

Alabama

Alabama Administrative Code r.420-5-7-.04,

<http://www.alabamaadministrativecode.state.al.us/docs/hlth/420-5-7.pdf>

Code of Alabama 22-21-10

<http://www.legislature.state.al.us/codeofalabama/1975/22-21-10.htm>

Full Code of Alabama

<http://www.legislature.state.al.us/codeofalabama/1975/125823.htm>

- It is required of each hospital to establish vaccination requirements for employees that are consistent with current recommendations from the federal Centers for Disease Control and Prevention and the federal Occupational Safety and Health Administration (at a minimum to require annual influenza vaccinations). These requirements apply only to those facilities covered by Alabama's definition of a hospital.
- Each long-term care facility in this state shall conduct an immunization program as provided in this section which gives residents the opportunity to be immunized annually against the influenza virus and to be immunized against pneumococcal disease and employees the opportunity to be immunized against influenza virus.
- A long-term care facility shall notify the resident upon admission of the immunization program provided by this section and shall request that the resident agree to be immunized against influenza virus and pneumococcal disease.
- No individual, resident, or employee shall be required to receive the vaccine under this section if the vaccine is medically contraindicated, if the vaccine is against the individual's religious beliefs, or if the individual refuses the vaccine after being fully informed of the health risks of not being immunized.

Arkansas

Senate Bill No. 346 § 20-10-1303 A.C.A. § 20-10-1304 (2011)

<http://law.justia.com/codes/arkansas/2010/title-20/subtitle-2/chapter-10/subchapter-13/20-10-1304/>

Searchable full code

<http://www.lexisnexis.com/hottopics/arkcode/Default.asp>

- Each nursing home facility in this state shall:
 - Obtain consent from residents or their legal guardians upon admission to participate in all immunization programs that are conducted within the facility while that person is a resident of that facility, and not in violation of the resident's right to refuse treatment.
 - As a condition of their employment, require all employees to participate in immunization programs conducted while they are employed at the facility, unless the employee meets the qualifications for exemptions.
 - Qualifications for exemptions include medical contraindications or religious beliefs.

California

Senate Bill No. 739; California Codes, Health and Safety Code Section 1288.7

<http://www.cdph.ca.gov/programs/immunize/Pages/CaliforniaHospitalInfluenzaLaw.aspx>

- It is required to annually offer on-site influenza vaccinations, if available, to all hospital employees at no cost to the employee.
- In general acute care hospitals, it is required that all employees are vaccinated.

- If they choose not to be vaccinated, it must be declared in writing that he/she has declined the vaccination.

Florida

Fla. Stat. 400.141

<http://www.flsenate.gov/Session/Bill/2011/0119/BillText/e1/PDF>

- It is a requirement of administration and management of nursing home facilities to:
 - Annually encourage and promote to its employees the benefits associated with immunizations against influenza viruses in accordance with the recommendations of the United States Centers for Disease Control and Prevention. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

Illinois

Ill. Admin. Code tit. 77, § 956.30

<http://www.ilga.gov/commission/jcar/admincode/077/07700956sections.html>

- Beginning with the 2010 to 2011 influenza season, each health care setting shall ensure that all health care employees are provided education on influenza and are offered the opportunity to receive seasonal, novel and pandemic influenza vaccine, in accordance with this Section, during the influenza season (between September 1 and March 1 of each year), unless the vaccine is unavailable. Health care employees who decline vaccination for any reason shall sign a statement declining vaccination and certifying that he or she received education about the benefits of influenza vaccine.
 - Ill. Admin. Code tit. 77, § 956.10 defines a “health care setting” as including, among others, hospitals as defined in the Hospital Licensing Act.

Kentucky

K.R.S.209.552

<http://www.lrc.ky.gov/KRS/209-00/552.PDF>

- Every long-term care facility shall require each employee to be immunized against pneumococcal and influenza virus.
- The employee may be exempt from the immunization if:
 - The vaccine is medically contraindicated;
 - The employee, resident, or resident's legal guardian objects to the immunizations due to religious beliefs; or
 - The employee or resident refuses the vaccine after being fully informed of the health risks.

