



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3191

by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

110 ILCS 330/8
210 ILCS 45/2-213
210 ILCS 47/2-213
210 ILCS 48/2-213
210 ILCS 85/6.26

Amends the University of Illinois Hospital Act, the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, and the Hospital Licensing Act. Requires the University of Illinois Hospital and other hospitals to adopt an influenza and pneumococcal immunization policy that includes procedures for offering immunization against influenza virus when available between September 1 and April 1, and against pneumococcal disease upon admission or discharge, to patients unless contraindicated (removes language limiting the provision to patients age 65 or older). Provides that the immunizations shall be offered in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination. Provides that long term care facilities, ID/DD facilities, and specialized mental health rehabilitation facilities shall administer or arrange for administration of a pneumococcal vaccination to each resident (instead of each resident who is age 65 and over).

LRB098 10380 DRJ 41466 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The University of Illinois Hospital Act is
5 amended by changing Section 8 as follows:

6 (110 ILCS 330/8)

7 Sec. 8. Immunization against influenza virus and
8 pneumococcal disease. The University of Illinois Hospital
9 shall adopt an influenza and pneumococcal immunization policy
10 that includes, but need not be limited to, the following:

11 (1) Procedures for identifying patients age 65 or older
12 and, at the discretion of the facility, other patients at
13 risk.

14 (2) Procedures for offering immunization against
15 influenza virus when available between September 1 and
16 April 1, and against pneumococcal disease upon admission or
17 discharge, to patients in accordance with the
18 recommendations of the Advisory Committee on Immunization
19 Practices of the Centers for Disease Control and Prevention
20 that are most recent to the time of vaccination ~~age 65 or~~
21 ~~older~~, unless contraindicated.

22 (3) Procedures for ensuring that patients offered
23 immunization, or their guardians, receive information

1 regarding the risks and benefits of vaccination.

2 The hospital shall provide a copy of its influenza and
3 pneumococcal immunization policy to the Illinois Department of
4 Public Health upon request.

5 (Source: P.A. 96-343, eff. 8-11-09; 96-1000, eff. 7-2-10.)

6 Section 10. The Nursing Home Care Act is amended by
7 changing Section 2-213 as follows:

8 (210 ILCS 45/2-213)

9 Sec. 2-213. Vaccinations.

10 (a) A facility shall annually administer or arrange for
11 administration of a vaccination against influenza to each
12 resident, in accordance with the recommendations of the
13 Advisory Committee on Immunization Practices of the Centers for
14 Disease Control and Prevention that are most recent to the time
15 of vaccination, unless the vaccination is medically
16 contraindicated or the resident has refused the vaccine.
17 Influenza vaccinations for all residents age 65 and over shall
18 be completed by November 30 of each year or as soon as
19 practicable if vaccine supplies are not available before
20 November 1. Residents admitted after November 30, during the
21 flu season, and until February 1 shall, as medically
22 appropriate, receive an influenza vaccination prior to or upon
23 admission or as soon as practicable if vaccine supplies are not
24 available at the time of the admission, unless the vaccine is

1 medically contraindicated or the resident has refused the
2 vaccine. In the event that the Advisory Committee on
3 Immunization Practices of the Centers for Disease Control and
4 Prevention determines that dates of administration other than
5 those stated in this Act are optimal to protect the health of
6 residents, the Department is authorized to develop rules to
7 mandate vaccinations at those times rather than the times
8 stated in this Act. A facility shall document in the resident's
9 medical record that an annual vaccination against influenza was
10 administered, arranged, refused or medically contraindicated.

11 (b) A facility shall administer or arrange for
12 administration of a pneumococcal vaccination to each resident
13 ~~who is age 65 and over~~, in accordance with the recommendations
14 of the Advisory Committee on Immunization Practices of the
15 Centers for Disease Control and Prevention, who has not
16 received this immunization prior to or upon admission to the
17 facility, unless the resident refuses the offer for vaccination
18 or the vaccination is medically contraindicated. A facility
19 shall document in each resident's medical record that a
20 vaccination against pneumococcal pneumonia was offered and
21 administered, arranged, refused, or medically contraindicated.

