

BILL ANALYSIS

Senate Research Center

S.B. 1177
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Health care workers are routinely exposed to the elderly, infants, and others with undeveloped or compromised immune systems. Hospitals should have policies in place to make sure that these populations are protected from vaccine-preventable diseases.

Despite recommendations from the National Advisory Committee on Immunization Practices for a universal annual influenza vaccination for health care workers, the percentage of these workers who actually receive the vaccine is less than 50 percent. Only 22.3 percent of health care workers received the H1N1 influenza vaccine during the recent pandemic.

S.B. 1177 requires hospitals and inpatient medical facilities to establish and implement policies requiring employees and other individuals who provide direct patient care to receive immunizations against vaccine-preventable diseases; allows each facility to specify which of the CDC-recommended vaccines for health care workers their employees and contractors must obtain based on the level of risk they pose to patients; requires these policies to allow employees to be exempt for medical reasons; authorizes health care facilities to also allow their employees to be exempt based on religious beliefs and reasons of conscience; requires the policy to describe appropriate disciplinary actions that may be taken against an employee or contractor who violates their employer's policy and allows for administrative penalties against health care facilities that violate this statute; and requires that policy include alternative methods exempted employees must take to protect patients, such as wearing personal protective gear.

As proposed, S.B. 1177 amends current law relating to health care facilities' adoption of a policy on vaccine preventable diseases.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a state agency that regulates a health care facility subject to Chapter 224, as added by this Act, in SECTION 2 (Section 224.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subtitle A, Title 4, Health and Safety Code, to read as follows:

SUBTITLE A. FINANCING, CONSTRUCTING, REGULATING, AND INSPECTING HEALTH FACILITIES

SECTION 2. Amends Subtitle A, Title 4, Health and Safety Code, by adding Chapter 224, as follows:

CHAPTER 224. POLICY ON VACCINE PREVENTABLE DISEASES

Sec. 224.001. DEFINITIONS. Defines, in this chapter, "health care facility," "hospital," "regulatory authority," and "vaccine preventable diseases."

Sec. 224.002. VACCINE PREVENTABLE DISEASES POLICY REQUIRED. (a) Requires each health care facility to develop and implement a policy to protect its patients from vaccine preventable diseases.

(b) Requires that the policy require:

(1) require the employees of the health care facility to receive vaccines for the vaccine preventable diseases identified in the policy;

(2) include procedures for verifying whether a health care facility employee has complied with the policy;

(3) include procedures for a health care facility employee to be exempt from the required vaccines for medical reasons;

(4) for a health care facility employee who is exempt from the required vaccines, include procedures the employee must follow to protect facility patients from exposure to the disease, such as wearing a mask, based on the level of risk the employee presents to the patients by the employee's exposure to patients;

(5) require the health care facility to maintain a written or electronic record of each health care facility employee's compliance with or exemption from the policy; and

(6) include disciplinary actions the health care facility is authorized to take against a health care facility employee who fails to comply with the policy.

(c) Authorizes that the policy include procedures for a health care facility employee to be exempt from the required vaccines based on reasons of conscience, including a religious belief.

Sec. 224.003. DISCIPLINARY ACTION. Provides that a health care facility that violates this chapter is subject to an administrative or civil penalty in the same manner, and subject to the same procedures, as if the facility had violated a provision of this code that specifically governs the facility.

Sec. 224.004. RULES. Requires the appropriate rulemaking authority for each regulatory authority to adopt rules necessary to implement this chapter.

SECTION 3. Requires a state agency that regulates a health care facility subject to Chapter 224, Health and Safety Code, as added by this Act, not later than January 1, 2012, to adopt the rules necessary to implement that chapter.

SECTION 4. Provides that, notwithstanding Chapter 224, Health and Safety Code, as added by this Act, a health care facility subject to that chapter is not required to have a policy on vaccine preventable diseases in effect under September 1, 2012.

SECTION 5. Effective date: September 1, 2011.