

## Requirements of SB 438, Immunization Legislation

### Influenza Immunization:

1. Hospitals must document evidence of immunization against flu for all consenting patients in accordance with the current recommendations of the CDC's Advisory Committee on Immunization Practices with respect to indications such as age, timing, dosing, and administration.
2. Exceptions are permitted depending on availability of an adequate vaccine supply, medical contraindications and religious beliefs.
3. Consenting patients must be immunized prior to discharge from the hospital.
4. Receipt of the vaccination must be documented in the patient's chart and made a part of the patient's permanent medical record.
5. The hospital must exercise diligence in determining whether the patient has already had the flu vaccine for the year.

### Pneumonia:

1. Hospitals must document evidence of immunization against pneumonia for all consenting patients in accordance with the current recommendations of the CDC's Advisory Committee on Immunization Practices with respect to indications such as age, timing, dosing, and administration.
2. Exceptions are permitted depending on medical contraindications and religious beliefs.
3. Consenting patients must be immunized prior to discharge from the hospital.
4. Receipt of the vaccination must be documented in the patient's chart and made a part of the patient's permanent medical record.
5. The hospital must exercise diligence in determining whether the patient has received the pneumococcal vaccine within the preceding 10 years.

### Reporting

The hospital must collect aggregate data on patient influenza and pneumococcal immunization and annually report that data to the Department of Health & Human Services beginning July 1, 2005 for calendar year 2004 data.\*

*\* Note: Although the law states that hospitals will report on 2004 data, NHHA believes this section is impossible to comply with because (a) the actual effective date of the bill is January 1, 2005; and (b) DHHS has not yet adopted rules to specify type of data and in what form such data shall be reported.*

### Employee Immunizations

1. Before November 30<sup>th</sup> of each year (starting Nov, 2005), hospitals must provide to consenting employees annual immunizations against influenza, in accordance with the CDC Advisory Committee on Immunization Practices, subject to the availability of an adequate supply of vaccine, and subject to exemptions for medical contraindications and religious beliefs.
2. Employees beginning their employment between October 1 and February 1 must be vaccinated for influenza prior to or upon reporting to work.

### **Rulemaking**

The Department of HHS must adopt rules relative to the administration and documentation of immunizations required by this statute.

**Effective Date: January 1, 2005**