

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2172

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2013

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 2172 (1R).

This bill requires health care facilities to annually offer influenza vaccination to their health care workers, commencing with the 2013-2014 influenza season.

Specifically, each health care facility is to establish and implement an annual influenza vaccination program in accordance with the current recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention and any rules and regulations adopted by the Commissioner of Health.

The bill would apply to a general or special hospital, nursing home, or home health care agency licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and to any "health care worker" (a person employed by a health care facility who provides direct patient care or otherwise has contact with patients).

The bill would require that a health care facility annually offer on-site or off-site influenza vaccinations to its health care workers, and they would be required to receive an influenza vaccination, but would be permitted to present acceptable proof, including an attestation by the health care worker, of a current influenza vaccination from another vaccination source, or sign a written declination statement. Each facility would be required to maintain a record of influenza vaccinations, retain each signed attestation and declination statement, and report to the Department of Health (DOH) the vaccination percentage rate of its health care workforce as part of its program or by other means as attested to by the health care worker. Each facility would also be required to provide an educational component to its influenza vaccination program and annually evaluate the program with the goal of improving the rate of vaccination among its health care workers.

The bill authorizes a health care facility to suspend its annual offer of influenza vaccination in the event of a shortage of influenza vaccine as determined by the commissioner.

The bill provides that any determination by the commissioner of noncompliance by a health care facility or a health care worker with the provisions of the bill would not constitute a licensure violation or deficiency for the purposes of P.L.1971, c.136 (C.26:2H-1 et seq.), or any rules and regulations adopted pursuant thereto. The commissioner is to seek to minimize any record-keeping burden on health care facilities pursuant to the bill and to take such actions as are necessary to ensure the confidentiality of any data furnished to DOH that may contain information identifying an individual health care worker.

The commissioner is further directed to make available to the public aggregate data reported by each health care facility regarding the vaccination percentage rate for its health care workforce.

The bill prohibits a health care facility from discharging or reducing the pay of a health care worker who declines to receive an influenza vaccination. The bill is not to be construed to prohibit a health care facility from taking measures to protect its patients, including, but not limited to, relocation or change of assignment of a health care worker who declines to receive an influenza vaccination.

The commissioner is to report to the Governor and the Legislature, no later than August 1st of each year, on the vaccination percentage rates of health care workers for the prior influenza season.

COMMITTEE AMENDMENTS

In order to be consistent with the use of the term, “vaccination percentage rate” with respect to the data that each health care facility is required to report to DOH, the amendments clarify that the Commissioner of Health is to report to the Governor and the Legislature on the “vaccination percentage rates of health care workers” (rather than the “compliance rates of health care worker vaccinations”) for the prior influenza season.