Maine

Code Me. R. 10-144-264(2)

<http://www.mainelegislature.org/legis/statutes/22/title22sec802.html>

<http://www.maine.gov/sos/cec/rules/10/chaps10.htm>

- Designated Health care Facilities have a policy that recommends and offers annual immunizations against influenza to all personnel who provide direct care for residents of the facility.

- Designated Health care Facilities are defined as: licensed nursing facility; residential care facility; intermediate care facility for the mentally retarded; multi-level health care facility; hospital, or home health agency.
- An employee may choose not to receive the immunization due to medical, religious, or philosophical reasons, but must disclose these reasons in writing.
- An employee may be permitted to attend work where he/she presents a physician's written statement that the immunization is medically inadvisable.

Maryland

Md. Health General Code Ann. 18-404

<http://law.justia.com/codes/maryland/2005/ghg/18-404.html>

- All long term care workers must be vaccinated.
- A resident or employee is not required to receive a vaccine under this section if: vaccine is medically contraindicated for the resident or employee; vaccine is against the resident or employee's religious beliefs; or after being fully informed by the related institution of the health risks associated with not receiving a vaccine, the resident or employee refuses the vaccine. Must document reason for refusal.

Massachusetts

Mass. Regs. Code tit. 105, § 130.325

<http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr130.pdf>

- Each hospital shall ensure that all personnel are vaccinated with seasonal influenza vaccine unless an individual declines vaccination.
- Personnel are defined as individuals employed by or affiliated with the hospital, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid, including but not limited to employees, members of the medical staff, contract employees or staff, students, and volunteers who either work at or come to the licensed hospital site, whether or not such individual(s) provide direct patient care.

New Hampshire

N.H. Rev. Stat. Ann. 151:9-b, Bill 58 438, Bill HB 1741

<http://www.gencourt.state.nh.us/ras/html/xi/151/151-mrg.htm>

- It is required that before November 30th of each year hospitals, residential care facilities, adult day care facilities and assisted living facilities shall provide to its consenting employees annual immunizations against influenza.
- A "hospital" is defined as an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term "hospital" includes psychiatric and substance abuse treatment hospitals.
- Exemptions to the immunization requirements include medical contraindications or religious beliefs.

Nevada

Nev. Admin. Code ch. 441A, § 550

<http://www.leg.state.nv.us/Division/Legal/LawLibrary/NAC/NAC-441A.html#NAC441ASec550>

- For Nevada, no statute or regulation requires any hospital to ensure that any employees are vaccinated with influenza vaccine.
- Relating to “medical facilities.” Nev. Admin. Code ch. 441A, § 550 provides that if a case having a disease caused by invasive Haemophilus influenzae type b is in a medical facility where there is a contact less than 2 years of age, each employee of the medical facility shall complete a course of antimicrobial prophylaxis. If a case having a disease caused by invasive Haemophilus influenzae type b is in a medical facility where there is a contact who is less than 2 years of age, and where 2 persons have been diagnosed as having a disease caused by invasive Haemophilus influenzae type b within 60 days, each member of the staff in the medical facility shall complete a course of antimicrobial prophylaxis, unless medically contraindicated, regardless of whether the staff member has received an immunization against Haemophilus influenzae type b.

New York

NY CLS Pub Health 2192, 2194, 2195

http://www.health.state.ny.us/prevention/immunization/ltc_act/docs/article21.pdf

- It is required that a general hospital with a neonatal intensive care unit offer to every parent, person in parental relation, and person who is reasonably anticipated to be a caregiver in the household of a newborn being treated in such neonatal intensive care unit a vaccination against influenza virus.
- It is required that health care providers are immunized against influenza virus and pneumococcal disease.
- Medical contraindication allows for exemption to the immunization requirements.
- Every long-term care facility in this state shall require residents and employees to be immunized for influenza virus and pneumococcal disease in accordance with regulations of the commissioner.
- No individual shall be required to receive either an influenza vaccine or pneumococcal vaccine if the vaccine is medically contraindicated, if it is against his or her religious beliefs, or if he or she refuses the vaccine after being fully informed of the health risks of such action.

