

HOUSE No. 2149

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Protecting Seniors from the flu.

PETITION OF:

NAME:

Kathi-Anne Reinstein

DISTRICT/ADDRESS:

16th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROTECTING SENIORS FROM THE FLU.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 71 of Chapter 111 of the general laws, as appearing in the 2006 Official Edition, is hereby
2 amended in the seventh paragraph of subsection (iv) by adding the following new sentence:-

3 No license shall be renewed here under, beginning on January 1, 2010, unless there shall be first
4 submitted to the department by the authorities in charge of the facility a certificate verifying that all
5 patients and employees were vaccinated against influenza each of the previous years in accordance with
6 the current recommendations of the Advisory Committee on Immunization Practices for the Centers for
7 Disease Control and Prevention with respect to indications such as age, timing, dosing, and
8 administration. Immunization of all consenting patients and employees shall be subject to the availability
9 of an adequate supply of the necessary vaccine, and subject to exemptions for medical contraindications
10 and religious beliefs. Subject to these exemptions, and in accordance with the guidelines of the Advisory
11 Committee on Immunization Practices for the Center for Disease Control and Prevention, a consenting
12 patient shall be immunized prior to discharge from the hospital or within 5 working days of becoming a
13 patient in a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for
14 the aged or intermediate care facility for the mentally retarded. Receipt of the vaccination shall be
15 documented on the patient's chart and made a part of the patient's permanent record. Prior to
16 administration of the vaccination, diligence shall be exercised to determine whether or not the patient has
17 already received the influenza vaccination for the year in question. This paragraph shall not prohibit a
18 patient in a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for
19 the aged or intermediate care facility for the mentally retarded from receiving the immunization from his
20 or her personal physician if he or she so chooses. A patient who chooses to receive the immunization
21 from his or her personal physician shall provide proof of immunization to the facility.