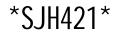
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	As Engrossed: \$2/15/99 \$3/4/99 H4/2/99	
2	82nd General Assembly	A Bill	Act 1524 of 1999
3	Regular Session, 1999		SENATE BILL 346
4			
5	By: Senator Bradford		
6			
7			
8		For An Act To Be Entitled	
9		SING HOME RESIDENT AND EMPLOYEE IMMUN	II ZATI ON
10	ACT OF 19	99. "	
11			
12		Subtitle	
13		E NURSING HOME RESIDENT AND EMPLOYEE	
14	I MML	JNIZATION ACT OF 1999."	
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17	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	(ANSAS:
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19		le. This act shall be known and may	<u>i be cited as the</u>
20	"Nursing Home and Emp	loyee Immunization Act of 1999".	
21			
22	SECTION 2. <u>Purp</u>		th in Ankanana in the
23		that the sixth leading cause of deat	
24 25		<u>category of 'pneumonia/influenza'; th</u> of the 'pneumonia/influenza' deaths	<u> </u>
25 26		of age; that the Centers for Diseas	
20 27		viduals over the age of sixty-five (6	
28		nococcal vaccine once; that the CDC 1	
29		ion be acquired at the time of nursi	
30		ion of the flu shots by nursing home	
31		percent (50%); that the elderly livir	
32		se may be more readily transmitted, a	
33		the community; and that the pneumoco	
34		ng home residents is approximately th	
35			
36	SECTION 3. Def	initions. As used in this act:	



1	(1) "Document" means evidence from a person's physician or healthcare					
2	provider in written format indicating the date and place when the individual					
3	received the influenza virus vaccine and the pneumococcal pneumonia vaccine;					
4	(2) 'Nursing home facilities' means facilities that include any					
5	buildings, structure, agency, institution, or place for the reception,					
6	accommodation, board, care, or treatment of two (2) or more individuals, who					
7	<u>because, of physical or mental infirmity, are unable to sufficiently or</u>					
8	properly care for themselves, and for which reception, accommodation, board,					
9	<u>care, or treatment, a charge is made, provided the term 'nursing home' shall</u>					
10	not include the offices of private physicians and surgeons, residential health					
11	care facilities, hospitals, institutions operated by the federal government or					
12	any other similar facility where individuals reside or any facility which is					
13	conducted by and for those who rely exclusively upon treatment by prayer alone					
14	for healing in accordance with the tenets or practices of any recognized					
15	<u>religious denomination;</u>					
16	(3) "Medically contraindicated" means either that the influenza or					
17	pneumococcal vaccines should not be administered to an individual because of a					
18	<u>condition that individual has that will be detrimental to the individual's</u>					
19	health if the individual receives either of the vaccines;					
20	(4) "Report" means to maintain a current list or roster of vaccine					
21	status for residents and employees and, by December 1 of each year, to provide					
22	that list to the Office of Long-Term Care of the Department of Human Services.					
23						
24	SECTION 4. Implementation.					
25	(a)(1) The Arkansas Board of Health may promulgate rules and regulations					
26	to provide for the immunization against influenza virus and pneumococcal					
27	disease as provided for in this act. The Office of Long Term Care shall be					
28	granted authority to enforce the rules and regulations.					
29	(2) The Arkansas Board of Health may also promulgate rules and					
30	regulations to provide for the immunization of other individuals and require					
31	other institutions and facilities to provide the immunizations provided for in					
32	<u>this act.</u>					
33	(b) Each nursing home facility in this state shall:					
34	(1) Obtain consent from residents or their legal guardians upon					
35	admission to participate in all immunization programs that are conducted					
36	within the facility while that person is a resident of that facilities, and					

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1	not in violation of the resident's right to refuse treatment;					
2	(2) As a condition of their employment, require all employees to					
3	participate in immunization programs conducted while they are employed at the					
4	facility, unless meeting the qualifications for exemptions as listed in					
5	Section 4 of this act;					
6	(3) Document and report, annually, immunizations against					
7	influenza virus for both residents and full-time and part-time employees.					
8	Document and report, annually, immunizations against pneumococcal disease for					
9	<u>residents.</u>					
10	(c) Any nursing home facility which violates this act shall be subject					
11	to suspension and revocation of its license.					
12	(d) The Arkansas Department of Health shall provide vaccines, supplies, and					
13	staff necessary for the immunizations of nursing home residents and employees					
14	as provided for in this act.					
15						
16	SECTION 5. Exemptions. <u>All residents or full-time or part-time</u>					
17	employees of nursing home facilities shall be immunized according to this act					
18	with the following exemptions:					
19	(1) No individual shall be required to receive either an influenza					
20	virus vaccine or a pneumococcal pneumonia vaccine if the vaccine is medically					
21	contraindicated as described in the product labeling approved by the Food and					
22	Drug Administration; and					
23	(2) The provisions of this section shall not apply if the resident or					
24	legal guardian object on the grounds that the immunization conflicts with the					
25	religious tenets and practices of a recognized church or religious					
26	denomination of which the resident or guardian in an adherent or member.					
27						
28	SECTION 6. All provisions of this act of a general and permanent nature					
29	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code					
30	Revision Commission shall incorporate the same in the Code.					
31						
32	SECTION 7. If any provision of this act or the application thereof to					
33	any person or circumstance is held invalid, such invalidity shall not affect					
34	other provisions or applications of the act which can be given effect without					
35	the invalid provision or application, and to this end the provisions of this					
36	act are declared to be severable.					

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2	SECTION 8.	ALL	aws and	parts	of laws in	conflict	with this a	ict are
3	hereby repealed.							
4				/s/	Bradford			
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7							APPROVED:	4/15/1999
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