

**209.552 Immunization against pneumococcal disease and influenza --
Documentation -- Immunization of employees.**

- (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 immunization against influenza virus every influenza season, by October 15 or upon admission, whichever comes later, 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, regardless of employment status, 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 immunization against influenza virus every influenza season, by October 15 or upon employment, whichever comes later, 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.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 36, sec. 15, effective July 15, 2020. -- Created 2002 Ky. Acts ch. 151, sec. 2, effective July 15, 2002.