

By: Nelson

S.B. No. 1330

A BILL TO BE ENTITLED

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 AND ONGOING CARE FACILITIES. (a) In this section:

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

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

(3) "Ongoing care facility" means a health care facility that provides ongoing medical care to elderly persons, including:

(A) a physician's office;

(B) a public health clinic;

(C) a hemodialysis center;

(D) a hospital specialty-care clinic; and

(E) an outpatient rehabilitation center.

(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.

1 If the elderly person requests a vaccine, the hospital must make the
2 vaccination available to the person before the person is discharged
3 from the hospital.

4 (c) The executive commissioner of the Health and Human
5 Services Commission by rule shall require an ongoing care facility
6 to offer, to the extent possible as determined by the facility, the
7 opportunity to receive the pneumococcal and influenza vaccines to
8 each elderly person who receives ongoing care at the facility. If
9 the facility decides it is not feasible to offer the vaccine, the
10 facility must provide the person with information on other options
11 for obtaining the vaccine.

12 (d) Rules adopted under this section must require that:

13 (1) a hospital or ongoing care facility:

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

16 (B) offer the pneumococcal vaccine year-round;
17 and

18 (2) a person administering a vaccine:

19 (A) ask whether the elderly person is currently
20 vaccinated against the influenza virus or pneumococcal disease, as
21 appropriate;

22 (B) administer the vaccine under
23 institution-approved or physician-approved protocols after making
24 an assessment for contraindications; and

25 (C) permanently document the vaccination in the
26 elderly person's medical records.

27 (e) In adopting rules under this section, the executive

1 commissioner of the Health and Human Services Commission shall
2 consider the recommendations of the Advisory Committee on
3 Immunization Practices of the Centers for Disease Control and
4 Prevention.

5 (f) Rules adopted under this section may consider the
6 potential for a shortage of a vaccine.

7 (g) The department shall make available to hospitals and
8 ongoing care facilities educational and informational materials
9 concerning vaccination against influenza virus and pneumococcal
10 disease.

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