

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1572

Short Title: Long-Term Care Residents/Immuniz.

(Public)

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Sponsors: Representatives Earle, Insko; Barefoot, Bonner, Bridgeman, Cansler, Clary, Cox, Easterling, Ford, Fox, Gardner, Gibson, Goodwin, Haire, Hall, Horn, Jeffus, Kiser, McAllister, McCrary, McLawhorn, Melton, Oldham, Owens, Rogers, Sherrill, Sutton, Teague, Tolson, Tucker, Walend, Warren, C. Wilson, G. Wilson, and Yongue.

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Referred to: Health.

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May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ADULT CARE HOMES AND NURSING HOMES ENSURE THAT RESIDENTS AND EMPLOYEES ARE IMMUNIZED AGAINST INFLUENZA VIRUS AND THAT RESIDENTS ARE ALSO IMMUNIZED AGAINST PNEUMOCOCCAL DISEASE.

The General Assembly of North Carolina enacts:

Section 1. Effective September 1, 2000, Article 1 of Chapter 131D of the General Statutes is amended by adding the following new section to read:

**"§ 131D-3.9. Immunization of employees and residents of adult care homes.**

(a) Except as provided in subsection (f) of this section, an adult care home licensed under this Article shall require residents and employees to be immunized against influenza virus and shall require residents to also be immunized against pneumococcal disease.

(b) Upon admission, an adult care home shall notify the resident of the immunization requirements of this section and shall request that the resident agree to be immunized against influenza virus and pneumococcal disease.

1       (c) An adult care home shall notify every employee of the immunization  
2 requirements of this section and shall request that the employee agree to be immunized  
3 against influenza virus.

4       (d) An adult care home shall document the annual immunization against influenza  
5 virus and the immunization against pneumococcal disease for each resident and each  
6 employee, as required under this section. Upon finding that a resident is lacking one or  
7 both of these immunizations or that an employee has not been immunized against  
8 influenza virus, or if the adult care home is unable to verify that the individual has  
9 received the required immunization, the adult care home shall provide or arrange for  
10 immunization. The immunization and documentation required shall occur not later than  
11 November 30 of each year.

12       (e) For an individual who becomes a resident of or who is newly employed by the  
13 adult care home after November 30 but before March 30 of the following year, the adult  
14 care home shall determine the individual's status for the immunizations required under  
15 this section, and if found to be deficient, the adult care home shall provide the  
16 immunization immediately.

17       (f) No individual shall be required to receive either an influenza vaccine or  
18 pneumococcal vaccine if the vaccine is medically contraindicated, or if the vaccine is  
19 against the individual's religious beliefs, or if the individual refuses the vaccine after  
20 being fully informed of the health risks of not being immunized.

21       (g) As used in this section, 'employee' means an individual employed by the adult  
22 care home, whether directly, by contract with another entity, or as an independent  
23 contractor, on a part-time or full-time basis."

24       Section 2. Effective September 1, 2000, Part A of Article 6 of Chapter 131E of  
25 the General Statutes is amended by adding the following new section to read:

26 **"§ 131E-113. Immunization of employees and residents.**

27       (a) Except as provided in subsection (f) of this section, a nursing home licensed  
28 under this Part shall require residents and employees to be immunized against influenza  
29 virus and shall require residents to also be immunized against pneumococcal disease.

30       (b) Upon admission, a nursing home shall notify the resident of the immunization  
31 requirements of this section and shall request that the resident agree to be immunized  
32 against influenza virus and pneumococcal disease.

33       (c) A nursing home shall notify every employee of the immunization requirements  
34 of this section and shall request that the employee agree to be immunized against  
35 influenza virus.

36       (d) A nursing home shall document the annual immunization against influenza  
37 virus and the immunization against pneumococcal disease for each resident and each  
38 employee, as required under this section. Upon finding that a resident is lacking one or  
39 both of these immunizations or that an employee has not been immunized against  
40 influenza virus, or if the nursing home is unable to verify that the individual has received  
41 the required immunization, the nursing home shall provide or arrange for immunization.  
42 The immunization and documentation required shall occur not later than November 30 of  
43 each year.

1       (e) For an individual who becomes a resident of or who is newly employed by the  
2 nursing home after November 30 but before March 30 of the following year, the nursing  
3 home shall determine the individual's status for the immunizations required under this  
4 section, and if found to be deficient, the nursing home shall provide the immunization  
5 immediately.

6       (f) No individual shall be required to receive either an influenza vaccine or  
7 pneumococcal vaccine if the vaccine is medically contraindicated, or if the vaccine is  
8 against the individual's religious beliefs, or if the individual refuses the vaccine after  
9 being fully informed of the health risks of not being immunized.

10       (g) As used in this section, 'employee' means an individual employed by the  
11 nursing home, whether directly, by contract with another entity, or as an independent  
12 contractor, on a part-time or full-time basis."

13               Section 3. The Department of Health and Human Services shall make available  
14 to nursing homes and adult care homes educational and informational materials  
15 pertaining to vaccination against influenza virus and pneumococcal disease.

16               Section 4. This act is effective when it becomes law.