

JAN 22 2016

A BILL FOR AN ACT

RELATING TO INFLUENZA IMMUNIZATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that since 1981, the
2 Centers for Disease Control and Prevention has recommended that
3 all health care workers receive an annual influenza vaccination.
4 Because health care professionals are looked to for guidance on
5 good health practices, increasing the number of health care
6 personnel in hospitals that receive the influenza vaccine sets a
7 positive example that will encourage the community to
8 proactively protect themselves from the flu.

9 The purpose of this Act is to require annual influenza
10 vaccinations for health care workers in hospitals who have
11 contact with patients.

12 SECTION 2. Chapter 325, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§325- Influenza vaccination of health care workers.

16 (a) Each hospital in the State shall establish influenza
17 vaccination requirements as follows:



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- 1 (1) Require that all health care workers receive influenza
2 vaccinations as a precondition to employment and on an
3 annual basis in accordance with the latest
4 recommendations of the Advisory Committee on
5 Immunization Practices of the Centers for Disease
6 Control and Prevention no later than the start of the
7 influenza season;
- 8 (2) Notify all health care workers of the influenza
9 vaccinations requirements of this section;
- 10 (3) Provide all health care workers with education about
11 the benefits of influenza vaccine and potential
12 consequences of influenza illness and maintain a
13 written policy regarding the annual influenza
14 vaccinations of its health care workers that, at a
15 minimum:
- 16 (A) Ensures that each of its health care workers has
17 either proof of vaccination or a medical
18 exemption signed by a physician, physician
19 assistant, advanced practice registered nurse, or
20 nurse midwife licensed in the State stating that
21 the influenza vaccination for that individual is



- 1 contraindicated as described in the product
2 labeling approved by the United States Food and
3 Drug Administration; and
- 4 (B) Ensures that each health care worker who does not
5 have proof of influenza vaccination wears a
6 surgical or procedure mask during influenza
7 season when in direct contact with patients and
8 in common areas as specified by the hospital's
9 policy. Such masks shall be in addition to other
10 standard personal protective equipment;
- 11 (4) Provide or arrange for influenza vaccination at no
12 cost to health care workers, either at the hospital or
13 at an alternate location chosen by the health care
14 worker, before the start of the influenza season of
15 each year;
- 16 (5) Determine whether health care workers hired after
17 October 1 and before April 1 of each year have
18 received the required influenza vaccination. If the
19 health care worker has not received the influenza
20 vaccination, the hospital shall provide or arrange for
21 influenza vaccination, at no cost to the health care



- 1 worker. The health care worker may receive the
2 vaccination either at the hospital or at an alternate
3 location chosen by the health care worker before
4 employment or within one week of employment;
5 (6) Maintain completed and signed certificates of
6 influenza vaccination for one year; and
7 (7) Collect aggregate data on health care worker influenza
8 vaccination status for the period beginning October 1
9 and ending March 31 of the following year.
10 (b) A hospital shall not require a health care worker to
11 receive an influenza vaccine if:
12 (1) The health care worker presents to the hospital a
13 licensed health care provider's written statement
14 indicating that the health care worker has a condition
15 contraindicated for vaccination;
16 (2) The health care worker presents to the hospital a
17 written statement verifying that the worker opposes
18 the administration of the vaccine based upon a sincere
19 religious belief; or
20 (3) An authorized official of the department determines
21 that there is an insufficient supply of vaccine given



1 the number of health care workers to be vaccinated or
2 the vaccine is not reasonably available.

3 (c) As used in this section, unless the context clearly
4 indicates otherwise:

5 "Certificate of influenza vaccination" means a written
6 statement indicating the influenza vaccination status of a
7 health care worker, the vaccine administered, and the date of
8 administration or, if applicable, the reason the health care
9 worker was exempt from the influenza vaccination requirement.

10 "Department" means the department of health.

11 "Health care worker" means all persons, whether paid or
12 unpaid, working or delivering services in a health care
13 facility, including contractors and their employees whose
14 occupational activities involve direct or indirect contact with
15 patients or contaminated material in a health care, hospital, or
16 clinical laboratory setting.

17 "Hospital" means a facility licensed by the department of
18 health and accredited by The Joint Commission or an institution
19 with an organized medical staff that admits patients for
20 inpatient care, diagnosis, observation, and treatment.



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1 "Influenza season" means October 1 through March 31 of the
2 following year or as otherwise defined by the department.

3 "Influenza vaccine" means a currently licensed vaccine
4 product approved by the United States Food and Drug
5 Administration and intended to produce influenza immunity."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2016.

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Report Title:

Health Care Workers; Influenza Vaccination

Description:

Requires annual influenza vaccinations for health care workers. Establishes exemptions for influenza vaccination requirement under certain conditions.

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