

By the Committee on Appropriations and Senators Clary and Cowin

309-1646-01

1 A bill to be entitled
2 An act relating to nursing homes; amending s.
3 400.141, F.S.; prescribing duties of nursing
4 homes with respect to influenzae and
5 pneumococcal polysaccharide vaccinations;
6 providing an appropriation; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Subsections (14), (15), and (16) are added
12 to section 400.141, Florida Statutes, to read:

13 400.141 Administration and management of nursing home
14 facilities.--Every licensed facility shall comply with all
15 applicable standards and rules of the agency and shall:

16 (14) Before November 30 of each year, subject to the
17 availability of an adequate supply of the necessary vaccine,
18 provide for immunizations against influenzae viruses to all
19 its consenting residents and health care staff in accordance
20 with the recommendations of the U.S. Centers for Disease
21 Control and Prevention, subject to exemptions for medical
22 contraindications or religious or personal beliefs. Subject to
23 these exemptions, any consenting person who becomes a resident
24 or staff member of the facility after November 30 but before
25 March 31 of the following year must be immunized within 5
26 working days after becoming a resident or staff member.
27 Immunization shall not be provided to any resident who
28 provides documentation that he or she has been immunized as
29 required by this subsection. This subsection does not prohibit
30 a resident or staff member from receiving the immunization
31 from his or her personal physician if he or she so chooses. A

1 resident or staff member who chooses to receive the
2 immunization from his or her personal physician must provide
3 proof of immunization to the facility. The agency may adopt
4 and enforce any rules necessary to comply with or implement
5 this subsection.

6 (15) Assess all residents and health care staff for
7 eligibility for pneumococcal polysaccharide vaccination (PPV)
8 and vaccinate residents and health care staff when indicated
9 within 60 days after the effective date of this act in
10 accordance with the recommendations of the U.S. Centers for
11 Disease Control and Prevention, subject to exemptions for
12 medical contraindications or religious or personal beliefs.
13 Residents admitted or health care staff employed after the
14 effective date of this subsection shall be assessed within 5
15 working days after admission or employment, and, when
16 indicated, vaccinated within 60 days in accordance with the
17 recommendations of the United States Centers for Disease
18 Control and Prevention, subject to exemptions for medical
19 contraindications or religious or personal beliefs.
20 Immunization shall not be provided to any resident or staff
21 member who provides documentation that he or she has been
22 immunized as required by this subsection. This subsection does
23 not prohibit a resident or staff member from receiving the
24 immunization from his or her personal physician if he or she
25 so chooses. A resident or staff member who chooses to receive
26 the immunization from his or her personal physician must
27 provide proof of immunization to the facility. The agency may
28 adopt and enforce any rules necessary to comply with or
29 implement this subsection.

30 (16) Annually encourage and promote to its employees
31 the benefits associated with immunizations against influenzae

1 viruses in accordance with the recommendations of the U.S.
2 Centers for Disease Control and Prevention. The agency may
3 adopt and enforce any rules necessary to comply with or
4 implement this subsection.

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6 Facilities that have been awarded a Gold Seal under the
7 program established in s. 400.235 may develop a plan to
8 provide certified nursing assistant training as prescribed by
9 federal regulations and state rules and may apply to the
10 agency for approval of its program.

11 Section 2. The sum of \$96,577 is appropriated from the
12 General Revenue Fund to the Agency for Health Care
13 Administration to fund the non-Medicaid cost to nursing home
14 facilities for immunizing nursing home employees.

15 Section 3. This act shall take effect upon becoming a
16 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 634
4 Requires nursing homes to immunize health care staff against
5 the influenza virus before November 30 of each year.
6 Provides that consenting health care staff employed at the
7 facility are to be immunized, subject to exemptions.
8 Requires consenting staff members employed at nursing
9 facilities after November 30 but before March 31 of the
10 following year to be immunized within 5 working days after
11 becoming employed.
12 Provides that a health care staff member may choose to be
13 immunized from their personal physician and must provide proof
14 of the immunization to the facility.
15 Provides that health care staff must be assessed for
16 eligibility for the pneumococcal polysaccharide vaccination
17 within 60 days after the effective date of the act, subject to
18 exemptions.
19 Provides that the Agency for Health Care Administration¹ may
20 adopt rules necessary to comply with or implement this act.
21 Provides an appropriation of \$96,577 to fund the non-Medicaid
22 cost to nursing homes for immunizing nursing home employees.
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