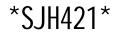
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	As Engrossed: S2/15/99 S3/4/99 H4/2/99	
2	82nd General Assembly	A Bill	
3	Regular Session, 1999	SENATE BILL	346
4			
5	By: Senator Bradford		
6			
7			
8		For An Act To Be Entitled	
9	"THE NURSING	G HOME RESIDENT AND EMPLOYEE IMMUNIZATION	
10	ACT OF 1999.		
11			
12		Subtitle	
13	"THE N	URSING HOME RESIDENT AND EMPLOYEE	
14	IMMUNI	ZATION ACT OF 1999."	
15			
16			
17	BE IT ENACTED BY THE GEN	NERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
18			
19	SECTION 1. <u>Title</u> .	This act shall be known and may be cited as the	
20	<u>"Nursing Home and Employ</u>	yee Immunization Act of 1999".	
21			
22	SECTION 2. <u>Purpose</u>	<u>9.</u>	
23	In recognition that	at the sixth leading cause of death in Arkansas is	the
24	<u>combined diagnostic cate</u>	egory of 'pneumonia/influenza'; that approximately	
25	<u>ninety percent (90%) of</u>	the 'pneumonia/influenza' deaths are in those over	• ·
26	<u>sixty-five (65) years of</u>	f age; that the Centers for Disease Control ('CDC')	
27	recommends that individu	uals over the age of sixty-five (65) years have ann	ual
28	flu shots and a pneumoco	occal vaccine once; that the CDC further suggests t	hat
29	<u>consent for immunization</u>	n be acquired at the time of nursing home admission	<u>1;</u>
30	<u>that current utilization</u>	n of the flu shots by nursing home residents is	
31	<u>approximately fifty perc</u>	<u>cent (50%); that the elderly living in an instituti</u>	onal
32	<u>setting, where disease m</u>	may be more readily transmitted, are less protected	!
33	<u>than those living in the</u>	e community; and that the pneumococcal vaccine	
34	<u>utilization by nursing l</u>	home residents is approximately thirty percent (30%	<u>;).</u>
35			
36	SECTION 3. Defini	tions. 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	<u>accommodation, board, care, or treatment of two (2) or more individuals, who</u>				
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	<u>legal guardian object on the grounds that the immunization conflicts with the</u>				
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 laws and parts of laws in conflict with this act are	
3	hereby repealed.		
4		/s/ Bradford	
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