

Senate Bill 1503

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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 **as introduced**.

Requires health care worker to provide health care employer with evidence that worker received annual seasonal influenza vaccination or written declaration that worker declines vaccination.

Requires health care employer to report to Oregon Health Authority on vaccination of health care workers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to influenza vaccinations; and declaring an emergency.

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

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

(a) "Health care employer" means:

(A) A health care facility, as defined in ORS 442.015;

(B) An ambulance service, as defined in ORS 682.025;

(C) A home health agency, as defined in ORS 443.005;

(D) A hospice program, as defined in ORS 443.850; or

(E) A residential care facility, as defined in ORS 443.400.

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

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

(ii) Is a health care practitioner granted privileges by a health care employer; and

(B) Has contact with patients or infectious materials.

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

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

(b) A written declaration on a form approved by the Oregon Health Authority stating that the health care worker declines the vaccination and stating the reason for the declination.

(3) A health care worker may not be required as a condition of work to receive an annual seasonal influenza vaccination, unless the vaccination is otherwise required by federal or state law, rule or regulation.

(4) A health care employer shall electronically transmit to the authority an annual report containing the following information for the preceding year:

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

3 (b)(A) The number of health care workers providing services for or at the premises of
4 the health care employer who submitted a written declaration declining the vaccination; and

5 (B) The stated reasons for the declinations; and

6 (c) The number of health care workers providing services for or at the premises of the
7 health care employer who neither received an annual seasonal influenza vaccination nor
8 submitted a written declaration declining the vaccination.

9 (5) Information regarding a health care worker's vaccination status in the possession or
10 control of a health care employer:

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

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

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

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

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