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

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

1. a. As used in this act:

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

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

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

b. Commencing with the 2[2011-2012] 2012-2013 influenza season, each health care facility shall 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 and Senior Services pursuant to this act.

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

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

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

(3) maintain a record of influenza vaccinations for each health care worker, and retain each signed declination statement from a health care worker who elects not to receive an influenza vaccination, and report to the Department of Health and Senior Services, in a manner and according to a schedule prescribed by the commissioner, the compliance rate of its health care workforce in 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.
vaccination program. The report may also include other
information that the facility deems relevant to its compliance rate, including, but not limited to, the number of health care workers who
signed declination statements that the facility has received²;
²[(3)] (4)² provide an educational component to its program that
is designed to inform health care workers about: influenza
vaccination; non-vaccine influenza control measures; and the
symptoms, transmission, and potential impact of influenza; and
²[(4)] (5)² annually conduct an evaluation of the program with
the goal of improving the rate of vaccination among its health care
workers.

d. A health care facility may suspend its annual offer of
influenza vaccination pursuant to this act in the event of a shortage
of influenza vaccine as determined by the Commissioner of
Health and Senior Services commissioner¹.

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

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

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

²[2.] ²² The Commissioner of Health and Senior Services,
pursuant to the “Administrative Procedure Act,” P.L. 1968, c. 410
(C.52:14B-1 et seq.), shall adopt rules and regulations as necessary
to implement the provisions of this act.

²[3.] ²² This act shall take effect immediately.