



April 3, 2009

**ENGROSSED
HOUSE BILL No. 1592**

DIGEST OF HB 1592 (Updated April 1, 2009 10:39 am - DI 104)

Citations Affected: IC 16-18; IC 16-28.

Synopsis: Long term care employee flu vaccinations. Requires health facilities that are licensed as comprehensive care facilities to provide or make available to employees who have direct contact with patients immunizations against the influenza virus. Provides that immunizations are not required if there is an inadequate supply of the vaccine. Provides specific reasons that prohibit a health facility from requiring an employee to receive an immunization. Allows the department of health to adopt rules to administer immunization the requirements. Repeals and relocates a definition.

Effective: July 1, 2009.

**Moseley, Steuerwald, Brown C,
Welch, Frizzell,**

(SENATE SPONSORS — DILLON, ERRINGTON)

January 16, 2009, read first time and referred to Committee on Public Health.
February 16, 2009, amended, reported — Do Pass.
February 19, 2009, read second time, ordered engrossed. Engrossed.
February 25, 2009, read third time, passed. Yeas 100, nays 0.

SENATE ACTION

March 3, 2009, read first time and referred to Committee on Health and Provider Services.
April 2, 2009, reported favorably — Do Pass.

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April 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1592

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-223.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 223.7. "Medically
3 contraindicated", for purposes of IC 16-28-14 ~~has the meaning set forth~~
4 ~~in IC 16-28-14-1.~~ and IC 16-28-14.5, means that a vaccine would be
5 detrimental to an individual's health because of a medical
6 condition of the individual.

7 SECTION 2. IC 16-28-14.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]:

10 **Chapter 14.5. Health Facility Employee Immunizations**
11 **Sec. 1. This chapter applies only to the following:**
12 (1) Health facilities that are licensed under IC 16-28 as
13 comprehensive care facilities.
14 (2) Employees of health facilities described in subdivision (1)
15 who have direct contact with a patient or resident of the
16 health facility.
17 **Sec. 2. (a) Subject to obtaining an employee's consent, a health**

EH 1592—LS 6825/DI 77+



1 facility shall annually administer or make available to be
2 administered immunizations against the influenza virus to the
3 employee of the health facility.

4 (b) A health facility shall conduct the immunizations required
5 under subsection (a) in accordance with the recommendations
6 established by the Advisory Committee on Immunization Practices
7 of the United States Centers for Disease Control and Prevention
8 that are in effect at the time the health facility conducts the
9 immunizations.

10 Sec. 3. A health facility shall annually administer or make
11 available to be administered the immunizations required under this
12 chapter to each employee of the health facility who is employed by
13 the health facility during the period beginning October 1 and
14 ending February 1 of the following year.

15 Sec. 4. A health facility is not required to provide or make
16 available to the health facility's employees annual immunizations
17 against the influenza virus if the department determines that the
18 necessary vaccine is not in adequate supply.

19 Sec. 5. Notwithstanding any other provision of this chapter, a
20 health facility shall not require an employee to receive an
21 immunization under this chapter if:

- 22 (1) the health facility:
 - 23 (A) has written documentation from the employee's
 - 24 physician or other health care provider indicating the date
 - 25 and place that the individual received an immunization
 - 26 required under this chapter; and
 - 27 (B) determines that no additional immunization is
 - 28 required;
- 29 (2) the immunization is medically contraindicated for the
- 30 employee;
- 31 (3) receiving the immunization is against the employee's
- 32 religious beliefs; or
- 33 (4) the employee refuses to permit the immunization after
- 34 being fully informed of the health risks.

35 Sec. 6. The state department may adopt rules under IC 4-22-2
36 to administer this chapter.

37 SECTION 3. IC 16-28-14-1 IS REPEALED [EFFECTIVE JULY 1,
38 2009].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1592, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 1. This chapter applies only to the following:

(1) Health facilities that are licensed under IC 16-28 as comprehensive care facilities.

(2) Employees of health facilities described in subdivision (1) who have direct contact with a patient or resident of the health facility."

Page 1, line 11, delete "1." and insert "2."

Page 1, line 12, delete "immunize" and insert **"annually administer or make available to be administered immunizations against the influenza virus to"**.

Page 1, line 12, delete "facility against" and insert **"facility."**

Page 1, delete line 13.

Page 2, line 3, delete "2." and insert **"3."**

Page 2, line 8, delete "3." and insert **"4."**

Page 2, line 12, delete "4." and insert **"5."**

Page 2, between lines 27 and 28, begin a new paragraph and insert: **"Sec. 6. The state department may adopt rules under IC 4-22-2 to administer this chapter."**

and when so amended that said bill do pass.

(Reference is to HB 1592 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1592, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1592 as printed February 17, 2009.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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