

A-Engrossed
Senate Bill 1503

Ordered by the Senate February 9
Including Senate Amendments dated February 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care, Human Services and Rural Health Policy for the Oregon Nurses Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires health care worker to provide health care *[employer]* **facility for or at which health care worker provides services** with evidence that worker received annual seasonal influenza vaccination or written declaration that worker declines vaccination.

Requires health care *[employer]* **facility** to report to Oregon Health Authority on vaccination of health care workers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to influenza vaccinations; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) For purposes of this section:**

5 (a) **"Health care facility" has the meaning given that term in ORS 442.015.**

6 (b) **"Health care worker" means an individual who:**

7 (A)(i) **Is an employee, contractor, volunteer or student providing services for or at the**
8 **premises of a health care facility; or**

9 (ii) **Is a health care practitioner granted privileges by a health care facility; and**

10 (B) **Has contact with patients or infectious materials.**

11 (2) **Each year, a health care worker providing services for or at the premises of a health**
12 **care facility shall provide the health care facility with:**

13 (a) **Evidence that the health care worker received an annual seasonal influenza**
14 **vaccination; or**

15 (b) **A written declaration on a form approved by the Oregon Health Authority stating**
16 **that the health care worker declines the vaccination, stating the reason for the declination**
17 **and including any other information required by the authority by rule.**

18 (3) **A health care facility shall electronically transmit to the authority an annual report**
19 **containing the following information for the preceding year:**

20 (a) **The number of health care workers providing services for or at the premises of the**
21 **health care facility who received an annual seasonal influenza vaccination;**

22 (b)(A) **The number of health care workers providing services for or at the premises of**
23 **the health care facility who submitted a written declaration declining the vaccination; and**

24 (B) **The stated reasons for the declinations;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The number of health care workers providing services for or at the premises of the
2 health care facility who neither received an annual seasonal influenza vaccination nor sub-
3 mitted a written declaration declining the vaccination; and

4 (d) Other information required by the authority by rule.

5 (4) Information regarding a health care worker's vaccination status in the possession or
6 control of a health care facility:

7 (a) Is protected health information under ORS 192.553 to 192.581.

8 (b) Is not subject to disclosure pursuant to ORS 192.410 to 192.505.

9 (5)(a) The authority may adopt rules as necessary to implement this section, including
10 but not limited to rules establishing the dates by which a health care worker must comply
11 with subsection (2) of this section.

12 (b) The rules adopted under this subsection may not be enforced when the State Health
13 Officer of the Oregon Health Authority implements the Oregon Vaccine Education and
14 Prioritization Plan in a vaccine shortage as described in ORS 433.040.

15 **SECTION 2.** This 2012 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
17 on its passage.

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