

ASSEMBLY, No. 3920

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 5, 2011

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Wagner

SYNOPSIS

Requires health care facilities to offer influenza vaccination to their health care workers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning influenza vaccination of certain health care
2 workers and supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. As used in this act:

8 “Health care facility” means a general or special hospital or
9 nursing home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
10 seq.).

11 “Health care worker” means a person employed by a health care
12 facility who provides direct patient care or otherwise has contact
13 with patients.

14 b. Commencing with the 2011-2012 influenza season, each
15 health care facility shall establish and implement an annual
16 influenza vaccination program in accordance with the current
17 recommendations of the Advisory Committee on Immunization
18 Practices of the federal Centers for Disease Control and Prevention
19 and any rules and regulations adopted by the Commissioner of
20 Health and Senior Services pursuant to this act.

21 c. For the purposes of its annual influenza vaccination program,
22 each health care facility shall:

23 (1) annually offer to provide an on-site or off-site influenza
24 vaccination to each of its health care workers; except that a health
25 care worker may, in lieu of accepting the influenza vaccination
26 offer, present acceptable proof of a current influenza vaccination
27 from another vaccination source, or sign a written declination
28 statement;

29 (2) maintain a record of influenza vaccinations for each health
30 care worker, and retain each signed declination statement from a
31 health care worker who elects not to receive an influenza
32 vaccination;

33 (3) provide an educational component to its program that is
34 designed to inform health care workers about: influenza
35 vaccination; non-vaccine influenza control measures; and the
36 symptoms, transmission, and potential impact of influenza; and

37 (4) annually conduct an evaluation of the program with the goal
38 of improving the rate of vaccination among its health care workers.

39 d. A health care facility may suspend its annual offer of
40 influenza vaccination pursuant to this act in the event of a shortage
41 of influenza vaccine as determined by the Commissioner of Health
42 and Senior Services.

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44 2. The Commissioner of Health and Senior Services, pursuant to
45 the “Administrative Procedure Act,” P.L. 1968, c. 410 (C.52:14B- 1
46 et seq.), shall adopt rules and regulations as necessary to implement
47 the provisions of this act.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill requires health care facilities to annually offer influenza
7 vaccination to their health care workers.

8 The bill provides specifically as follows:

9 • Commencing with the 2011-2012 influenza season, each health
10 care facility is to establish and implement an annual influenza
11 vaccination program in accordance with the current
12 recommendations of the Advisory Committee on Immunization
13 Practices of the federal Centers for Disease Control and
14 Prevention and any rules and regulations adopted by the
15 Commissioner of Health and Senior Services pursuant to the bill.

16 • The bill defines:

17 -- “health care facility” to mean a general or special hospital or
18 nursing home licensed pursuant to P.L. 1971, c. 136 (26:2H-1 et
19 seq.); and

20 -- “health care worker” to mean a person employed by a health
21 care facility who provides direct patient care or otherwise has
22 contact with patients.

23 • For the purposes of its annual influenza vaccination program,
24 each health care facility is to:

25 -- annually offer to provide an on-site or off-site influenza
26 vaccination to each of its health care workers; except that a health
27 care worker may, in lieu of accepting the influenza vaccination
28 offer, present acceptable proof of a current influenza vaccination
29 from another vaccination source, or sign a written declination
30 statement;

31 -- maintain a record of influenza vaccinations for each health
32 care worker, and retain each signed declination statement from a
33 health care worker who elects not to receive an influenza
34 vaccination;

35 -- provide an educational component to its program that is
36 designed to inform health care workers about: influenza
37 vaccination; non-vaccine influenza control measures; and the
38 symptoms, transmission, and potential impact of influenza; and

39 -- annually conduct an evaluation of the program with the goal of
40 improving the rate of vaccination among its health care workers.

41 • A health care facility may suspend its annual offer of influenza
42 vaccination pursuant to the bill in the event of a shortage of
43 influenza vaccine as determined by the Commissioner of Health
44 and Senior Services.

45 Numerous studies, have demonstrated that health care worker
46 influenza vaccination plays a crucial role in controlling the spread
47 of influenza, especially among vulnerable patient populations in
48 hospitals and nursing homes. A recent article in the journal,

- 1 Infection Control and Hospital Epidemiology, argued that health
- 2 care workers have a professional and ethical obligation to receive
- 3 an influenza vaccination.