

By: Nelson

S.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

relating to health care facilities' adoption of a policy on vaccine preventable diseases.

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 hospital or another facility licensed under Subtitle B of this title or under Chapter 577 to provide inpatient medical care, health care, or mental health care services to patients in this state.

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

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

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

1 Sec. 224.002. VACCINE PREVENTABLE DISEASES POLICY

2 REQUIRED. (a) Each health care facility shall develop and
3 implement a policy to protect its patients from vaccine preventable
4 diseases.

5 (b) The policy must:

6 (1) require the employees of the health care facility
7 to receive vaccines for the vaccine preventable diseases identified
8 in the policy;

9 (2) include procedures for verifying whether a health
10 care facility employee has complied with the policy;

11 (3) include procedures for a health care facility
12 employee to be exempt from the required vaccines for medical
13 reasons;

14 (4) for a health care facility employee who is exempt
15 from the required vaccines, include procedures the employee must
16 follow to protect facility patients from exposure to disease, such
17 as wearing a mask, based on the level of risk the employee presents
18 to patients by the employee's exposure to patients;

19 (5) require the health care facility to maintain a
20 written or electronic record of each health care facility
21 employee's compliance with or exemption from the policy; and

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

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

1 Sec. 224.003. DISCIPLINARY ACTION. A health care facility
2 that violates this chapter is subject to an administrative or civil
3 penalty in the same manner, and subject to the same procedures, as
4 if the facility had violated a provision of this code that
5 specifically governs the facility.

6 Sec. 224.004. RULES. The appropriate rulemaking authority
7 for each regulatory authority shall adopt rules necessary to
8 implement this chapter.

9 SECTION 3. Not later than January 1, 2012, a state agency
10 that regulates a health care facility subject to Chapter 224,
11 Health and Safety Code, as added by this Act, shall adopt the rules
12 necessary to implement that chapter.

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

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