

By: Nelson

S.B. No. 1330

A BILL TO BE ENTITLED

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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, the hospital must make the vaccination available to the person before the person is discharged from the hospital.

(c) The executive commissioner of the Health and Human Services Commission by rule shall require an end stage renal

1 disease facility to offer, to the extent possible as determined by
2 the facility, the opportunity to receive the pneumococcal and
3 influenza vaccines to each elderly person who receives ongoing care
4 at the facility. If the facility decides it is not feasible to
5 offer the vaccine, the facility must provide the person with
6 information on other options for obtaining the vaccine.

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

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

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

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

21 (B) offer the pneumococcal vaccine year-round;
22 and

23 (2) a person administering a vaccine:

24 (A) ask whether the elderly person is currently
25 vaccinated against the influenza virus or pneumococcal disease, as
26 appropriate;

27 (B) administer the vaccine under

1 institution-approved or physician-approved protocols after making
2 an assessment for contraindications; and

3 (C) permanently document the vaccination in the
4 elderly person's medical records.

5 (f) In adopting rules under this section, the executive
6 commissioner of the Health and Human Services Commission and the
7 Texas State Board of Medical Examiners shall consider the
8 recommendations of the Advisory Committee on Immunization
9 Practices of the Centers for Disease Control and Prevention.

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

12 (h) The department shall make available to hospitals and end
13 stage renal disease facilities, and the Texas State Board of
14 Medical Examiners shall make available to physicians' offices,
15 educational and informational materials concerning vaccination
16 against influenza virus and pneumococcal disease.

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