



State Analysis Guide

School-Located Vaccination Clinics

This *State Analysis Guide* is intended to assist state health agency staff and legal counsel in locating and analyzing their state's laws, rules, policies, and implementation plans related to school-located vaccination (SLV) clinics. Specifically, the guide looks to assessing the legal authorities to conduct SLV activities, evaluating legal responsibilities in preparation for an SLV clinic, and identifying potential areas of liability and immunities. While the focus is on SLV clinics, this analysis could also apply—with any necessary modifications—for school-based administration of other medical countermeasures.

Space is provided in the document to insert references or summaries of appropriate state and/or local authorities. Because each state's law is unique, this guide may not identify all issues that arise in the course of analyzing your state's law. **In all instances the language and requirements of specific state/local laws, regulations, ordinances, rules, policies, guidances, case law, and other sources of legal authority overrule this general analysis guide. This resource is for informational purposes only and is not intended as a substitute for professional legal or other advice.**

Issues for Analysis		State/Local Information
Assessing Authority for SLV Activities		
Identify relevant statutes, rules, regulations, executive orders, or ordinances that govern the authority, roles, and responsibilities of the following parties regarding SLV activities:		
	Identify the health agencies' authorities, roles, and responsibilities.	
	Identify the authorities, roles, and responsibilities of various education/school entities such as individual schools, local school districts and school superintendents, state education agencies and officials, and local and/or state boards of education.	
	Identify any other state and/or local agencies with authorities, roles, or responsibilities in SLV activities.	
	Determine if and how the authorities, roles, and responsibilities change if an emergency is declared.	

Issues for Analysis		State/Local Information
Identify existing plans, policies, guidance documents, procedures, or memoranda of agreement (MOAs) addressing public health agency activities with schools or education agencies for SLV sites for the following:		
	Identify the health agencies' authorities, roles, and responsibilities.	
	Identify the authorities, roles, and responsibilities of various education/school entities such as individual schools, local school districts and school superintendents, state education agencies and officials, and local and/or state boards of education.	
	Identify any other state and/or local agencies with authorities, roles, or responsibilities in SLV activities.	
	Determine if and how the authorities, roles, and responsibilities change if an emergency is declared.	
Preparing for SLV Activities		
Create or revise existing MOAs or other instruments and documents that specify the roles and responsibilities of the various entities involved in the SLV clinic as applicable. Have these documents reviewed by legal counsel.		
	State health agency	
	Local health agency	
	Individual schools	
	School districts	
	State education agency	
	State/local board of education	
	Other state or local agencies (emergency management, police, EMT, etc.)	
If vaccination activities will involve privately owned schools and/or vaccination providers, have contracts or agreements reviewed by counsel.		

Issues for Analysis		State/Local Information
	Have any consent forms, information sheets, or other materials to be distributed to parents, students, and other potential vaccinees reviewed by legal counsel to ensure compliance with state and/or local statutory and regulatory requirements.	
	Identify if and how individually identifiable health information will be collected and maintained.	
	Determine which agency or entity will be maintaining the records.	
	What, if any, privacy protections apply to the data given (FERPA, HIPAA, state privacy requirements)?	
	Identify a mechanism for policy and legal questions to be posed and answered during the SLV clinic.	
SLV Liability and Immunity Issues		
	Work with or have legal counsel identify and analyze potential areas of liability associated with the clinic (e.g., individual liability for persons administering vaccines; facility or premises liability). To the extent possible, identify how these potential liabilities can be mitigated or lessened.	
	Work with or have legal counsel identify potential liability protections such as indemnification or immunity provisions in federal, state, and local laws applicable to the intended SLV activities and the types of staff involved (e.g., employees, contract staff, paid vs. unpaid volunteers, out-of-state health professionals, etc.).	
	Have legal counsel review liability and indemnification provisions in any contracts or agreements with private parties.	

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