

SUBJECT: Health care facility policies on vaccine-preventable diseases

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Kolkhorst, Naishtat, Alvarado, S. Davis, V. Gonzales, S. King, Schwertner, Truitt, Zerwas

0 nays

1 present not voting — Laubenberg

1 absent — Coleman

SENATE VOTE: On final passage, April 26 — 31-0

WITNESSES: For — Nidhi Nakra, The Immunization Partnership; Dan Stultz, Texas Hospital Association; James Willmann, Texas Nurses Association; Erica Swegler, TMA, TAFP, TPS; Joe Lastinger; (*Registered, but did not testify:* Michael Gutierrez)

Against — Dawn Richardson, Parents Requesting Open Vaccine Education; Christine Bennett

On — (*Registered, but did not testify:* Amy Harper, Department of State Health Services)

DIGEST: CSSB 1177 would require health care facilities to enact mandatory immunization policies for workers who were exposed to patients. The policy would have to require that certain health care workers received vaccines for any vaccine-preventable diseases as specified by the Centers for Disease Control and Prevention (CDC). The policy could exempt an individual from receiving the vaccine for religious reasons, and would have to allow exemptions for certain medical conditions identified by the CDC as contraindications.

If an individual was exempt from a vaccine, the health care facility would have to enact other protective policies, such as requiring masks or gloves, to protect patients. The health care facility also would have to enact

policies to protect against any discrimination against individuals exempt from immunizations. The health care facility would have to keep detailed records of individual compliance and a list of exempt persons. It would have to take certain disciplinary action against any individual who was required but failed to comply with these policies.

In the event of a public health disaster, a health care facility could prohibit exempt individuals from having any contact with patients.

A health care facility that failed to enact and enforce these policies would be subject to certain penalties.

The policies would need to be in place by September 1, 2012.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Patients, particularly children and the elderly, in various hospitals and other health care facilities are more susceptible to diseases. Many illnesses like the flu, hepatitis, measles, mumps, rubella, and chicken pox can be prevented by vaccination. However, many hospital and health care facility workers do not receive regular immunizations. While these vaccines will not prevent all illnesses, several studies show that requiring health care workers to receive vaccine-preventable immunizations would help protect health and safety and prevent untimely deaths of patients who already have weakened immune systems. It is the moral obligation of the state and health care facilities to ensure patient health.

The bill would exempt workers who had contraindications or negative health reactions to immunizations and would allow health care facilities to devise policies providing a similar exemption for religious beliefs. While many facilities already have these exemptions, others would need to ensure that the health and safety of their patients were protected.

**OPPONENTS
SAY:**

Requiring vaccine-preventable immunizations would likely do very little to protect the health and safety of health care facility patients. Most infections contracted at hospitals and other health care facilities are bacterial and would not be prevented by vaccine-preventable immunizations.

CSSB 1177 would have government force certain health care workers into taking an invasive vaccine, potentially against their will. The bill would

create a situation where workers would have to choose between their jobs and these injections.

Furthermore, the bill would allow but not require health care facilities to exempt workers who wished to opt out due to religious reasons. Individuals should not be forced out of their jobs due to their religious beliefs.

Finally, the list of contraindications warranting exemption is limited and could force a vaccine on an individual despite health concerns.