North Carolina

NC Gen. Stat 1310-9

http://law.justia.com/codes/north-carolina/2005/chapter_131d/gs_131d-9.html

- It is required that hospitals provide the influenza vaccine at no cost to all employees having direct patient contact to report influenza vaccination rates of employees to the state, and to provide education to hospital employees about the risks of influenza and benefits of immunization; and to require nursing homes and adult care homes to report influenza vaccination rates of employees.
- It is required that nursing homes and adult care homes ensure both residents and employees of nursing homes and adult care homes receive an annual influenza vaccination.
- The facilities are required to document the influenza immunization status of each resident and employee.

- Every long term care facility in this state shall require residents and employees to be immunized for influenza virus and pneumococcal disease in accordance with regulations of the commissioner.
- No individual shall be required to receive vaccine under this section if the vaccine is medically contraindicated, or if the vaccine is against the individual's religious beliefs, or if the individual refuses the vaccine after being fully informed of the health risks of not being immunized.

Oklahoma

Okla Admin Code 310:675-9-31

http://www.oar.state.ok.us/viewhtml/310_675-9-31.htm

Full searchable code

<http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00>

- Each facility shall document evidence of the offering of annual vaccination against influenza for each resident and for each employee, in accordance with the Recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention most recent to the time of vaccination.
- The immunization provided for in this section may be waived because of medical contraindication or may be refused.

Oregon

Or. Rev. Stat. 433.416

<http://www.leg.state.or.us/ors/433.html>

<http://www.leg.state.or.us/11reg/measures/sb0100.dir/sb0199.intro.html>

- There is no statute or regulation requiring any hospital to ensure that any employee is vaccinated with the influenza vaccine. However, if during the course of employment the health care worker is at risk of contracting an infectious disease, the employer shall provide at no cost to employee preventative immunization if available and medically appropriate. Such preventative immunization shall be provided by the employer at no cost to the employee. A worker shall not be required as a condition of employment to be immunized under this section, unless such immunization is otherwise required under state or federal law, rule or regulation.

Pennsylvania

35 P.S. § 632.5

- It is required that long term care facilities offer residents and employees influenza immunizations and to provide educational materials on the flu vaccine.
- 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.

Rhode Island

R.I. Gen. Laws 23-17.19-3, R.I. Gen. Laws 23- 17.1 9-5., R.I. Gen. Laws 23-17.19-6.

http://www.lawserver.com/law/state/rhode-island/ri-laws/rhode_island_general_laws_chapter_23-1719

Code R. 14-000-028

<http://www.rilin.state.ri.us/billtext00/housetext00/h7457.htm>

- Every facility in this state shall request that residents and employees be immunized for influenza virus and pneumococcal disease in accordance with this chapter.
- Every facility shall notify every employee of the immunization requirements of this chapter and request that the employee agree to be immunized against influenza virus.
- It is required for rehabilitation hospitals, hospitals and health care facilities to offer new employees starting work between October and March vaccination with influenza vaccine.
- Each health care facility shall offer annual vaccination against influenza to all other health care workers involved in direct patient contact, including employees and volunteers.
- Medical contraindication is reason for exemption to immunizations.

Tennessee

Tenn. Comp. R. and Regs. 1200-8-1-.06

http://www.tnpatientsafety.com/Portals/0/resources/may_training_ppt/AM_2_c_TDH_rules_regs_2007.pdf

- The facility shall have an annual influenza vaccination program which shall include at least the offer of influenza vaccination to all staff and independent practitioners or accept documented evidence of vaccination from another vaccine source or facility.

