

No. 2004-85

AN ACT

SB 769

Providing for immunization against the influenza virus and pneumococcal disease for elderly persons.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Elderly Immunization Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Health of the Commonwealth.

“Eligible person.” A person 65 years of age or older.

“Facilities providing ongoing medical care.” Physicians’ offices, public health clinics, hemodialysis centers, hospital specialty-care clinics and outpatient rehabilitation programs.

“Hospital.” An institution licensed as a hospital by the Department of Health pursuant to Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Section 3. Vaccination offered to eligible persons.

(a) General rule.—When an eligible person is admitted to a hospital for a period of more than 24 hours for a condition unrelated to the influenza virus or pneumococcal disease, he or she shall be informed that a vaccination for the influenza virus and pneumococcal disease is available and provided the opportunity to receive vaccination against the influenza virus and pneumococcal disease prior to discharge from the hospital. Immunization shall be conducted in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(b) Other facilities to offer vaccination.—Vaccination for the influenza virus and pneumococcal disease shall also be offered to an eligible person at facilities providing ongoing medical care to the extent possible as determined by the facility. If the facility determines it is not possible to provide the vaccine, information shall be provided to the patient on other options for obtaining the vaccine.

(c) Time frame for availability of influenza and pneumococcal vaccine.—

(1) The influenza vaccine shall be made available for eligible persons during the months of October and November. Vaccination efforts may continue into December and later based on availability of the vaccine.

(2) The pneumococcal vaccine shall be available for eligible persons.

(d) Protocols.—Vaccines may be administered under institution-approved or physician-approved protocols after an assessment has been made for contraindications.

(e) Responsibility of person administering vaccine.—It shall be the responsibility of the person administering the vaccine to inquire as to whether the eligible person has already received a vaccination against the influenza virus or pneumococcal disease.

(f) Documentation of vaccine.—Receipt of the vaccination shall be documented on the patient's chart and made a part of the patient's permanent record at the hospital or other facility.

Section 4. Responsibilities of department.

(a) Promulgation of regulations.—The department may promulgate regulations relating to this act, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(b) Educational materials.—The department shall make available educational and informational materials to all hospitals and other facilities providing ongoing medical care concerning vaccination against the influenza virus and pneumococcal disease.

Section 5. Effective date.

This act shall take effect in 90 days.

APPROVED—The 15th day of July, A.D. 2004.

EDWARD G. RENDELL