

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2212

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DATE	D-PG	OFFICIAL STATUS
03/03/2014	5929	Introduction and first reading Referred to Health, Human Services and Housing

A bill for an act

relating to health; requiring an influenza vaccination for health care workers;
proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.601] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 144.601 to 144.6011.

Subd. 2. **Certificate of influenza immunization.** "Certificate of influenza immunization" means a written statement indicating the influenza vaccination status of a health care worker who received the influenza vaccination.

Subd. 3. **Certificate of influenza immunization exemption.** "Certificate of influenza immunization exemption" means a written statement indicating the exemption status of a health care worker who is exempt from the influenza immunization requirement under section 144.6011, subdivision 2.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 5. **Health care employer.** "Health care employer" means a person or entity that has control over the wages, hours, and working conditions of health care workers in settings that include acute care hospitals, ambulatory surgical facilities, intermediate care facilities, outpatient clinics, physicians' offices, urgent care centers, and dialysis centers.

Subd. 6. **Health care worker.** "Health care worker" means all persons, whether paid or unpaid, including but not limited to employees, staff, contractors, clinicians, emergency medical technicians, ambulance drivers, volunteers, students, trainees, clergy, dietary and housekeeping staff, and others whose occupational activities involve direct or indirect contact with patients or contaminated material in a facility run by a health care employer.

2.1 **Sec. 2. [144.6011] DUTIES OF HEALTH CARE EMPLOYER.**

2.2 **Subdivision 1. Vaccination requirements.** Each health care employer shall:

2.3 (1) notify all health care workers of the immunization requirements of this section;

2.4 (2) provide all health care workers with education about the benefits of influenza
2.5 vaccination and potential consequences of influenza illness;

2.6 (3) require that all health care workers of the health care employer receive influenza
2.7 vaccinations as a precondition to employment and on an annual basis in accordance with
2.8 the latest recommendations of the Advisory Committee on Immunization Practices (ACIP)
2.9 of the Centers for Disease Control and Prevention no later than November 1 of each year.

2.10 To the extent that the ACIP recommendations may differ from the terms of this section,
2.11 the ACIP recommendations shall control;

2.12 (4) provide or arrange for influenza vaccination, at no cost to the health care worker,
2.13 either at the facility of the health care employer or at an alternate location chosen by the
2.14 health care worker, by November 1 of each year; and

2.15 (5) determine whether health care workers hired after November 1 of each year have
2.16 received the required influenza vaccination. If the health care worker has not received the
2.17 influenza vaccination, the health care employer shall provide or arrange for an influenza
2.18 vaccination at no cost to the health care worker. The health care worker may receive the
2.19 influenza vaccination at the facility or at an alternate location chosen by the health care
2.20 worker before employment or within one week of employment.

2.21 **Subd. 2. Exceptions to vaccination requirements.** (a) A health care employer shall
2.22 not require a health care worker to receive an influenza vaccination if:

2.23 (1) the health care worker presents to the health care employer a licensed health
2.24 care provider's written statement indicating that the health care worker has a condition
2.25 contraindicated for immunization;

2.26 (2) the health care worker presents to the health care employer a written statement
2.27 indicating that the worker opposes the administration of the vaccine based upon a sincere
2.28 religious belief; or

2.29 (3) the commissioner determines that there is an insufficient supply of the influenza
2.30 vaccine given the number of workers to be vaccinated or the influenza vaccine is not
2.31 reasonably available.

2.32 (b) Any health care worker exempt from receiving the influenza vaccination under
2.33 paragraph (a) shall wear a surgical mask at all times while in areas where patients may be
2.34 present during any flu season designated by the health care employer and recognized by
2.35 the Centers for Disease Control and Prevention.

3.1 Subd. 3. **Certificates.** (a) The commissioner shall create and distribute to all
3.2 health care employers certificates of influenza immunization and certificates of influenza
3.3 immunization exemption.

3.4 (b) A health care employer shall make certificates of influenza immunization and
3.5 certificates of influenza immunization exemption available to all health care workers and
3.6 require that each health care worker submit either a certificate of influenza immunization
3.7 or a certificate of influenza immunization exemption by November 1 of each year.

3.8 (c) A certificate of influenza immunization shall:

3.9 (1) specify the influenza vaccine administered;

3.10 (2) specify the date of administration; and

3.11 (3) be signed by the licensed health care provider who administered the vaccine.

3.12 (d) A certificate of influenza immunization exemption shall:

3.13 (1) specify the reason the health care worker was exempt from the influenza
3.14 vaccination requirement; and

3.15 (2) be signed by both the health care worker and a designee of the health care
3.16 employer.

3.17 (e) The health care employer shall maintain completed and signed certificates of
3.18 influenza immunization and certificates of influenza immunization exemptions for one year.

3.19 Subd. 4. **Data collection.** (a) A health care employer shall collect aggregate data on
3.20 health care worker influenza vaccination status for the period beginning November 1 and
3.21 ending October 31 of each year. Required data shall include, but not be limited to:

3.22 (1) total number of health care workers by occupation;

3.23 (2) total number of health care workers who received the influenza vaccination
3.24 categorized by occupation;

3.25 (3) total number of health care workers who did not receive the influenza
3.26 vaccination; and

3.27 (4) reasons health care workers did not receive the influenza vaccination.

3.28 (b) A health care employer shall make the aggregate data, certificates of influenza
3.29 immunization, and certificates of influenza immunization exemptions available for
3.30 inspection by the commissioner.

3.31 (c) The health care employer shall maintain the aggregate data, certificates of
3.32 influenza immunization, and certificates of influenza immunization exemptions as private
3.33 data as provided in section 13.384.