

AN ACT

relating to the immunization of elderly persons by certain health care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0052 to read as follows:

Sec. 161.0052. IMMUNIZATION OF ELDERLY PERSONS BY HOSPITALS, END STAGE RENAL DISEASE FACILITIES, AND PHYSICIANS' OFFICES. (a) In this section:

(1) "Elderly person" means a person who is 65 years of age or older.

(2) "End stage renal disease facility" has the meaning assigned by Section 251.001.

(3) "Hospital" has the meaning assigned by Section 241.003.

(b) The executive commissioner of the Health and Human Services Commission by rule shall require a hospital to inform each elderly person admitted to the hospital for a period of 24 hours or more that the pneumococcal and influenza vaccines are available. If the elderly person requests a vaccine, and if a physician, or an advanced nurse practitioner or physician assistant on behalf of a physician, determines that the vaccine is in the person's best interest, the hospital must make the vaccination available to the person before the person is discharged from the hospital.

1       (c) The executive commissioner of the Health and Human  
2 Services Commission by rule shall require an end stage renal  
3 disease facility to offer, to the extent possible as determined by  
4 the facility, the opportunity to receive the pneumococcal and  
5 influenza vaccines to each elderly person who receives ongoing care  
6 at the facility if a physician, or an advanced nurse practitioner or  
7 physician assistant on behalf of a physician, determines that the  
8 vaccine is in the person's best interest. If the facility decides  
9 it is not feasible to offer the vaccine, the facility must provide  
10 the person with information on other options for obtaining the  
11 vaccine.

12       (d) The Texas State Board of Medical Examiners by rule shall  
13 require a physician responsible for the management of a physician's  
14 office that provides ongoing medical care to elderly persons to  
15 offer, to the extent possible as determined by the physician, the  
16 opportunity to receive the pneumococcal and influenza vaccines to  
17 each elderly person who receives ongoing care at the office. If the  
18 physician decides it is not feasible to offer the vaccine, the  
19 physician must provide the person with information on other options  
20 for obtaining the vaccine.

21       (e) Rules adopted under this section must require that:

22               (1) a hospital, end stage renal disease facility, or  
23 physician's office:

24                       (A) offer the influenza vaccine in October and  
25 November, and if the vaccine is available, December; and

26                       (B) offer the pneumococcal vaccine year-round;  
27 and

1           (2) a person administering a vaccine:

2                   (A) ask whether the elderly person is currently  
3 vaccinated against the influenza virus or pneumococcal disease, as  
4 appropriate;

5                   (B) administer the vaccine under  
6 institution-approved or physician-approved protocols after making  
7 an assessment for contraindications; and

8                   (C) permanently document the vaccination in the  
9 elderly person's medical records.

10           (f) In adopting rules under this section, the executive  
11 commissioner of the Health and Human Services Commission and the  
12 Texas State Board of Medical Examiners shall consider the  
13 recommendations of the Advisory Committee on Immunization  
14 Practices of the Centers for Disease Control and Prevention.

15           (g) Rules adopted under this section may consider the  
16 potential for a shortage of a vaccine.

17           (h) The department shall make available to hospitals and end  
18 stage renal disease facilities, and the Texas State Board of  
19 Medical Examiners shall make available to physicians' offices,  
20 educational and informational materials concerning vaccination  
21 against influenza virus and pneumococcal disease.

22           SECTION 2. This Act takes effect September 1, 2005.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1330 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2005, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1330 passed the House, with amendments, on May 17, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor