

NEW YORK STATE PUBLIC HEALTH LAW

ARTICLE 21-A

LONG-TERM CARE RESIDENT AND
EMPLOYEE IMMUNIZATION ACT

Section 2190. Short title.

2191. Definitions.

2192. Long-term care resident and employee immunization
required.

2193. Resident immunization.

2194. Employee immunization.

2195. Exceptions.

2196. Rules and regulations; report.

§ 2190. Short title. This article shall be known and may be cited as
the "long-term care resident and employee immunization act".

§ 2191. Definitions. For the purposes of this article:

1. "Long-term care facility" or "facility" means a residential health
care facility as defined in section twenty-eight hundred one of this
chapter, adult home as defined in subdivision twenty-five of section two
of the social services law or enriched housing program as defined in
subdivision twenty-eight of section two of the social services law,
adult day health care program in accordance with regulations of the
department, and any other facility providing residential housing for
five or more persons over the age of sixty-five unrelated to the
operator and supportive services including, but not limited to, food
service, housekeeping, laundry, arranging for medical care, and
assistance with daily living.

2. "Documentation" means written evidence from an individual's health
care provider indicating the date and place when the individual received
the influenza vaccine or the pneumococcal vaccine.

3. "Medically contraindicated" means influenza or pneumococcal vaccine
should not be administered to an individual because it may be
detrimental to the individual's health if the individual receives the
vaccine.

4. "Employee" means an individual employed (whether directly, by
contract with another entity or as an independent contractor) by a
long-term care facility, on a part-time or full-time basis.

§ 2192. Long-term care resident and employee immunization required.
Except as provided in section twenty-one hundred ninety-five of this
article, every long-term care facility in this state shall require

residents and employees to be immunized for influenza virus and pneumococcal disease in accordance with regulations of the commissioner.

§ 2193. Resident immunization. 1. Upon admission, a long-term care facility shall notify the resident of the immunization requirements of this article and request that the resident agree to be immunized against influenza virus and pneumococcal disease.

2. Every long-term care facility shall document the annual immunization against influenza virus and immunization against pneumococcal disease for each resident. Upon finding that a resident is lacking such immunization or the long-term care facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the long-term care facility shall provide or arrange for immunization. Immunization and the documentation thereof shall take place no later than November thirtieth of each year.

3. An individual who becomes a resident after November thirtieth but before April first shall have his or her status for influenza and pneumococcal immunization determined by the facility, and if found to be deficient, the facility shall provide or arrange for the necessary immunization.

§ 2194. Employee immunization. 1. Every long-term care facility shall notify every employee of the immunization requirements of this article and request that the employee agree to be immunized against influenza virus and pneumococcal disease.

2. The long-term care facility shall require documentation of annual immunization against influenza virus and immunization against pneumococcal disease for each employee. Upon finding that an employee is lacking such immunization or the long-term care facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the long-term care facility must provide or arrange for immunization. Immunization and the documentation thereof shall take place no later than November thirtieth of each year.

3. An individual who is newly employed as an employee after November thirtieth but before April first shall have his or her status for influenza and pneumococcal immunization determined by the facility, and if found to be deficient, the facility shall provide or arrange for the necessary immunization.

§ 2195. Exceptions. No individual shall be required to receive either an influenza vaccine or pneumococcal vaccine if the vaccine is medically contraindicated, or if it is against his or her religious beliefs, or if he or she refuses the vaccine after being fully informed of the health risks of such action.

§ 2196. Rules and regulations; report. 1. The commissioner shall promulgate regulations relating to the immunization requirements of this article, taking into consideration the recommendations of the centers for disease control and prevention.

2. The commissioner is hereby directed to make available educational and informational materials to all long-term care facilities with respect to vaccination against influenza virus and pneumococcal disease.

3. The commissioner shall report three years from the effective date of this article to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly on the number of outbreaks in long-term care facilities each year due to influenza virus and pneumococcal disease and number of hospitalizations of long-term care facility residents each year due to influenza virus, pneumococcal disease and complications thereof.