S T A T E O F N E W Y O R K

3911

2009-2010 Regular Sessions

I N S E N A T E

April 3, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring a neonatal intensive care unit to offer vaccination against influenza virus for certain persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The subdivision heading of subdivision 2 of section 2805-h of the public health law, as added by chapter 266 of the laws of 2006, is amended and a new subdivision 3 is added to read as follows:

Immunizations against influenza and pneumococcal FOR CERTAIN PERSONS SIXTY-FIVE OR OLDER.

3. IMMUNIZATIONS AGAINST INFLUENZA; NEONATAL INTENSIVE CARE UNITS. (A) ANNUALLY BETWEEN SEPTEMBER FIRST AND APRIL FIRST, IT SHALL BE THE DUTY OF EACH GENERAL HOSPITAL WITH A NEONATAL INTENSIVE CARE UNIT TO OFFER TO EVERY PARENT OR PERSON IN PARENTAL RELATION WHO IS REASONABLY ANTICIPATED TO BE A CAREGIVER IN THE HOUSEHOLD OF A NEWBORN BEING TREATED IN THE NEONATAL INTENSIVE CARE UNIT VACCINATION AGAINST INFLUENZA VIRUS, AND REFER SUCH PARENT OR PERSON IN PARENTAL RELATION TO A LOCATION, INCLUDING THE OUTPATIENT DEPARTMENT OF A GENERAL HOSPITAL OR OTHER AREA OF THE HOSPITAL, WHERE THE PARENT OR PERSON IN PARENTAL RELATION MAY RECEIVE THE VACCINATION AGAINST INFLUENZA VIRUS. SUCH GENERAL HOSPITAL NEED NOT OFFER THE VACCINATION TO PARENTS AND PERSONS IN PARENTAL RELATION WHO HAVE ALREADY RECEIVED SUCH VACCINE OR FOR WHOM IT IS MEDICALLY INAPPROPRIATE.

(B) EACH GENERAL HOSPITAL SHALL ADOPT AN INFLUENZA IMMUNIZATION POLICY WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: PROCEDURES IMPLEMENTING THIS SUBDIVISION OR (I) IDENTIFYING THE PARENTS AND PERSONS IN PARENTAL RELATION TO WHOM VACCINATION SHALL BE OFFERED; (II) THE OFFERING OF VACCINATION; (III) ENSURING THAT PARENTS AND PERSONS IN PARENTAL RELATION OFFERED VACCINATION RECEIVE INFORMATION REGARDING THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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RISKS AND BENEFITS OF VACCINATION AND REFUSAL TO BE VACCINATED; AND (IV) A SYSTEM FOR DOCUMENTING THE OFFER OF VACCINE ADMINISTRATION, MEDICAL CONTRA-INDICATIONS, PATIENT REFUSALS AND ANY POST-VACCINATION ADVERSE EVENTS KNOWN TO THE GENERAL HOSPITAL.

(C) THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF THIS SUBDIVISION DUE TO A SHORTAGE OF INFLUENZA VACCINE.

(D) THE OBLIGATION OF A GENERAL HOSPITAL WITH RESPECT TO THIS SECTION SHALL EXTEND ONLY TO OFFERING THE VACCINE AND REFERRING A PARENT OR PERSON IN PARENTAL RELATION, IDENTIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, WHO WISHES TO BE VACCINATED TO A LOCATION WHERE HE OR SHE MAY BE VACCINATED.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.