UNIFORM ACT ON INFLUENZA VACCINATION OF HEALTH CARE WORKERS

SECTION 1. DEFINITIONS.

In this Act:

1) “Certificate of Influenza Immunization” means a written statement indicating the influenza vaccination status of a Health Care Worker. The Certificate shall specify the vaccine administered and the date of administration, or the reason the Health Care Worker was exempt from the influenza vaccination requirement. The Certificate shall be signed by the licensed health care provider who administered the vaccine. If the Health Care Worker is exempt from the influenza vaccination requirement, the Certificate shall be signed by both the Health Care Worker and a designated Health Care Employer. Secondary school or collegiate health records that provide the month and year of administration or laboratory evidence of immunity may be submitted as proof of immunity.

2) “Employer” means a person or entity that has control over the wages, hours and working conditions of Health Care Workers in settings that include, but are not limited to acute care hospitals, adult day programs or facilities, ambulatory surgical facilities, child day care facilities, correctional facilities, home health care agencies, hospices, intermediate care facilities, long-term care facilities, nursing homes, outpatient clinics, physicians’ offices, rehabilitation centers, residential health care facilities, skilled nursing facilities, urgent care centers, dialysis centers, and occupational health centers.

3) “Health Care Worker” means all persons, whether paid or unpaid, including but not limited to employees, staff, contractors, clinicians, emergency medical technicians, ambulance drivers, volunteers, students, trainees, clergy, home health care providers, dietary and housekeeping staff, and others whose occupational activities involve direct or indirect contact
with patients or contaminated material in a healthcare, home healthcare, or clinical laboratory setting.

4) “Shall or Must” means that compliance is mandatory.

SECTION 2. SUBSTANCE OF THE ACT.

a) In accordance with this section, each Health Care Employer in this state shall establish influenza vaccination requirements as follows:

1) require that all Health Care Workers receive influenza vaccinations as a precondition to employment and on an annual basis, in accordance with the latest recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC) no later than [_________] of each year. To the extent that the ACIP recommendations may differ from the terms of this section, the ACIP recommendations shall control;

2) notify all Health Care Workers of the immunization requirements of this section;

3) provide all Health Care Workers with education about the benefits of influenza vaccine and potential consequences of influenza illness;

4) provide or arrange for influenza vaccination, at no cost to Health Care Workers, either at the facility or at an alternate location chosen by the Health Care Worker, by [_________] of each year;

5) determine whether Health Care Workers hired after [_________] of each year, have received the required influenza vaccination. If the Health Care Worker has not received the influenza vaccination, the Health Care Employer shall provide or arrange for influenza vaccination, at no cost to Health Care Workers. The Health Care Worker may receive the
vaccination either at the facility or at an alternate location chosen by the Health Care Worker, before employment or within one week of employment;

6) maintain completed and signed Certificates of Influenza Immunization for one year;

b) A Health Care Employer shall not require a Health Care Worker to receive an influenza vaccine if:

1) the Health Care Worker presents to the Health Care Employer a licensed health care provider’s written statement indicating that the Health Care Worker has a condition contraindicated for immunization;

2) the Health Care Worker presents to the Health Care Employer a written statement indicating that the worker opposes the administration of the vaccine based upon a sincere religious belief;

3) the Health Care Worker presents to the Health Care Employer a written statement indicating that the worker opposes the administration of the vaccine based upon a philosophical belief;

4) the Health Care Worker signs a statement certifying receipt of information about the risks and benefits of influenza vaccine, including but not limited to the symptoms, transmission, and potential impact of influenza on patient and personal health; or

5) an authorized State Health Official determines that there is an insufficient supply of vaccine given the number of workers to be vaccinated or the vaccine is not reasonably available.

c) Each Health Care Employer shall collect aggregate data on Health Care Worker influenza vaccination status for the period beginning [___________] and ending
The Health Care Employer must report the data to an authorized State Health Official by [_________] of the same year in a manner determined by the authorized State Health Official. Required data will include, but not be limited to, number of Health Care Workers immunized by occupation, total number of Health Care Workers by occupation, and reason(s) Health Care Workers did not receive an influenza vaccination.

d) determine the steps Health Care Workers who are not vaccinated pursuant to this section must take to reduce the risk of transmitting influenza to patients.

e) In accordance with subsections a) and b) of this section, Health Care Workers shall receive influenza vaccination or comply with exceptions and submit completed and signed Certificate of Influenza Immunization to Health Care Employer by [_______________] of each year.

SECTION 3. UNIFORMITY OF APPLICATION AND CONSTRUCTION.
In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

SECTION 4. SHORT TITLE.
This Act may be cited as the Uniform Act for Influenza Vaccination Requirements of Healthcare Workers.

SECTION 5. SEVERABILITY CLAUSE.
The provisions of this Uniform Act are severable. If any provision of this Act or its application is held invalid, that invalidity shall not affect other provisions or applications of this Act which can be given effect without regard to the provision or application that has been held to be invalid.

SECTION 6. EFFECTIVE DATE.
a) The provisions of this Act shall apply to any Affected Employee and Affected Employer in this state on or after:

OPTIONS

1) Date of enactment

2) A date (x) days after the date of enactment

3) (X) days after (insert description of regulation or other guidance) is issued by (insert name of administering agency)