
SENATE BILL 5291

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Winsley, Franklin and Fraser

Read first time 01/18/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to immunizations at long-term care facilities;
2 adding a new chapter to Title 70 RCW; providing an effective date; and
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 ensure that long-term care facilities are safe.

7 (1) The long-term care resident and employee immunization act is
8 intended to:

9 (a) Prevent and reduce the occurrence and severity of the influenza
10 virus and pneumococcal disease by increasing the use of immunizations
11 licensed by the food and drug administration;

12 (b) Avoid pain, suffering, and deaths that may result from the
13 influenza virus and pneumococcal disease;

14 (c) Improve the well-being and quality of life of residents and
15 employees of long-term care facilities; and

16 (d) Reduce avoidable costs associated with treating the influenza
17 virus and pneumococcal disease.

18 (2) The legislature finds that:

1 (a) Recent studies show that it is important to immunize older
2 citizens against the influenza virus and pneumococcal disease;

3 (b) The centers for disease control and prevention recommend
4 individuals over age sixty-five receive immunizations against the
5 influenza virus and pneumococcal disease;

6 (c) The influenza virus and pneumococcal disease have been
7 identified as leading causes of death for citizens over age sixty-five;

8 (d) Immunizations licensed by the food and drug administration are
9 readily available and effective in reducing and preventing the severity
10 of the influenza virus and pneumococcal disease in people over age
11 sixty-five;

12 (e) All types of long-term care facilities operating in the state
13 are appropriate locations to improve immunization rates among residents
14 over age sixty-five; and

15 (f) Employees of long-term care facilities should be immunized
16 against influenza and pneumococcal disease to prevent the spread of
17 these diseases to the frail and elderly residents of long-term care
18 facilities.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires otherwise.

21 (1) "Documentation" means evidence from a person's physician or
22 health care provider in written format indicating the date and place
23 when the individual received the influenza virus immunization and the
24 pneumococcal pneumonia immunization.

25 (2) "Long-term care facility" includes nursing homes licensed under
26 chapter 18.51 RCW, boarding homes license under chapter 18.20 RCW, and
27 adult family homes licensed under chapter 70.128 RCW.

28 (3) "Medically contraindicated" means either that the influenza or
29 pneumococcal immunizations should not be administered to an individual
30 because of a condition that individual has that will be detrimental to
31 the individual's health if the individual receives either of the
32 immunizations.

33 NEW SECTION. **Sec. 3.** Long-term care facilities shall:

34 (1) Require that all employees and residents, unless otherwise
35 exempted, have current documentation of influenza virus and
36 pneumococcal disease immunization. If an individual is unable to

1 provide current documentation of immunization, the long-term care
2 facility must provide access to the immunization within thirty days;

3 (2) Require that each resident, or the resident's legal guardian,
4 upon admission to a long-term care facility, provide informed consent
5 for annual influenza virus and pneumococcal disease immunization; and

6 (3) Require that all residents and employees of long-term care
7 facilities update their immunizations by November 30th of each year.

8 NEW SECTION. **Sec. 4.** All residents and employees of long-term
9 care facilities must be immunized as required by this chapter unless:

10 (1) The immunization is medically contraindicated, as described in
11 the product labeling approved by the food and drug administration; or

12 (2) Receiving an immunization is against the individual's religious
13 beliefs.

14 NEW SECTION. **Sec. 5.** Long-term care facilities that fail to
15 comply with the terms of this chapter are subject to the provisions of
16 RCW 18.51.060 or 70.128.100.

17 NEW SECTION. **Sec. 6.** This act may be known and cited as the long-
18 term care resident and employee immunization act of 2001.

19 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
20 a new chapter in Title 70 RCW.

21 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 July 1, 2001.

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