22 (c) All persons seeking admission to a nursing facility
23 shall be verbally screened for risk factors associated with
24 hepatitis B, hepatitis C, and the Human Immunodeficiency Virus
25 (HIV) according to guidelines established by the U.S. Centers
26 for Disease Control and Prevention. Persons who are identified

1 as being at high risk for hepatitis B, hepatitis C, or HIV
2 shall be offered an opportunity to undergo laboratory testing
3 in order to determine infection status if they will be admitted
4 to the nursing facility for at least 7 days and are not known
5 to be infected with any of the listed viruses. All HIV testing
6 shall be conducted in compliance with the AIDS Confidentiality
7 Act. All persons determined to be susceptible to the hepatitis
8 B virus shall be offered immunization within 10 days of
9 admission to any nursing facility. A facility shall document in
10 the resident's medical record that he or she was verbally
11 screened for risk factors associated with hepatitis B,
12 hepatitis C, and HIV, and whether or not the resident was
13 immunized against hepatitis B. Nothing in this subsection (c)
14 shall apply to a nursing facility licensed or regulated by the
15 Illinois Department of Veterans' Affairs.

16 (d) A skilled nursing facility shall designate a person or
17 persons as Infection Prevention and Control Professionals to
18 develop and implement policies governing control of infections
19 and communicable diseases. The Infection Prevention and
20 Control Professionals shall be qualified through education,
21 training, experience, or certification or a combination of such
22 qualifications. The Infection Prevention and Control
23 Professional's qualifications shall be documented and shall be
24 made available for inspection by the Department.

25 (Source: P.A. 96-1259, eff. 1-1-11; 97-107, eff. 1-1-12.)

1 Section 15. The ID/DD Community Care Act is amended by
2 changing Section 2-213 as follows:

3 (210 ILCS 47/2-213)

4 Sec. 2-213. Vaccinations.

5 (a) A facility shall annually administer or arrange for
6 administration of a vaccination against influenza to each
7 resident, in accordance with the recommendations of the
8 Advisory Committee on Immunization Practices of the Centers for
9 Disease Control and Prevention that are most recent to the time
10 of vaccination, unless the vaccination is medically
11 contraindicated or the resident has refused the vaccine.
12 Influenza vaccinations for all residents age 65 and over shall
13 be completed by November 30 of each year or as soon as
14 practicable if vaccine supplies are not available before
15 November 1. Residents admitted after November 30, during the
16 flu season, and until February 1 shall, as medically
17 appropriate, receive an influenza vaccination prior to or upon
18 admission or as soon as practicable if vaccine supplies are not
19 available at the time of the admission, unless the vaccine is
20 medically contraindicated or the resident has refused the
21 vaccine. In the event that the Advisory Committee on
22 Immunization Practices of the Centers for Disease Control and
23 Prevention determines that dates of administration other than
24 those stated in this Act are optimal to protect the health of
25 residents, the Department is authorized to develop rules to

1 mandate vaccinations at those times rather than the times
2 stated in this Act. A facility shall document in the resident's
3 medical record that an annual vaccination against influenza was
4 administered, arranged, refused or medically contraindicated.

5 (b) A facility shall administer or arrange for
6 administration of a pneumococcal vaccination to each resident
7 ~~who is age 65 and over~~, in accordance with the recommendations
8 of the Advisory Committee on Immunization Practices of the
9 Centers for Disease Control and Prevention, who has not
10 received this immunization prior to or upon admission to the
11 facility, unless the resident refuses the offer for vaccination
12 or the vaccination is medically contraindicated. A facility
13 shall document in each resident's medical record that a
14 vaccination against pneumococcal pneumonia was offered and
15 administered, arranged, refused, or medically contraindicated.

16 (Source: P.A. 96-339, eff. 7-1-10.)

