

Mandatory Influenza Vaccination of Health Care Workers

State	Regulation	Relevant Regulatory Language
CO	6 Colo. Code Regs. § 1011-1:II-10	<p>Exemption For Healthcare Entities Meeting Vaccination Targets</p> <p>10.6 If a licensed healthcare entity demonstrates that it has vaccinated a targeted percentage of its employees in a given year, using its own methodology, it shall be exempt from the requirements of sections 10.7 through 10.12 of this Part for the following year as long as it continues to use the same or more stringent methodology.</p> <p>(A) The minimum targets required for this exemption are:</p> <ol style="list-style-type: none"> (1) 60 percent of employees vaccinated by December 31, 2012; (2) 75 percent of employees vaccinated by December 31, 2013; and (3) 90 percent of employees vaccinated by December 31, 2014; and by December 31 of each year thereafter. <p>(B) To take advantage of this annual exemption, the licensee shall:</p> <ol style="list-style-type: none"> (1) Have defined procedures to prevent the spread of influenza from its unvaccinated healthcare workers; (2) Maintain supporting documentation for a period of three (3) years that may be examined by the Department in a random audit process; and (3) Report to the Department that the qualifying percentage of its employees was appropriately vaccinated (according to the annual recommendations of the Advisory Committee on Immunization Practices) against seasonal influenza by December 31st of the year specified. This report shall be submitted to the Department, in the form and manner specified, no later than March 31st of the following year. <p>Requirements For Hospitals, Hospital Units, Ambulatory Surgical Centers and Long-Term Care Facilities</p> <p>10.7 Each licensed hospital, hospital unit, ambulatory surgical center and long-term care facility shall provide or make available an annual influenza vaccine for each of its healthcare workers when the influenza vaccine is readily available.</p> <p>10.8 Each licensed hospital, hospital unit, ambulatory surgical center and long-term care facility shall have a written policy regarding the annual influenza immunization of its healthcare workers that, at a minimum, addresses the following criteria:</p> <p>(A) Ensuring that each of its healthcare workers has either:</p> <ol style="list-style-type: none"> (1) proof of immunization, or (2) a medical exemption signed by a physician, physician's assistant, advanced practice nurse or nurse midwife licensed in the State of Colorado stating that the influenza vaccination for that individual is medically contraindicated as described in the product labeling approved by the United States Food and Drug Administration. <p>(B) Ensuring that each healthcare worker who does not have proof of immunization wears a surgical or procedure mask during influenza season when in direct contact with patients and in common areas as specified by the licensee's policy. Such masks shall be in addition to other standard personal protective equipment.</p>

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		<p>(C) Ensuring it has established a procedure to:</p> <p>(1) Maintain proof of annual immunization or medical exemption for each employee; and</p> <p>(2) Inform other healthcare workers who provide services on the licensee's premises that:</p> <p>(a) The licensee has a policy regarding the annual influenza immunization of its healthcare workers;</p> <p>(b) The licensee requires each healthcare worker who has not been immunized to wear a mask during influenza season when in direct contact with patients or in common areas specified by the facility; and</p> <p>(c) The licensee has masks available for those healthcare workers who have not been immunized.</p>
NY	N.Y. Comp. Codes R. & Regs. tit. 10, § 2.59	<p>(b) All healthcare and residential facilities and agencies shall determine and document which persons qualify as “personnel” under this section.</p> <p>(c) All healthcare and residential facilities and agencies shall document the influenza vaccination status of all personnel for the current influenza season in each individual's personnel record or other appropriate record. . . .</p> <p>(d) During the influenza season, all healthcare and residential facilities and agencies shall ensure that all personnel not vaccinated against influenza for the current influenza season wear a surgical or procedure mask while in areas where patients or residents are typically present, except that:</p> <p>(1) when personnel provide services outside the home of a patient or resident, and not inside a healthcare or residential facility, mask wear shall not be required by this section, provided that this paragraph shall not be interpreted as eliminating any requirement that personnel wear a mask pursuant to standard and transmission-based precautions not addressed by this section;</p> <p>(2) personnel required to wear a mask by this subdivision, but who provide speech therapy services, may remove the mask when necessary to deliver care, such as when modeling speech; and</p> <p>(3) for any person who lip reads, personnel required to wear a mask by this subdivision may remove the mask when necessary for communication.</p> <p>(e) Upon the request of the Department, a healthcare or residential facility or agency must report the number and percentage of personnel that have been vaccinated against influenza for the current influenza season.</p> <p>(f) All healthcare and residential facilities and agencies shall develop and implement a policy and procedure to ensure compliance with the provisions of this section. The policy and procedure shall include, but is not limited to, identification of those areas where unvaccinated personnel must wear a mask pursuant to subdivision (d) of this Section. . . .</p>
RI	R.I. Code R. 31-1-22:3.0	<p>3.1 A pre-employment health screening shall be required for each health care worker involved in direct patient contact. Acceptable evidence shall be provided by the health care worker that testing and/or immunization for the communicable diseases listed in these Regulations for pre-employment health screening have been completed.</p> <p>3.2 The health care facility shall document, in written or electronic form, that said acceptable evidence has been provided by the health care worker and validated by the practitioner as being acceptable in accordance with § 4.0 of these Regulations. Copies of said acceptable evidence shall be maintained in the health care worker's file.</p>

