

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 122

Short Title: Health Care Facility Employees/Flu Vaccine. (Public)

Sponsors: Representatives Glazier, Alexander, England (Primary Sponsors); Adams, Coleman, Farmer-Butterfield, Harrison, Insko, Jones, McGee, Mobley, Underhill, Wainwright, Weiss, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2007

A BILL TO BE ENTITLED

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2 AN ACT REQUIRING HOSPITALS TO PROVIDE THE INFLUENZA VACCINE
3 AT NO COST TO ALL EMPLOYEES HAVING DIRECT PATIENT CONTACT,
4 TO REPORT INFLUENZA VACCINATION RATES OF EMPLOYEES TO THE
5 STATE, AND TO PROVIDE EDUCATION TO HOSPITAL EMPLOYEES
6 ABOUT THE RISKS OF INFLUENZA AND BENEFITS OF IMMUNIZATION;
7 AND TO REQUIRE NURSING HOMES AND ADULT CARE HOMES TO
8 REPORT INFLUENZA VACCINATION RATES OF EMPLOYEES.

9 Whereas, influenza is a contagious respiratory illness caused by a virus; and

10 Whereas, influenza is the sixth leading cause of death for adults in the United
11 States; and

12 Whereas, in hospitals and other health facilities, health care workers have
13 daily contact with those patients most vulnerable to serious flu complications; and

14 Whereas, according to the Centers for Disease Control (CDC), unvaccinated
15 health care workers can spread influenza and infect others before they themselves
16 realize they are sick; and

17 Whereas, the influenza vaccine has been shown to be highly effective in
18 preventing the flu for healthy individuals under age 65; and

19 Whereas the CDC recommends annual influenza vaccinations for health care
20 workers; Now, therefore,

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** G.S. 131D-9 reads as rewritten:

23 **"§ 131D-9. Immunization of employees and residents of adult care homes.**

24 (a) Except as provided in subsection (e) of this section, an adult care home
25 licensed under this Article shall require residents and employees to be immunized
26 annually against influenza virus and shall require residents to also be immunized against
27 pneumococcal disease.

1 (b) Upon admission, an adult care home shall notify the resident of the
2 immunization requirements of this section and shall request that the resident agree to be
3 immunized against influenza virus and pneumococcal disease.

4 (b1) An adult care home shall notify every employee of the immunization
5 requirements of this section and shall request that the employee agree to be immunized
6 against the influenza virus.

7 (c) An adult care home shall document the annual immunization against
8 influenza virus and the immunization against pneumococcal disease for each resident
9 and each employee, as required under this ~~section~~ section and shall report influenza
10 vaccination rates of its employees to the Department as part of the Department's quality
11 control programs.

12 Upon finding that a resident is lacking one or both of these immunizations or that an
13 employee has not been immunized against influenza virus, or if the adult care home is
14 unable to verify that the individual has received the required immunization, the adult
15 care home shall provide or arrange for immunization. The immunization and
16 documentation required shall occur not later than November 30 of each year.

17 (d) For an individual who becomes a resident of or who is newly employed by
18 the adult care home after November 30 but before March 30 of the following year, the
19 adult care home shall determine the individual's status for the immunizations required
20 under this section, and if found to be deficient, the adult care home shall provide the
21 immunization.

22 (e) No individual shall be required to receive vaccine under this section if the
23 vaccine is medically contraindicated, or if the vaccine is against the individual's
24 religious beliefs, or if the individual refuses the vaccine after being fully informed of the
25 health risks of not being immunized.

26 (f) Notwithstanding any other provision of law to the contrary, the ~~Health~~
27 ~~Services Commission shall have the authority to~~ Medical Care Commission shall adopt
28 rules to implement the immunization requirements of this section.

29 (g) As used in this section, "employee" means an individual who is a ~~part-time or~~
30 ~~full-time employee of the adult care home~~ part-time, full-time, or temporary employee of
31 the adult care home and whose duties include direct contact with adult care home
32 residents."

