

HOUSE BILL No. 6452

September 16, 2010, Introduced by Reps. Ball and Segal and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21529 (MCL 333.21529), as added by 2010 PA 23,
and by adding section 21531; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21529. (1) Beginning October 1, 2010, a hospital shall
2 establish a seasonal influenza immunization policy. The seasonal
3 influenza immunization policy shall be consistent with guidelines
4 or recommendations issued by the federal centers for disease
5 control and prevention or by the advisory committee on immunization
6 practices of the federal centers for disease control and

1 prevention. A hospital shall include all of the following in its
2 seasonal influenza immunization policy:

3 (a) A procedural plan for managing its supply of any influenza
4 vaccine.

5 (b) Procedures for identifying individuals 65 years of age or
6 older and, at the discretion of the hospital, other patients at
7 risk, who are admitted to the hospital.

8 (c) Procedures for offering immunization against the influenza
9 virus during the influenza season to ~~individuals~~ **ALL OF THE**

10 **FOLLOWING:**

11 (i) **INDIVIDUALS** 65 years of age or older, and, at the
12 discretion of the hospital, other patients at risk, who are
13 admitted to the hospital for a period of 24 hours or more.

14 (ii) **HOSPITAL STAFF PERSONS, SUBJECT TO SECTION 21531.**

15 (d) Procedures for ensuring that an individual offered the
16 influenza vaccination **UNDER SUBDIVISION (C)** or the individual's
17 authorized representative receives information regarding the risks
18 and benefits of the influenza vaccination.

19 (e) A standing order policy approved by the medical director
20 or other appropriate health professional that includes, but is not
21 limited to, an assessment for medical contraindication to
22 administering the influenza vaccination.

23 (f) A system for documenting influenza vaccination
24 administration, medical contraindications, patient ~~refusals~~
25 **DECLINATIONS**, and any postvaccination adverse events. **THE SYSTEM**
26 **UNDER THIS SUBDIVISION SHALL INCLUDE DOCUMENTING OTHER INFORMATION**
27 **REGARDING HOSPITAL STAFF PERSON INFLUENZA VACCINATION REQUIRED**

1 UNDER SECTION 21531.

2 (G) PROCEDURES FOR ENSURING THAT EVERY HOSPITAL STAFF PERSON
3 IS PROVIDED INFORMATION ON THE IMPORTANCE OF RECEIVING IMMUNIZATION
4 AGAINST THE INFLUENZA VIRUS AND ON THE PUBLIC HEALTH BENEFIT OF
5 LIMITING THE TRANSMISSION OF THE INFLUENZA VIRUS, ESPECIALLY TO
6 THOSE WHO ARE PARTICULARLY SUSCEPTIBLE.

7 (H) PROCEDURES TO ENCOURAGE ITS HOSPITAL STAFF PERSONS TO
8 RECEIVE THE INFLUENZA VACCINATION.

9 (I) PROCEDURES TO UPDATE ANNUALLY THE INFORMATION REQUIRED
10 UNDER THIS SUBSECTION CONSISTENT WITH GUIDELINES OR RECOMMENDATIONS
11 ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION OR
12 BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE FEDERAL
13 CENTERS FOR DISEASE CONTROL AND PREVENTION.

14 (2) As used in this section: ~~7~~ "influenza

15 (A) "HOSPITAL STAFF PERSON" MEANS ANY OF THE FOLLOWING:

16 (i) AN INDIVIDUAL EMPLOYED BY THE HOSPITAL.

17 (ii) ANY INDIVIDUAL WHO IS UNDER CONTRACT TO PROVIDE SERVICES
18 AT THE HOSPITAL.

19 (iii) A STUDENT WHO IS PARTICIPATING IN AN EDUCATIONAL PROGRAM
20 AT THE HOSPITAL AND WHO HAS DIRECT PATIENT CONTACT.

21 (iv) AN INDIVIDUAL WHO PARTICIPATES IN A VOLUNTEER PROGRAM AT
22 THE HOSPITAL AND WHO HAS DIRECT PATIENT CONTACT.

23 (B) "INFLUENZA season" means that period between October 1 and
24 March 1.

25 (3) This section is repealed effective April 1, 2012.

26 SEC. 21531. (1) DURING THE INFLUENZA SEASON AND CONSISTENT
27 WITH THE HOSPITAL'S SEASONAL INFLUENZA IMMUNIZATION POLICY

1 ESTABLISHED UNDER SECTION 21529, A HOSPITAL SHALL OFFER ON-SITE
2 IMMUNIZATION AGAINST THE INFLUENZA VIRUS TO ALL HOSPITAL STAFF
3 PERSONS AT NO COST TO THE HOSPITAL STAFF PERSON. EXCEPT AS
4 OTHERWISE PROVIDED IN THIS SECTION, A HOSPITAL SHALL REQUIRE ITS
5 HOSPITAL STAFF PERSONS TO RECEIVE INFORMATION ABOUT THE INFLUENZA
6 VIRUS AND SHALL OFFER IMMUNIZATION AGAINST THE INFLUENZA VIRUS.

