

## LEGISLATIVE BILL 859

Approved by the Governor April 10, 2014

Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9.

FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-468, Revised Statutes Cumulative Supplement, 2012, and sections 71-467 and 71-469, Revised Statutes Supplement, 2013; to change provisions for onsite vaccinations at certain health care facilities; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-467, Revised Statutes Supplement, 2013, is amended to read:

71-467 (1) Each general acute hospital shall take all of the following actions in accordance with the guidelines of the Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services as the guidelines existed on January 1, 2013:

(a) Annually offer onsite influenza vaccinations to all hospital employees; ~~when no national vaccine shortage exists;~~

(b) Offer to all hospital employees a single dose of tetanus-diphtheria-pertussis vaccine if they have not previously received such vaccine and regardless of the time since their most recent vaccination with such vaccine; and

(c) Require all hospital employees to be vaccinated against influenza, tetanus, diphtheria, and pertussis, except that an employee may elect not to be vaccinated.

(2) The hospital shall keep a record of which hospital employees receive the annual vaccination against influenza and a single dose of tetanus-diphtheria-pertussis vaccine and which hospital employees do not receive such vaccinations.

(3) This section shall not apply in individual cases when contraindicated or if a national shortage of the vaccine exists.

Sec. 2. Section 71-468, Revised Statutes Cumulative Supplement, 2012, is amended to read:

71-468 In order to prevent, detect, and control pneumonia and influenza outbreaks in Nebraska, each general acute hospital, intermediate care facility, nursing facility, and skilled nursing facility shall annually, beginning no later than October 1 and ending on the following April 1, ~~when no national vaccine shortage exists,~~ offer onsite vaccinations for influenza and pneumococcal disease to all residents and to all inpatients prior to discharge, pursuant to procedures of the facility and in accordance with the recommendations of the advisory committee on immunization practices of the Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services as the recommendations existed on January 1, 2012. This section shall not apply in individual cases when contraindicated or if a national shortage of the vaccine exists. Nothing in this section shall be construed to require any facility listed in this section to cover the cost of a vaccination provided pursuant to this section.

Sec. 3. Section 71-469, Revised Statutes Supplement, 2013, is amended to read:

71-469 In order to prevent, detect, and control diphtheria, tetanus, and pertussis in Nebraska, each general acute hospital, intermediate care facility, nursing facility, and skilled nursing facility shall offer onsite vaccinations for diphtheria, tetanus, and pertussis to all residents and to all inpatients prior to discharge, pursuant to procedures of the facility and in accordance with the recommendations of the advisory committee on immunization practices of the Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services as the recommendations existed on January 1, 2013. This section shall not apply in individual cases when contraindicated or if a national shortage of the vaccine exists. Nothing in this section shall be construed to require any facility listed in this section to bear the cost of a vaccination provided pursuant to this section.

Sec. 4. Original section 71-468, Revised Statutes Cumulative Supplement, 2012, and sections 71-467 and 71-469, Revised Statutes Supplement, 2013, are repealed.