17 Section 20. The Specialized Mental Health Rehabilitation
18 Act is amended by changing Section 2-213 as follows:

19 (210 ILCS 48/2-213)

20 Sec. 2-213. Vaccinations.

21 (a) A facility shall annually administer or arrange for
22 administration of a vaccination against influenza to each
23 resident, in accordance with the recommendations of the
24 Advisory Committee on Immunization Practices of the Centers for

1 Disease Control and Prevention that are most recent to the time
2 of vaccination, unless the vaccination is medically
3 contraindicated or the resident has refused the vaccine.
4 Influenza vaccinations for all residents age 65 and over shall
5 be completed by November 30 of each year or as soon as
6 practicable if vaccine supplies are not available before
7 November 1. Residents admitted after November 30, during the
8 flu season, and until February 1 shall, as medically
9 appropriate, receive an influenza vaccination prior to or upon
10 admission or as soon as practicable if vaccine supplies are not
11 available at the time of the admission, unless the vaccine is
12 medically contraindicated or the resident has refused the
13 vaccine. In the event that the Advisory Committee on
14 Immunization Practices of the Centers for Disease Control and
15 Prevention determines that dates of administration other than
16 those stated in this Act are optimal to protect the health of
17 residents, the Department is authorized to develop rules to
18 mandate vaccinations at those times rather than the times
19 stated in this Act. A facility shall document in the resident's
20 medical record that an annual vaccination against influenza was
21 administered, arranged, refused or medically contraindicated.

22 (b) A facility shall administer or arrange for
23 administration of a pneumococcal vaccination to each resident
24 ~~who is age 65 and over~~, in accordance with the recommendations
25 of the Advisory Committee on Immunization Practices of the
26 Centers for Disease Control and Prevention, who has not

1 received this immunization prior to or upon admission to the
2 facility, unless the resident refuses the offer for vaccination
3 or the vaccination is medically contraindicated. A facility
4 shall document in each resident's medical record that a
5 vaccination against pneumococcal pneumonia was offered and
6 administered, arranged, refused, or medically contraindicated.

7 (c) All persons seeking admission to a nursing facility
8 shall be verbally screened for risk factors associated with
9 hepatitis B, hepatitis C, and the Human Immunodeficiency Virus
10 (HIV) according to guidelines established by the U.S. Centers
11 for Disease Control and Prevention. Persons who are identified
12 as being at high risk for hepatitis B, hepatitis C, or HIV
13 shall be offered an opportunity to undergo laboratory testing
14 in order to determine infection status if they will be admitted
15 to the nursing facility for at least 7 days and are not known
16 to be infected with any of the listed viruses. All HIV testing
17 shall be conducted in compliance with the AIDS Confidentiality
18 Act. All persons determined to be susceptible to the hepatitis
19 B virus shall be offered immunization within 10 days of
20 admission to any nursing facility. A facility shall document in
21 the resident's medical record that he or she was verbally
22 screened for risk factors associated with hepatitis B,
23 hepatitis C, and HIV, and whether or not the resident was
24 immunized against hepatitis B. Nothing in this subsection (c)
25 shall apply to a nursing facility licensed or regulated by the
26 Illinois Department of Veterans' Affairs.

1 (Source: P.A. 97-38, eff. 6-28-11.)

2 Section 25. The Hospital Licensing Act is amended by
3 changing Section 6.26 as follows:

4 (210 ILCS 85/6.26)

5 Sec. 6.26. Immunization against influenza virus and
6 pneumococcal disease.

7 (a) Every hospital shall adopt an influenza and
8 pneumococcal immunization policy that includes, but need not be
9 limited to, the following:

10 (1) Procedures for identifying patients age 65 or older
11 and, at the discretion of the facility, other patients at
12 risk.

13 (2) Procedures for offering immunization against
14 influenza virus when available between September 1 and
15 April 1, and against pneumococcal disease upon admission or
16 discharge, to patients in accordance with the
17 recommendations of the Advisory Committee on Immunization
18 Practices of the Centers for Disease Control and Prevention
19 that are most recent to the time of vaccination ~~age 65 or~~
20 ~~older~~, unless contraindicated.

21 (3) Procedures for ensuring that patients offered
22 immunization, or their guardians, receive information
23 regarding the risks and benefits of vaccination.

24 The hospital shall provide a copy of its influenza and

1 pneumococcal immunization policy to the Department upon
2 request.

3 (b) A home rule unit may not regulate immunization against
4 influenza virus and pneumococcal disease in a manner
5 inconsistent with the regulation of such immunizations under
6 this Section. This subsection is a limitation under subsection
7 (i) of Section 6 of Article VII of the Illinois Constitution on
8 the concurrent exercise by home rule units of powers and
9 functions exercised by the State.

10 (Source: P.A. 96-343, eff. 8-11-09; 96-1000, eff. 7-2-10.)