

1-1 By: Nelson S.B. No. 1330  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 4, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 4, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1330 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the immunization of elderly persons by certain health  
1-11 care facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 161, Health and Safety  
1-14 Code, is amended by adding Section 161.0052 to read as follows:

1-15 Sec. 161.0052. IMMUNIZATION OF ELDERLY PERSONS BY  
1-16 HOSPITALS, END STAGE RENAL DISEASE FACILITIES, AND PHYSICIANS'  
1-17 OFFICES. (a) In this section:

1-18 (1) "Elderly person" means a person who is 65 years of  
1-19 age or older.

1-20 (2) "End stage renal disease facility" has the meaning  
1-21 assigned by Section 251.001.

1-22 (3) "Hospital" has the meaning assigned by Section  
1-23 241.003.

1-24 (b) The executive commissioner of the Health and Human  
1-25 Services Commission by rule shall require a hospital to inform each  
1-26 elderly person admitted to the hospital for a period of 24 hours or  
1-27 more that the pneumococcal and influenza vaccines are available.  
1-28 If the elderly person requests a vaccine, the hospital must make the  
1-29 vaccination available to the person before the person is discharged  
1-30 from the hospital.

1-31 (c) The executive commissioner of the Health and Human  
1-32 Services Commission by rule shall require an end stage renal  
1-33 disease facility to offer, to the extent possible as determined by  
1-34 the facility, the opportunity to receive the pneumococcal and  
1-35 influenza vaccines to each elderly person who receives ongoing care  
1-36 at the facility. If the facility decides it is not feasible to  
1-37 offer the vaccine, the facility must provide the person with  
1-38 information on other options for obtaining the vaccine.

1-39 (d) The Texas State Board of Medical Examiners by rule shall  
1-40 require a physician responsible for the management of a physician's  
1-41 office that provides ongoing medical care to elderly persons to  
1-42 offer, to the extent possible as determined by the physician, the  
1-43 opportunity to receive the pneumococcal and influenza vaccines to  
1-44 each elderly person who receives ongoing care at the office. If the  
1-45 physician decides it is not feasible to offer the vaccine, the  
1-46 physician must provide the person with information on other options  
1-47 for obtaining the vaccine.

1-48 (e) Rules adopted under this section must require that:

1-49 (1) a hospital, end stage renal disease facility, or  
1-50 physician's office:

1-51 (A) offer the influenza vaccine in October and  
1-52 November, and if the vaccine is available, December; and

1-53 (B) offer the pneumococcal vaccine year-round;  
1-54 and

1-55 (2) a person administering a vaccine:

1-56 (A) ask whether the elderly person is currently  
1-57 vaccinated against the influenza virus or pneumococcal disease, as  
1-58 appropriate;

1-59 (B) administer the vaccine under  
1-60 institution-approved or physician-approved protocols after making  
1-61 an assessment for contraindications; and

1-62 (C) permanently document the vaccination in the  
1-63 elderly person's medical records.