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		<p>3.3 A practitioner shall have responsibility for performance of the pre-employment health screening. Such a practitioner may be an employee of the facility where employment is sought or may be an independent non-employee, contracted practitioner.</p> <p>3.4 A health care worker who is not in compliance with these requirements shall be excluded from attending patients in a health care facility until the requirements are met.</p> <p>Immunization and Testing Requirements</p> <p>3.5 In accordance with the guidelines set forth by the <u>Advisory Committee on Immunization Practices (ACIP)</u> for immunization of health care personnel, evidence of immunity is required for all health care workers (with the exception of health care workers who receive a medical exemption) against:</p> <p>3.5.1 Measles, Mumps and Rubella</p> <p>(a) Pre Employment: Two (2) doses of MMR (measles-mumps-rubella) vaccine. Alternatively, two (2) doses of a live measles-containing vaccine, two (2) doses of a live mumps-containing vaccine and one (1) dose of a rubella vaccine. The first dose of vaccine must have been administered on or after the first birthday. The second dose of a measles or mumps containing vaccine must be administered at least four (4) weeks after the first dose. OR</p> <p>(b) Laboratory evidence of immunity or laboratory confirmation of disease (i.e., laboratory report of positive IgG titers for measles, and mumps and rubella). An equivocal laboratory result for measles, mumps and/or rubella are considered negative and vaccination is required.</p> <p>(c) Current Health Care Workers. For unvaccinated health care workers born before 1957 who lack laboratory evidence of measles immunity or laboratory confirmation of disease, two (2) doses of MMR vaccine is recommended.</p> <p>(d) Outbreak Control. For unvaccinated health care workers born before 1957 who lack laboratory evidence of measles immunity or laboratory confirmation of disease, health-care facilities shall require two (2) doses of MMR vaccine during an outbreak of measles. . . .</p> <p>3.5.4 Annual Seasonal Influenza</p> <p>(a) Annual influenza vaccination is required for all health care workers as defined in § 1.6 of these Regulations, subject to § 5.8 of these Regulations when there is insufficient vaccine supply as determined by the Department.</p> <p>(b) Each health care facility shall develop a specific plan to require annual influenza vaccination of all health care workers in a timely manner in keeping with ACIP guidelines, and at no cost to the health care worker.</p> <p>(c) Each health care facility shall maintain an active surveillance program to track and record influenza vaccination levels among health care workers, including vaccinations obtained outside of the formal health care facility program.</p> <p>(d) Each health care facility shall be responsible for reporting to the Department:</p> <p>(1) The number of health care workers who are eligible for vaccination;</p> <p>(2) The number of health care workers who received vaccination; and</p>

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		<p>(3) The number of health care workers who decline annual influenza vaccination for medical or personal reasons, reported by each of the two (2) categories.</p> <p>(4) Such reporting shall occur according to procedures and format required by the Department.</p>
	<p>R.I. Code R. 31-1-22:5.0</p>	<p>5.1 A health care worker shall be exempt from the immunization requirements described in these Regulations provided that a physician, physician assistant, or certified registered nurse practitioner signs a medical exemption stating that the health care worker is exempt from a specific vaccine because of medical reasons, in accordance with Advisory Committee on Immunization Practices (ACIP) guidelines, and determined as acceptable by the facility. . . .</p> <p>5.3 Any health care worker who provides proper annual notice of a § 5.1 medical exemption to annual seasonal influenza vaccination prior to December 15 of each year to each health care facility in or at which he or she is employed or volunteering, or with which he or she has an employment contract, shall be required during any declared period in which flu is widespread -- as part of his or her professional licensing obligation -- to wear a surgical face mask for the duration of each direct patient contact in the performance of his or her duties at any health care facility. "Direct patient contact" is defined in § 1.4 of these Regulations.</p> <p>5.4 Any health care worker may refuse the annual seasonal influenza vaccination requirements described in these Regulations; provided, however, that he or she provides proper annual written notice of such refusal prior to December 15 of each year to each health care facility in or at which he or she is employed or volunteering, or with which he or she has an employment contract; and provided, however, that he or she who so refuses shall be required during any declared period in which flu is widespread -- as part of his or her professional licensing obligation -- to wear a surgical face mask during each direct patient contact in the performance of his or her duties at any health care facility. "Direct patient contact" is defined in § 1.4 of these Regulations</p>