

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1234*

Short Title: Long-Term Care Residents/Immuniz.

(Public)

Sponsors: Senators Purcell; Albertson, Carpenter, Carter, Cochrane, Dannelly, Garrou, Garwood, Kerr, Kinnaird, Lucas, Odom, Perdue, Robinson, and Weinstein.

Referred to: Health Care.

May 15, 2000

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT ADULT CARE HOMES AND NURSING HOMES
2 ENSURE THAT RESIDENTS AND EMPLOYEES ARE IMMUNIZED AGAINST
3 INFLUENZA VIRUS AND THAT RESIDENTS ARE ALSO IMMUNIZED
4 AGAINST PNEUMOCOCCAL DISEASE.
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6 The General Assembly of North Carolina enacts:

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

9 **"§ 131D-3.9. Immunization of employees and residents of adult care homes.**

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

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

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

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

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

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

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

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

23 **"§ 131E-113. Immunization of employees and residents.**

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

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

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

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

41 (e) For an individual who becomes a resident of or who is newly employed by the
42 nursing home after November 30 but before March 30 of the following year, the nursing
43 home shall determine the individual's status for the immunizations required under this

1 section, and if found to be deficient, the nursing home shall provide the immunization
2 immediately.

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

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

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

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