

By: Nelson

S.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

relating to the adoption by health care facilities of a policy on vaccine preventable diseases; imposing penalties.

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

SECTION 1. The heading to Subtitle A, Title 4, Health and Safety Code, is amended to read as follows:

SUBTITLE A. FINANCING, CONSTRUCTING, REGULATING, AND INSPECTING HEALTH FACILITIES

SECTION 2. Subtitle A, Title 4, Health and Safety Code, is amended by adding Chapter 224 to read as follows:

CHAPTER 224. POLICY ON VACCINE PREVENTABLE DISEASES

Sec. 224.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means:

(A) a facility licensed under Subtitle B of this title, including a hospital as defined by Section 241.003; or

(B) a hospital maintained or operated by this state.

(2) "Employee" includes:

(A) an individual providing direct patient care pursuant to a contract with a health care facility; and

(B) an individual to whom a health care facility has granted privileges to provide direct patient care.

(3) "Regulatory authority" means a state agency that regulates a health care facility under this code.

1 (4) "Vaccine preventable diseases" means the diseases
2 included in the most current recommendations of the Advisory
3 Committee on Immunization Practices of the Centers for Disease
4 Control and Prevention.

5 Sec. 224.002. VACCINE PREVENTABLE DISEASES POLICY
6 REQUIRED. (a) Each health care facility shall develop and
7 implement a policy to protect its patients from vaccine preventable
8 diseases.

9 (b) The policy must:

10 (1) require the employees of the health care facility
11 to receive vaccines for the vaccine preventable diseases specified
12 by the facility based on the level of risk the employee presents to
13 patients by the employee's routine and direct exposure to patients;

14 (2) specify the vaccines a health care facility
15 employee is required to receive based on the level of risk the
16 employee presents to patients by the employee's routine and direct
17 exposure to patients;

18 (3) include procedures for verifying whether a health
19 care facility employee has complied with the policy;

20 (4) include procedures for a health care facility
21 employee to be exempt from the required vaccines for medical
22 reasons;

23 (5) for a health care facility employee who is exempt
24 from the required vaccines, include procedures the employee must
25 follow to protect facility patients from exposure to disease, such
26 as wearing a mask, based on the level of risk the employee presents
27 to patients by the employee's routine and direct exposure to

1 patients;

2 (6) require the health care facility to maintain a
3 written or electronic record of each health care facility
4 employee's compliance with or exemption from the policy; and

5 (7) include disciplinary actions the health care
6 facility is authorized to take against a health care facility
7 employee who fails to comply with the policy.

8 (c) The policy may include procedures for a health care
9 facility employee to be exempt from the required vaccines based on
10 reasons of conscience, including a religious belief.

11 Sec. 224.003. DISASTER EXEMPTION. (a) In this section,
12 "public health disaster" has the meaning assigned by Section
13 81.003.

14 (b) During a public health disaster, a health care facility
15 may prohibit an employee who is exempt from the vaccines required in
16 the policy developed by the facility under Section 224.002 from
17 having contact with facility patients.

18 Sec. 224.004. DISCIPLINARY ACTION. A health care facility
19 that violates this chapter is subject to an administrative or civil
20 penalty in the same manner, and subject to the same procedures, as
21 if the facility had violated a provision of this code that
22 specifically governs the facility.

23 Sec. 224.005. RULES. The appropriate rulemaking authority
24 for each regulatory authority shall adopt rules necessary to
25 implement this chapter.

26 SECTION 3. Not later than June 1, 2012, a state agency that
27 regulates a health care facility subject to Chapter 224, Health and

1 Safety Code, as added by this Act, shall adopt the rules necessary
2 to implement that chapter.

3 SECTION 4. Notwithstanding Chapter 224, Health and Safety
4 Code, as added by this Act, a health care facility subject to that
5 chapter is not required to have a policy on vaccine preventable
6 diseases in effect until September 1, 2012.

7 SECTION 5. This Act takes effect September 1, 2011.