

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1234\*  
Health Care Committee Substitute Adopted 5/31/00

Short Title: Long-Term Care Residents/Immuniz.

(Public)

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Sponsors:

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Referred to:

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May 15, 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-9. Immunization of residents of adult care homes.**

(a) Except as provided in subsection (e) of this section, an adult care home licensed under this Article shall require residents to 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 pneumococcal disease.

(c) An adult care home shall document the immunization against pneumococcal disease for each resident. Upon finding that a resident is lacking the immunization, or if the adult care home is unable to verify that the individual has received the required immunization, the adult care home shall provide or arrange for immunization. The

1 immunization and documentation required shall occur not later than November 30 of  
2 each year.

3 (d) For an individual who becomes a resident of the adult care home after  
4 November 30 but before March 30 of the following year, the adult care home shall  
5 determine the individual's status for the immunization required under this section, and if  
6 found to be deficient, the adult care home shall provide the immunization.

7 (e) No individual shall be required to receive vaccine under this section if the  
8 vaccine is medically contraindicated, or if the vaccine is against the individual's religious  
9 beliefs, or if the individual refuses the vaccine after being fully informed of the health  
10 risks of not being immunized.

11 (f) Notwithstanding any other provision of law to the contrary, the Health Services  
12 Commission shall have the authority to adopt rules to implement the immunization  
13 requirements of this section."

14 Section 2. Effective September 1, 2001, G.S. 131D-9, as enacted by Section 1  
15 of this act, reads as rewritten:

16 "**§ 131D-9. Immunization of employees and residents of adult care homes.**

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

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

24 (b1) An adult care home shall notify every employee of the immunization  
25 requirements of this section and shall request that the employee agree to be immunized  
26 against the influenza virus.

27 (c) An adult care home shall document the annual immunization against influenza  
28 virus and the immunization against pneumococcal disease for each ~~resident~~-resident and  
29 each employee, as required under this section. Upon finding that a resident is lacking ~~the~~  
30 immunization, one or both of these immunizations or that an employee has not been  
31 immunized against influenza virus, or if the adult care home is unable to verify that the  
32 individual has received the required immunization, the adult care home shall provide or  
33 arrange for immunization. The immunization and documentation required shall occur not  
34 later than November 30 of each year.

35 (d) For an individual who becomes a resident of or who is newly employed by the  
36 adult care home after November 30 but before March 30 of the following year, the adult  
37 care home shall determine the individual's status for the ~~immunization~~-immunizations  
38 required under this section, and if found to be deficient, the adult care home shall provide  
39 the immunization.

40 (e) No individual shall be required to receive vaccine under this section if the  
41 vaccine is medically contraindicated, or if the vaccine is against the individual's religious  
42 beliefs, or if the individual refuses the vaccine after being fully informed of the health  
43 risks of not being immunized.

1 (f) Notwithstanding any other provision of law to the contrary, the Health Services  
2 Commission shall have the authority to adopt rules to implement the immunization  
3 requirements of this section.

4 (g) As used in this section, 'employee' means an individual who is a part-time or  
5 full-time employee of the adult care home."

6 Section 3. Effective September 1, 2000, Part A of Article 6 of Chapter 131E of  
7 the General Statutes is amended by adding the following new section to read:

8 **"§ 131E-113. Immunization of residents.**

9 (a) Except as provided in subsection (e) of this section, a nursing home licensed  
10 under this Part shall require residents to be immunized against pneumococcal disease.

11 (b) Upon admission, a nursing home shall notify the resident of the immunization  
12 requirements of this section and shall request that the resident agree to be immunized  
13 against pneumococcal disease.

14 (c) A nursing home shall document the immunization against pneumococcal  
15 disease for each resident. Upon finding that a resident is lacking the immunization, or if  
16 the nursing home is unable to verify that the individual has received the required  
17 immunization, the nursing home shall provide or arrange for immunization. The  
18 immunization and documentation required shall occur not later than November 30 of  
19 each year.

20 (d) For an individual who becomes a resident of the nursing home after November  
21 30 but before March 30 of the following year, the nursing home shall determine the  
22 individual's status for the immunization required under this section, and if found to be  
23 deficient, the nursing home shall provide the immunization.

24 (e) No individual shall be required to receive vaccine under this section if the  
25 vaccine is medically contraindicated, or if the vaccine is against the individual's religious  
26 beliefs, or if the individual refuses the vaccine after being fully informed of the health  
27 risks of not being immunized.

28 (f) Notwithstanding any other provision of law to the contrary, the Health Services  
29 Commission shall have the authority to adopt rules to implement the immunization  
30 requirements of this section."

31 Section 4. Effective September 1, 2001, G.S. 131E-113, as enacted by Section  
32 3 of this act, reads as rewritten:

33 **"§ 131E-113. Immunization of employees and residents.**

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

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

40 (b1) A nursing home shall notify every employee of the immunization requirements  
41 of this section and shall request that the employee agree to be immunized against  
42 influenza virus.

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

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

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

18 (f) Notwithstanding any other provision of law to the contrary, the Health Services  
19 Commission shall have the authority to adopt rules to implement the immunization  
20 requirements of this section.

21 (g) As used in this section, 'employee' means an individual who is a part-time or  
22 full-time employee of the nursing home."

23 Section 5. The Department of Health and Human Services shall make available  
24 to nursing homes and adult care homes educational and informational materials  
25 pertaining to vaccinations required under this act.

26 Section 6. G.S. 130A-29(c) is amended by adding the following new  
27 subdivision to read:

28 "(9) Implementing immunization requirements for adult care homes as  
29 provided in G.S. 131D-9 and for nursing homes as provided in G.S.  
30 131E-113."

31 Section 7. This act is effective when it becomes law.