

CHAPTER 151**(HB 69)**

AN ACT relating to immunizations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act, unless the context requires otherwise:

- (1) "Commissioner" means the commissioner of the department;*
- (2) "Department" means the Department for Public Health;*
- (3) "Documentation" means written evidence from an individual's health care provider that indicates the date and place the individual received the influenza vaccine or the pneumococcal vaccine;*
- (4) "Employee" means an individual who is employed, directly or by contract with another entity, on a part-time or full-time basis;*
- (5) "Medically contraindicated" describes a situation in which the influenza or pneumococcal vaccine should not be administered to an individual because of a condition that the individual has that will be detrimental to the individual's health if the individual receives the vaccine; and*
- (6) "Long-term care facility" has the same meaning as in KRS 216.510, except that for purposes of Sections 1 to 3 of this Act, "long-term care facility" does not include family-care homes or personal-care homes.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

- (1) Every long-term care facility shall require residents to be immunized against pneumococcal disease and influenza. Upon admission, the long-term care facility shall:*
 - (a) Notify the resident of the requirements of this section and request that the resident agree to be immunized against pneumococcal disease and influenza virus;*
 - (b) Assess the resident's immunization status for influenza virus and pneumococcal disease;*
 - (c) Counsel each resident on the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations of the Centers for Disease Control prior to administration of the vaccines; and*
 - (d) Provide or arrange for immunizations against pneumococcal and influenza in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated, if the resident or long-term care facility does not have documentation of the immunization.*
- (2) Every long-term care facility shall document the annual immunization against influenza virus and pneumococcal immunization for each resident. Upon finding that a resident lacks either of these immunizations, the facility shall provide or arrange for the*

immunization in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated.

- (3) *Every long-term care facility shall require each employee to be immunized against pneumococcal and influenza virus. Upon employment, the long-term care facility shall:*
 - (a) *Notify the employee of the requirements of this section and request that the employee agree to be immunized against pneumococcal disease and influenza virus;*
 - (b) *Assess the employee's immunization status for influenza virus and pneumococcal disease;*
 - (c) *Counsel each employee on the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations of the Centers for Disease Control prior to administration of the vaccines; and*
 - (d) *Provide or arrange for immunizations against pneumococcal and influenza in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated, if the employee or the long-term care facility does not have documentation of the appropriate immunizations.*
- (4) *Every long-term care facility shall document the annual immunization against influenza virus and pneumococcal immunization for each employee. Upon finding that an employee lacks either of these immunizations, the facility shall provide or arrange for immunization in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated.*
- (5) *The provisions of this section shall not apply if:*
 - (a) *The vaccine is medically contraindicated;*
 - (b) *The employee, resident, or resident's legal guardian objects to the immunizations due to religious beliefs; or*
 - (c) *The employee or resident refuses the vaccine after being fully informed of the health risks.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 209 IS CREATED TO READ AS FOLLOWS:

- (1) *The commissioner of the department shall implement the provisions of Sections 1 to 3 of this Act through the promulgation of administrative regulations under KRS Chapter 13A.*
- (2) *The department shall make educational literature that describes the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations from the Centers for Disease Control available to every long-term care facility.*
- (3) *The department, on behalf of long-term care facilities, shall negotiate with any appropriate manufacturer of the vaccines for adult pneumococcal disease and influenza for a purchase price of the vaccines. Long-term care facilities shall be entitled to purchase the vaccines at the negotiated price for the purposes specified under Section 2 of this Act.*

- (4) *The commissioner of the department shall report by September 1, 2005, to the Governor, the Interim Joint Committee on Health and Welfare, and the Legislative Research Commission on the number of outbreaks in long-term care facilities for each year due to influenza virus and pneumococcal disease and the number of hospitalizations of long-term care facility residents each year due to influenza virus, pneumococcal disease, and associated complications.*

Approved April 2, 2002