7 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A HOSPITAL
8 SHALL PROVIDE OR ARRANGE FOR HOSPITAL STAFF PERSONS TO RECEIVE
9 IMMUNIZATION AGAINST A PANDEMIC OR NOVEL INFLUENZA VIRUS IF THE
10 DIRECTOR HAS ISSUED GUIDELINES RECOMMENDING IMMUNIZATION AGAINST A
11 PANDEMIC OR NOVEL INFLUENZA VIRUS. A HOSPITAL SHALL COMPLY WITH ALL
12 OF THE FOLLOWING THAT ARE INCLUDED IN GUIDELINES ISSUED BY THE
13 DIRECTOR IN PROVIDING OR ARRANGING FOR HOSPITAL STAFF PERSONS TO
14 RECEIVE IMMUNIZATION AGAINST A PANDEMIC OR NOVEL INFLUENZA VIRUS:

15 (A) THE ORDER OF PRIORITY OF HOSPITAL STAFF PERSONS TO RECEIVE
16 THE PANDEMIC OR NOVEL INFLUENZA VACCINATION.

17 (B) THE PANDEMIC OR NOVEL INFLUENZA VACCINATION THAT SHALL BE
18 ADMINISTERED.

19 (C) THE DATES BY WHICH HOSPITAL STAFF PERSONS SHALL BE OFFERED
20 THE PANDEMIC OR NOVEL INFLUENZA VACCINATION.

21 (D) ANY REQUIRED REPORTING AND DATA COLLECTION RELATING TO
22 HOSPITAL STAFF PERSONS RECEIVING THE PANDEMIC OR NOVEL INFLUENZA
23 VACCINATION.

24 (3) THIS SECTION DOES NOT APPLY UNDER ANY OF THE FOLLOWING
25 CIRCUMSTANCES:

26 (A) THE ADMINISTRATION OF THE INFLUENZA VACCINATION WOULD
27 LIKELY BE MEDICALLY CONTRAINDICATED AND DETRIMENTAL TO THE HOSPITAL

1 STAFF PERSON'S HEALTH.

2 (B) THE HOSPITAL STAFF PERSON PRESENTS EVIDENCE ACCEPTABLE TO
3 THE HOSPITAL THAT HE OR SHE HAS ALREADY RECEIVED THE INFLUENZA
4 VACCINATION FOR THE CURRENT INFLUENZA SEASON OR AGAINST THE
5 PANDEMIC OR NOVEL INFLUENZA VIRUS.

6 (C) RECEIPT OF THE INFLUENZA VACCINATION IS AGAINST THE
7 HOSPITAL STAFF PERSON'S RELIGIOUS BELIEFS.

8 (D) THE HOSPITAL STAFF PERSON ELECTS NOT TO RECEIVE THE
9 INFLUENZA VACCINATION, DECLARES IN WRITING THAT HE OR SHE HAS
10 DECLINED TO RECEIVE THE INFLUENZA VACCINATION, AND CERTIFIES THAT
11 HE OR SHE RECEIVED THE INFORMATION REQUIRED TO BE PROVIDED TO THAT
12 HOSPITAL STAFF PERSON UNDER SUBSECTION (1).

13 (E) THE INFLUENZA VACCINATION IS UNAVAILABLE FOR PURCHASE,
14 SHIPMENT, OR ADMINISTRATION BY ANOTHER PERSON.

15 (F) THE HOSPITAL IS COMPLYING WITH AN ORDER OR GUIDELINES
16 ISSUED BY THE DIRECTOR OF THE DEPARTMENT THAT RESTRICTS THE USE OF
17 THE INFLUENZA VACCINATION.

18 (4) A HOSPITAL SHALL MAINTAIN A SYSTEM TO TRACK THE OFFER OF
19 INFLUENZA VACCINATION TO EVERY HOSPITAL STAFF PERSON. THE SYSTEM
20 SHALL INCLUDE DOCUMENTATION THAT EACH HOSPITAL STAFF PERSON EITHER
21 ACCEPTED THE OFFER OR DECLINED THE OFFER BY SIGNING A DECLINATION
22 STATEMENT PURSUANT TO SUBSECTION (3)(D). IF A HOSPITAL IS UNABLE TO
23 PROVIDE OR ARRANGE FOR INFLUENZA VACCINATION FOR HOSPITAL STAFF
24 PERSONS WHO WISH TO BE VACCINATED, THE REASONS WHY THE VACCINATION
25 COULD NOT BE PROVIDED OR ARRANGED FOR SHALL BE DOCUMENTED.
26 INDIVIDUAL DECLINATION STATEMENTS SHOULD BE HANDLED IN A MANNER
27 THAT ENSURES INDIVIDUAL CONFIDENTIALITY. A HOSPITAL SHALL MAINTAIN

1 THE DOCUMENTATION REQUIRED UNDER THIS SUBSECTION FOR AT LEAST 3
2 YEARS.

3 (5) AS USED IN THIS SECTION:

4 (A) "HOSPITAL STAFF PERSON" MEANS THAT TERM AS DEFINED IN
5 SECTION 21529.

6 (B) "INFLUENZA SEASON" MEANS THAT TERM AS DEFINED IN SECTION
7 21529.

8 (6) THIS SECTION IS REPEALED EFFECTIVE APRIL 1, 2012.