

HOUSE BILL 1033

J3, J1

1lr2686
CF SB 707

By: **Delegate Cullison**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Office of Health Care Quality – Influenza Virus Immunization Education and**
3 **Information – Assisted Living Facilities**

4 FOR the purpose of requiring the Office of Health Care Quality to monitor the compliance
5 of assisted living facilities with certain influenza virus immunization educational
6 and informational requirements during a certain annual inspection; and generally
7 relating to influenza virus immunization education and information and assisted
8 living facilities.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 18–404
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 18–404.

18 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “Employee” means an individual employed full-time or part-time
2 directly, through contract with another entity, or as an independent contractor, by a related
3 institution.

4 (3) “Medically contraindicated” means that a medical treatment is
5 potentially detrimental to the health of the individual intended to be treated.

6 (4) “Related institution” has the meaning provided under § 19–301 of this
7 article.

8 (b) (1) Subject to subsection (e) of this section, each related institution in the
9 State shall immunize residents against the influenza virus and pneumococcal disease.

10 (2) Subject to subsection (e) of this section, each related institution in the
11 State shall immunize employees against the influenza virus.

12 (3) Before an immunization under this section is administered, the related
13 institution shall obtain written consent to administer the immunization from:

14 (i) The resident or employee receiving the immunization; or

15 (ii) The legal guardian of the resident receiving the immunization.

16 (c) Each related institution shall conduct the immunizations required under
17 subsection (b) of this section:

18 (1) In accordance with the recommendations established by the Advisory
19 Committee on Immunization Process of the United States Centers for Disease Control and
20 Prevention that are in effect at the time the related institution conducts the immunizations;
21 and

22 (2) By December 1 of each year that the immunization is required.

23 (d) A related institution that accepts an individual as a new resident or accepts
24 an individual as a new employee after December 1 but before April 1 shall:

25 (1) Determine the individual’s status for immunization as required under
26 subsection (b) of this section; and

27 (2) If necessary, provide or arrange for an immunization as required under
28 subsection (b) of this section.

29 (e) A resident or employee is not required to receive a vaccine under this section
30 if:

31 (1) The vaccine is medically contraindicated for the resident or employee;

1 (2) The vaccine is against the resident’s or employee’s religious beliefs; or

2 (3) After being fully informed by the related institution of the health risks
3 associated with not receiving a vaccine, the resident or employee refuses the vaccine.

4 (f) (1) (i) Each related institution shall document the annual
5 immunization against influenza virus and immunization against pneumococcal disease
6 received by each resident in the resident’s medical record.

7 (ii) Each related institution shall document the annual
8 immunization against influenza virus received by each employee in the employee’s
9 personnel file.

10 (2) If a resident or employee refuses to be immunized as required under
11 subsection (b) of this section, the related institution shall document the refusal and the
12 reason for the refusal.

13 (g) Each related institution shall:

14 (1) Notify each prospective resident and each prospective employee of the
15 immunization requirements of this section and request that the resident or employee agree
16 to be immunized in accordance with subsection (b)(3) of this section; and

17 (2) Make available to all residents and employees of the related institution
18 educational and informational materials relating to immunization against influenza virus
19 and immunization against pneumococcal disease.

20 **(H) THE OFFICE OF HEALTH CARE QUALITY SHALL MONITOR THE**
21 **COMPLIANCE OF EACH ASSISTED LIVING FACILITY WITH THE REQUIREMENTS OF**
22 **SUBSECTION (G)(2) OF THIS SECTION DURING THE ANNUAL INSPECTION OF THE**
23 **FACILITY.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.