Texas

Tex. Health & Safety Code § 161.0051

<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.161.htm>

25 T.A.C. § 97.202

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=97&rl=202](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=97&rl=202)

40 TAC § 19.1601

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=19&rl=1601](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=19&rl=1601)

- Nursing homes are required to offer in accordance with an immunization schedule adopted by the Texas Department of Health.
- The facility must offer influenza vaccination to residents and employees in contact with residents.
- Vaccination must be completed unless the vaccine is medically contraindicated by a physician or unless the employee or resident has refused the vaccine.
- Influenza vaccination for all residents and employees must be completed by November 30 of each year. Employees hired or residents admitted after this date and

during the influenza season (through February of each year) must receive influenza vaccinations unless medically contraindicated by a physician or unless the employee or resident has refused the vaccine.

- Vaccine administration must be in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at the time of the most recent vaccination.
- Documentation of receipt or refusal of vaccinations. Immunization records will be maintained for each employee in contact with residents and will show the date of the receipt or refusal of each annual influenza vaccination. The medical record for each resident will show the date of the receipt or refusal of the annual influenza vaccination and the pneumococcal vaccine.

Utah

R432-40-4,5

<http://www.rules.utah.gov/publicat/code/r432/r432-040.htm>

- Each long term health care facility shall implement written policies and procedures that include:
 - A comprehensive assessment and immunization program for residents and employees;
 - How and when to provide the influenza and pneumococcal immunizations;
 - Standing orders from a qualified health care practitioner to ensure residents obtain influenza and pneumococcal immunizations, and
 - Collection and recording of resident-specific immunization history information for each resident admitted to the facility.
- Each long term health care facility shall make available to all employees an influenza immunization during the recommended vaccine season. The facility shall be deemed to have made influenza immunization available if the facility documents that each employee on staff had the opportunity to receive an influenza immunization under their existing health plan coverage. If the employee does not have health plan coverage for influenza immunization, then the facility shall be deemed to have made influenza immunization available if the facility documents that each employee on staff had the opportunity to receive an influenza immunization at a cost to the employee that is at or below that charged by their local health department.
- Each long term health care facility shall document circumstances beyond its control that prevent it from providing immunizations, such as non-availability of vaccine. If the facility is unable to obtain the necessary vaccines, it shall provide documentation and request an alternative plan from the local health department or Utah Department of Health.
- The following are exempt from influenza and pneumococcal immunizations: (a) a resident, or the resident's responsible person if the resident is unable to act for himself, who has refused the immunization(s) after having been given the opportunity to be immunized; and (b) an employee who has refused the immunization(s) after having been given the opportunity to be immunized; (c) a resident or employee who has a condition contraindicated for immunization according to the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practice (ACIP) recommendations for influenza vaccine or for pneumococcal vaccine.

- For each resident and employees who is not immunized, the facility shall document in the resident's or employees respective files the reason for not becoming immunized. The long term care facility shall annually make influenza and pneumococcal immunizations available to all residents and employees who have claimed an exemption. The long term care facility shall document each refusal to receive and medical contraindication to influenza and pneumococcal immunizations.

Virginia

12 Va. Admin. Code § 5-410-490

<http://lis.virginia.gov/cgi-bin/legp604.exe?000+reg+12VAC5-410-490>

- For Virginia, no statute or regulation requires any hospital to ensure that any employees are vaccinated with influenza vaccine. However, note, providing that hospitals shall have an infection control committee to periodically evaluate, and revise as needed, infection control policies, procedures, and techniques for all appropriate phases of hospital operation and service in order to protect patients, employees, and visitors. These policies shall include, but are not limited to, appropriate employee health screening and immunization, among other things

Washington, D.C.

22 DCMR § B2017.10

<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=22-B2017>

- For D.C., no regulation or statute specifically refers to vaccination against influenza for hospital employees. However, note, requiring that immunization against communicable disease shall be required of all employees and all other persons who routinely come into contact with patients or patient areas.