33 **SECTION 2.** G.S. 131E-113 reads as rewritten:

34 **"§ 131E-113. Immunization of employees and residents.**

35 (a) Except as provided in subsection (e) of this section, a nursing home licensed
36 under this Part shall require residents and employees to be immunized against influenza
37 virus and shall require residents to also be immunized against pneumococcal disease.

38 (b) Upon admission, a nursing home shall notify the resident of the immunization
39 requirements of this section and shall request that the resident agree to be immunized
40 against influenza virus and pneumococcal disease.

41 (b1) A nursing home shall notify every employee of the immunization
42 requirements of this section and shall request that the employee agree to be immunized
43 against influenza virus.

1 (c) A nursing home shall document the annual immunization against influenza
2 virus and the immunization against pneumococcal disease for each resident and each
3 employee, as required under this ~~section~~section and shall report influenza vaccination
4 rates for its employees to the Department as part of the Department's quality control
5 programs.

6 Upon finding that a resident is lacking one or both of these immunizations or that an
7 employee has not been immunized against influenza virus, or if the nursing home is
8 unable to verify that the individual has received the required immunization, the nursing
9 home shall provide or arrange for immunization. The immunization and documentation
10 required shall occur not later than November 30 of each year.

11 (d) For an individual who becomes a resident of or who is newly employed by
12 the nursing home after November 30 but before March 30 of the following year, the
13 nursing home shall determine the individual's status for the immunizations required
14 under this section, and if found to be deficient, the nursing home shall provide the
15 immunization.

16 (e) No individual shall be required to receive vaccine under this section if the
17 vaccine is medically contraindicated, or if the vaccine is against the individual's
18 religious beliefs, or if the individual refuses the vaccine after being fully informed of the
19 health risks of not being immunized.

20 (f) Notwithstanding any other provision of law to the contrary, the ~~Health~~
21 ~~Services Commission shall have the authority to~~Medical Care Commission shall adopt
22 rules to implement the immunization requirements of this section.

23 (g) As used in this section, "employee" means an individual who is a ~~part-time or~~
24 ~~full-time employee of the nursing home.~~part-time, full-time, or temporary employee of
25 the nursing home and whose duties include direct contact with nursing home residents
26 or patients."

27 **SECTION 3.** Article 5 of Chapter 131E of the General Statutes is amended
28 by adding the following new section to read:

29 **"§ 131E-79.2. Immunization of employees.**

30 (a) Except as provided in subsection (e) of this section, and to the extent vaccines
31 are available, a hospital licensed under this Part shall require all employees with direct
32 patient contact to be immunized against influenza virus and shall make the influenza
33 vaccine available to employees at no cost.

34 (b) A hospital shall notify every employee of the immunization requirements of
35 this section and shall request that the employee agree to be immunized against influenza
36 virus.

37 (c) A hospital shall document the annual immunization against influenza virus
38 for each employee, as required under this section and shall report influenza vaccination
39 rates for its employees to the Department as part of the Department's quality control
40 programs. Upon finding that an employee has not been immunized against influenza
41 virus, or if the hospital is unable to verify that the employee has received the required
42 immunization, the hospital shall provide or arrange for immunization at no cost to the
43 employee. The immunization and documentation required shall occur not later than
44 November 30 of each year.

1 (d) For an individual who is newly employed by the hospital after November 30
2 but before March 30 of the following year, the hospital shall determine the individual's
3 status for the immunization required under this section, and if found to be deficient, the
4 hospital shall provide the immunization at no cost to the individual.

5 (e) No individual shall be required to receive vaccine under this section if the
6 vaccine is medically contraindicated, or if the vaccine is against the individual's
7 religious beliefs, or if the individual refuses the vaccine after being fully informed of the
8 health risks of not being immunized. A hospital shall provide education to its employees
9 on the risks of influenza and the benefits of vaccination.

10 (f) Notwithstanding any other provision of law to the contrary, the Medical Care
11 Commission shall adopt rules to implement the immunization requirements of this
12 section.

13 (g) As used in this section, "employee" means an individual who is a part-time,
14 full-time, or temporary employee of the hospital and whose duties include direct contact
15 with hospital patients."

16 **SECTION 4.** This act becomes effective November 1, 2007.
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