

## 902 KAR 2:065. Immunization requirements for long-term care facilities.

RELATES TO: KRS 209.550, 209.552, 209.554, 211.090, 211.180, 214.010, 216.510, 216.515, 216.530

STATUTORY AUTHORITY: KRS 209.554(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 209.554(1) requires the Cabinet for Health Services, Department for Public Health to promulgate administrative regulations to implement provisions of KRS 209.550 to KRS 209.554 relating to immunization of residents and staff of long term care facilities against influenza and pneumococcal disease. This administrative regulation establishes requirements for long term care facilities to provide vaccine, to request that residents and employees agree to be vaccinated against influenza and pneumococcal disease, to maintain documentation of immunizations, and to report outbreaks of influenza-like illness.

Section 1. Definitions. (1) "Advisory Committee on Immunization Practices" or "ACIP" means the United States Public Health Service Committee that makes national immunization recommendations to the Centers for Disease Control and Prevention.

(2) "Annual schedule" means the schedule for administering a once-a-year vaccination against influenza, established by ACIP to ensure that in the event of a shortage or delay in production of vaccine, persons at greatest risk are served first.

(3) "If vaccine is available" means that a sufficient supply of vaccine has been produced by vaccine manufacturers and is available for purchase and shipment.

(4) "Influenza" means an acute viral infection of the respiratory tract:

(a) Caused by an influenza virus;

(b) Confirmed by laboratory culture; and

(c) Characterized by the sudden onset of a group of signs and symptoms such as fever, headache, myalgia, coryza, sore throat, and a dry cough.

(5) "Influenza-like illness" or "ILI" means, in the absence of a known cause, other than influenza an illness in which a person experiences:

(a) Fever greater than or equal to 100 degrees Fahrenheit and:

(b) Cough; or

(c) Sore throat.

(6) "Influenza vaccine" means a vaccine licensed by the Food and Drug Administration which produces immunity to influenza.

(7) "Immunize" means to vaccinate.

(8) "Medically indicated" means a vaccine is recommended by the ACIP for a person:

(a) Who has not been immunized against a disease; and

(b) For whom vaccination is recommended based on:

1. The age of the person;

2. A preexisting medical condition that may cause the person to be at risk; or

3. An occupation of the person that may put others at risk of contracting the disease.

(9) "Outbreak" means two (2) or more cases of influenza, or ILI, occurring in a single long-term care facility during a one (1) week period.

(10) "Pneumococcal disease" means a bacterial infection usually involving the lungs producing inflammation caused by *Streptococcus pneumoniae*, the bacteria commonly referred to as "pneumococcus".

(11) "Pneumococcal vaccine", also known as "PPV" means the FDA licensed twenty-three (23) valent pneumococcal polysaccharide vaccine.

Section 2. Vaccine Availability. (1) If vaccine is available, a long-term care facility shall:

(a) Obtain a sufficient quantity of influenza and pneumococcal vaccine to immunize each employee or resident of a facility for whom the vaccine is medically indicated; or

(b) Enter into an agreement with a local health department or other health care provider to obtain and administer influenza and pneumococcal vaccine to each employee or resident of a facility for whom the vaccine is medically indicated.

(2) A long-term care facility may charge a third party, a resident, or an employee for the cost of the:

(a) Vaccine; and

(b) Administration of the vaccine.

Section 3. Immunization Schedule. (1) A long-term care facility shall request that each current employee or resident agree to be vaccinated on an annual schedule against influenza when the vaccine is:

(a) Available; and

(b) Medically indicated.

(2) A long-term care facility shall request that each current employee or resident agree to be vaccinated against pneumococcal disease if the vaccine is:

(a) Available; and

(b) Medically indicated.

(3) Upon admission or employment, a long-term care facility shall request that each new employee or resident agree to be vaccinated on an annual schedule against influenza when the vaccine is:

(a) Available; and

(b) Medically indicated.

(4) Upon admission or employment, a long-term care facility shall request that each new employee or resident agree to be vaccinated against pneumococcal disease if the vaccine is:

(a) Available; and

(b) Medically indicated.

(5) If a long-term care facility is located within a larger facility, such as a hospital, the provisions of this administrative regulation shall apply to every employee of the larger facility who may also work in the long-term care facility on a full-time, part-time, or contractual basis.

Section 4. Health Records. (1) A long-term care facility shall maintain an immunization health record for each employee or resident that shall document:

(a) The immunization status of the employee or resident for influenza virus and pneumococcal disease;

(b) The date that the employee or resident received counseling on the risks and benefits of the vaccines;

(c) The date the employee or resident was requested to be immunized against influenza virus and pneumococcal disease; and

(d) The date the employee or resident was vaccinated against each disease.

(2) If after being advised of the risks and benefits of the vaccine, an employee, resident, or legal guardian of a resident refuses to be vaccinated, as provided in KRS 209.552(5), a long-term care facility shall document in the health record:

(a) The date each vaccine was offered;

(b) Each vaccine that was not administered; and

(c) The reason each vaccine was refused.

Section 5. Reporting. (1) Upon recognition of an outbreak of ILI, a long-term care facility shall report the outbreak within twenty four (24) hours, by telephone, facsimile, or e-mail to the:

(a) Local health department serving the jurisdiction in which the long-term care facility is located; or

(b) Department for public health.

(2) Upon receipt of a report of an outbreak from a long-term care facility, a local health department shall:

(a) Immediately notify the Department for Public Health, Division of Epidemiology; and

(b) Assist the department in carrying out a public health response as instructed.

(3) Within one (1) week of reporting an outbreak of ILI, a long-term care facility shall submit a completed Kentucky Reportable Disease Form for each affected employee or resident to:

(a) The local county health department serving the jurisdiction in which the long-term care facility is located; or

(b) The Department for Public Health, Division of Epidemiology.

(4) Upon notification of an outbreak of ILI, the Department for Public Health shall contact the long-term care facility to make recommendations for appropriate confirmation of the etiology of illness and intervention.

(5) The Department for Public Health shall maintain a data-base of confirmed occurrences of influenza and of pneumococcal disease occurring in long-term care facilities.

(6) The Department for Public Health shall maintain a data system to report the number of long-term care residents diagnosed with influenza or pneumococcal disease, and associated complications, and the number of hospitalizations of long-term care facility residents each year due to influenza virus, pneumococcal disease, and associated complications, pursuant to the requirements of KRS 209.554(4).

Section 6. Educational Literature. Within ninety (90) days of publication by the CDC, the Department for Public Health shall provide each licensed long-term care facility with a camera-ready copy of the most current vaccine information statements for influenza and pneumococcal disease.

Section 7. Incorporation by Reference. (1) "Kentucky Reportable Disease Form, EPID 200 (Rev. Jan/01)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 1448; Am. 1818; eff. 1-15-2003.)