

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Protecting Seniors from the flu.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kathi-Anne Reinstein	16th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROTECTING SENIORS FROM THE FLU.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 71 of Chapter 111 of the general laws, as appearing in the 2006 Official Edition, is hereby
2 amended in the seventh paragraph of subsection (iv) by adding the following new sentence:-

3 No license shall be renewed here under, beginning on January 1, 2010, unless there shall be first
4 submitted to the department by the authorities in charge of the facility a certificate verifying that all
5 patients and employees were vaccinated against influenza each of the previous years in accordance with
6 the current recommendations of the Advisory Committee on Immunization Practices for the Centers for
7 Disease Control and Prevention with respect to indications such as age, timing, dosing, and
8 administration. Immunization of all consenting patients and employees shall be subject to the
9 availability of an adequate supply of the necessary vaccine, and subject to exemptions for medical
10 contraindications and religious beliefs. Subject to these exemptions, and in accordance with the
11 guidelines of the Advisory Committee on Immunization Practices for the Center for Disease Control and
12 Prevention, a consenting patient shall be immunized prior to discharge from the hospital or within 5
13 working days of becoming a patient in a convalescent or nursing home, infirmary maintained in a town,
14 rest home, charitable home for the aged or intermediate care facility for the mentally retarded. Receipt
15 of the vaccination shall be documented on the patient's chart and made a part of the patient's
16 permanent record. Prior to administration of the vaccination, diligence shall be exercised to determine
17 whether or not the patient has already received the influenza vaccination for the year in question. This
18 paragraph shall not prohibit a patient in a convalescent or nursing home, infirmary maintained in a
19 town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded
20 from receiving the immunization from his or her personal physician if he or she so chooses. A patient
21 who chooses to receive the immunization from his or her personal physician shall provide proof of
22 immunization to the facility.

