

1-1 By: Nelson S.B. No. 1177
1-2 (In the Senate - Filed March 4, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1177 By: Nelson

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

1-10 relating to the adoption by health care facilities of a policy on
1-11 vaccine preventable diseases; imposing penalties.

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

1-13 SECTION 1. The heading to Subtitle A, Title 4, Health and
1-14 Safety Code, is amended to read as follows:

1-15 SUBTITLE A. FINANCING, CONSTRUCTING, REGULATING, AND INSPECTING
1-16 HEALTH FACILITIES

1-17 SECTION 2. Subtitle A, Title 4, Health and Safety Code, is
1-18 amended by adding Chapter 224 to read as follows:

1-19 CHAPTER 224. POLICY ON VACCINE PREVENTABLE DISEASES

1-20 Sec. 224.001. DEFINITIONS. In this chapter:

1-21 (1) "Health care facility" means:

1-22 (A) a facility licensed under Subtitle B of this
1-23 title, including a hospital as defined by Section 241.003; or

1-24 (B) a hospital maintained or operated by this
1-25 state.

1-26 (2) "Employee" includes:

1-27 (A) an individual providing direct patient care
1-28 pursuant to a contract with a health care facility; and

1-29 (B) an individual to whom a health care facility
1-30 has granted privileges to provide direct patient care.

1-31 (3) "Regulatory authority" means a state agency that
1-32 regulates a health care facility under this code.

1-33 (4) "Vaccine preventable diseases" means the diseases
1-34 included in the most current recommendations of the Advisory
1-35 Committee on Immunization Practices of the Centers for Disease
1-36 Control and Prevention.

1-37 Sec. 224.002. VACCINE PREVENTABLE DISEASES POLICY
1-38 REQUIRED. (a) Each health care facility shall develop and
1-39 implement a policy to protect its patients from vaccine preventable
1-40 diseases.

1-41 (b) The policy must:

1-42 (1) require the employees of the health care facility
1-43 to receive vaccines for the vaccine preventable diseases specified
1-44 by the facility based on the level of risk the employee presents to
1-45 patients by the employee's routine and direct exposure to patients;

1-46 (2) specify the vaccines a health care facility
1-47 employee is required to receive based on the level of risk the
1-48 employee presents to patients by the employee's routine and direct
1-49 exposure to patients;

1-50 (3) include procedures for verifying whether a health
1-51 care facility employee has complied with the policy;

1-52 (4) include procedures for a health care facility
1-53 employee to be exempt from the required vaccines for medical
1-54 reasons;

1-55 (5) for a health care facility employee who is exempt
1-56 from the required vaccines, include procedures the employee must
1-57 follow to protect facility patients from exposure to disease, such
1-58 as wearing a mask, based on the level of risk the employee presents
1-59 to patients by the employee's routine and direct exposure to
1-60 patients;

1-61 (6) require the health care facility to maintain a
1-62 written or electronic record of each health care facility
1-63 employee's compliance with or exemption from the policy; and

2-1 (7) include disciplinary actions the health care
2-2 facility is authorized to take against a health care facility
2-3 employee who fails to comply with the policy.

2-4 (c) The policy may include procedures for a health care
2-5 facility employee to be exempt from the required vaccines based on
2-6 reasons of conscience, including a religious belief.

2-7 Sec. 224.003. DISASTER EXEMPTION. (a) In this section,
2-8 "public health disaster" has the meaning assigned by Section
2-9 81.003.

2-10 (b) During a public health disaster, a health care facility
2-11 may prohibit an employee who is exempt from the vaccines required in
2-12 the policy developed by the facility under Section 224.002 from
2-13 having contact with facility patients.

2-14 Sec. 224.004. DISCIPLINARY ACTION. A health care facility
2-15 that violates this chapter is subject to an administrative or civil
2-16 penalty in the same manner, and subject to the same procedures, as
2-17 if the facility had violated a provision of this code that
2-18 specifically governs the facility.

2-19 Sec. 224.005. RULES. The appropriate rulemaking authority
2-20 for each regulatory authority shall adopt rules necessary to
2-21 implement this chapter.

2-22 SECTION 3. Not later than June 1, 2012, a state agency that
2-23 regulates a health care facility subject to Chapter 224, Health and
2-24 Safety Code, as added by this Act, shall adopt the rules necessary
2-25 to implement that chapter.

2-26 SECTION 4. Notwithstanding Chapter 224, Health and Safety
2-27 Code, as added by this Act, a health care facility subject to that
2-28 chapter is not required to have a policy on vaccine preventable
2-29 diseases in effect until September 1, 2012.

2-30 SECTION 5. This Act takes effect September 1, 2011.

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