccination. These students must sign and return the completed form to the campus.

An executive order superseding Executive Order No. 730 is being drafted. It will advise campuses about implementation procedures beginning fall 2002. This office can provide to campuses information about meningococcal disease and a student response form that may be provided to students until appropriate information and forms are available from the California Department of Health Services.

A number of questions have been raised during consultation with Vice Presidents for Student Affairs, housing directors, and student health center directors. The purpose of this memorandum is to provide responses that have been developed in consultation with the Office of General Counsel to some of the most frequently asked questions.

Is the campus required to use the California Department of Health Services information (or interim information provided by the CSU), or may the campus develop campus-specific information?

Individual campuses are required to “[p]rovide information on meningococcal disease developed pursuant to Section 120395.” Section 120395 requires the State Department of Health Services to develop information and make it available to the
CSU no later than April 1, 2002. Thus, when the information becomes available CSU is required to use it.

*Is the campus obliged to follow up if a student expresses interest in vaccination?*

No. The legislation does not require that campuses provide vaccinations. The general information provided to students will encourage them to discuss vaccination with their family doctor or HMO/clinic prior to enrollment. The campus may provide immunization to enrolled students, if it chooses to do so.

*For those campuses that operate housing programs in the summer, is this requirement effective for summer 2002?*

The 2002-03 school year begins with the fall term 2002. Campuses with housing programs offered as part of summer state-supported instruction must implement this program for any summer term that occurs after fall 2002, e.g., summer 2003. However, a campus may choose but is not required to implement the program as early as summer 2002.

*What is considered on-campus housing? For example, are partnerships between CSU and private entities or housing operated by a foundation or auxiliary organization of the university considered on-campus housing?*

University student housing, regardless of location, is considered on campus for purposes of this legislation, if the university sponsors housing programs in the student housing. This would include campus housing that is operated by a university auxiliary organization (e.g., a university foundation) and campus housing operated by a private entity under contract with the university with housing programs offered by campus staff. The campus may wish to discuss specific cases with the campus’ legal counsel.

*How does this apply to other housed programs, e.g., Summer Bridge or cheerleader camp?*

A summer housing program that is provided as part of a freshman’s enrollment would be subject to the requirements of this legislation. Therefore, students participating in such a residential program would be required to receive the notification and return the form.

*Can the campus develop and disseminate a locally-developed form?*

Information received from the California Department of Health Services (DHS) must be incorporated into campus information. For dissemination prior to availability of information from DHS, the campus may develop its own form that contains all the information required by the legislation. However, it is recommended the campuses
use the sign-off form developed by the Office of General Counsel until the DHS form is available. A campus that provided students with the required form prior to CSU implementation is not required to re-survey students if the campus-developed form contains all the required elements. The campus may wish to discuss specific cases with its legal counsel.

*Is a signed form that is faxed considered a legal document?*

Campuses may accept a faxed signature. It is recommended campuses request students to mail the original form to the campus after they have faxed a copy.

*If the student is less than 18 years of age, must CSU require a parent’s signature also?*

For purposes of this law, a parent’s signature is not required regardless of the student’s age.

*Is the student’s signed form defined as a “health record,” or is the only requirement that the form must be retained as if it were a health record?*

The law requires that the completed form be maintained in accord with the institution’s health care records policy. The campus may choose to define the form as a health record or merely to maintain it as if it were a health record. However, this would not affect how the form must be maintained for purposes of satisfying this requirement. Generally such records are maintained in campus student health services.

*Is it acceptable to keep duplicate copies of the signed form in both the housing office and health center?*

Campuses are not prohibited from maintaining the signed form in the housing office. However, there are strict requirements related to security and staffing for maintenance of health records that a housing office may not be prepared to follow.

*Would a campus comply with the law if the housing information were to direct the student to a website to receive the information and download the form to be signed?*

The campus housing information may direct a student to obtain the information and to download the form to be signed and returned as long as the campus also provides alternative means of receiving the information for those students who do not have access to the web. Until there is clarification about the legality of electronic signatures, CSU advises that the form be downloaded, signed by the student, and returned as a paper form.
Please feel free to contact Dr. Nancy C. Sprotte, Associate Director, Enrollment Management Services, Academic Affairs, Student Academic Support, or Mr. Allison G. Jones, Assistant Vice Chancellor, Academic Affairs, Student Academic Support, if you have any questions about this requirement. Dr. Sprotte may be reached by telephone at (562) 951-4726 or by e-mail at nsprotte@calstate.edu. Mr. Jones may be reached by telephone at (562) 951-4744 or by e-mail at ajones@calstate.edu.

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