

No. 2001-95

AN ACT

HB 846

Providing for certain immunizations in long-term care facilities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Long-Term Care Resident and Employee Immunization Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Health of the Commonwealth.

“Employee.” An individual employed, whether directly, by contract with another entity or as an independent contractor, by a long-term care nursing facility on a part-time or full-time basis.

“Long-term care facility” or “facility.” A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Section 3. Long-term care resident and employee immunization.

Except as provided in section 6, every facility in this Commonwealth shall request that residents and employees be immunized for influenza virus and pneumococcal disease in accordance with this act.

Section 4. Resident immunization.

(a) Notice to resident.—Upon admission, the facility shall notify the resident and legal guardian of the immunization requirements of this act and request that the resident agree to be immunized against influenza virus and pneumococcal disease.

(b) Records and immunizations.—Every facility shall document the annual immunization against influenza virus and immunization against pneumococcal disease for each resident, which includes written evidence from a health care provider indicating the date the vaccine was administered. Upon finding that a resident is lacking such immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. The immunization and documentation shall take place in a manner consistent with the recommendations of the Centers for Disease Control and Prevention.

Section 5. Employee immunization.

(a) Notice to employees.—Every facility shall notify every employee of the immunization requirements of this act and request that the employee agree to be immunized against influenza virus.

(b) Records and immunizations.—The facility shall require documentation of annual immunization against influenza virus for each employee, which includes written evidence from a health care provider indicating the date and location the vaccine was administered. These documents shall be maintained by the facility for not less than 18 months. Upon finding that an employee is lacking such immunization or the facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the facility shall make available the immunization. The immunization and documentation shall take place in a manner consistent with the recommendations of the Centers for Disease Control and Prevention.

(c) Immunization authorized.—Nothing in this section shall prohibit the immunization against pneumococcal disease to employees.

Section 6. Exceptions.

No resident or employee shall be required to receive either the influenza or pneumococcal vaccine if any of the following apply:

- (1) the vaccine is contraindicated;
- (2) it is against his religious beliefs; or
- (3) the employee, resident or resident's legal guardian refuses the vaccine after being fully informed of the health risks of such action.

Section 7. Regulations.

(a) Promulgation by department.—The department may promulgate regulations relating to the immunization requirements of this act, taking into consideration the recommendations of the Centers for Disease Control and Prevention.

(b) Educational materials.—The department, in conjunction with the Department of Aging, shall make available educational and informational materials to all facilities with respect to vaccination against influenza virus and pneumococcal disease.

(c) Report to General Assembly.—Three years from the effective date of this act and each three-year period thereafter, the department shall report to the General Assembly on the number of outbreaks in facilities each year due to influenza virus and pneumococcal disease. The number of hospitalizations of facility residents each year due to influenza virus, pneumococcal disease and complications thereof must be reported as well.

Section 8. Effective date.

This act shall take effect in 90 days.

APPROVED—The 13th day of December, A.D. 2001.

MARK S. SCHWEIKER