

[Second Reprint]

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, Assemblymen Benson, Chivukula, Senators Vitale, Whelan and Allen

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 5, 2011.



(Sponsorship Updated As Of: 1/10/2012)

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

3

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

6

7 1. a. As used in this act:

8 ¹“Commissioner” means the Commissioner of Health and Senior
9 Services.¹

10 “Health care facility” means a general or special hospital ²[or]
11 ², ²nursing home ², or home health care agency² licensed pursuant to
12 P.L.1971, c.136 (C.26:2H-1 et seq.).

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

16 b. Commencing with the ²[2011-2012] 2012-2013² influenza
17 season, each health care facility shall establish and implement an
18 annual influenza vaccination program in accordance with the
19 current recommendations of the Advisory Committee on
20 Immunization Practices of the federal Centers for Disease Control
21 and Prevention and any rules and regulations adopted by the
22 ¹[Commissioner of Health and Senior Services] commissioner¹
23 pursuant to this act.

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

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

32 (2) ²require that each health care worker at the facility receive an
33 influenza vaccination provided by the health care facility, present
34 acceptable proof of a current influenza vaccination if the health care
35 worker receives the vaccination from another vaccination source, or
36 sign a written declination statement;

37 (3)² maintain a record of influenza vaccinations for each health
38 care worker, ²[and]² retain each signed declination statement from
39 a health care worker who elects not to receive an influenza
40 vaccination ², and report to the Department of Health and Senior
41 Services, in a manner and according to a schedule prescribed by the
42 commissioner, the compliance rate of its health care workforce in
43 receiving influenza vaccinations as part of the facility’s annual

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted May 19, 2011.

²Assembly floor amendments adopted December 5, 2011.

1 vaccination program. The report may also include other
2 information that the facility deems relevant to its compliance rate,
3 including, but not limited to, the number of health care workers who
4 signed declination statements that the facility has received²;

5 ²~~[(3)]~~ (4)² provide an educational component to its program that
6 is designed to inform health care workers about: influenza
7 vaccination; non-vaccine influenza control measures; and the
8 symptoms, transmission, and potential impact of influenza; and

9 ²~~[(4)]~~ (5)² annually conduct an evaluation of the program with
10 the goal of improving the rate of vaccination among its health care
11 workers.

12 d. A health care facility may suspend its annual offer of
13 influenza vaccination pursuant to this act in the event of a shortage
14 of influenza vaccine as determined by the ¹~~[(Commissioner of~~
15 ~~Health and Senior Services)] commissioner~~¹.

16 ¹e. (1) Any determination by the commissioner of
17 noncompliance by a health care facility ²or any of its health care
18 workers² with the provisions of this act, based upon an inspection
19 or survey conducted by the Department of Health and Senior
20 Services pursuant to section 5 of P.L.1971, c.136 (C.26:2H-5), or as
21 otherwise determined by the commissioner, shall not constitute a
22 licensure violation or deficiency with respect to that facility for the
23 purposes of P.L.1971, c.136 (C.26:2H-1 et seq.), or any rules and
24 regulations adopted pursuant thereto.

25 (2) The commissioner shall seek to minimize any record-
26 keeping burden imposed on a health care facility pursuant to this act
27 and shall take such actions as are necessary to ensure the
28 confidentiality of any data furnished to the department pursuant to
29 this act that may contain information identifying an individual
30 health care worker.¹

31
32 ²2. No later than August 1st of each year, the commissioner
33 shall report to the Governor, and to the Legislature pursuant to
34 section 2 of P.L.1991, c.164 (C.52:14-19.1), on the compliance
35 rates of health care worker vaccinations for the prior influenza
36 season.²

37
38 ²~~[(2.)~~ 3.² The Commissioner of Health and Senior Services,
39 pursuant to the “Administrative Procedure Act,” P.L. 1968, c. 410
40 (C.52:14B- 1 et seq.), shall adopt rules and regulations as necessary
41 to implement the provisions of this act.

42
43 ²~~[(3.)~~ 4.² This act shall take effect immediately.