



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

SB2768

Introduced 2/5/2004, by Edward D. Maloney

#### SYNOPSIS AS INTRODUCED:

210 ILCS 9/76  
210 ILCS 85/6.22 new

Amends the Assisted Living and Shared Housing Act and the Hospital Licensing Act. Provides that an assisted living or shared housing establishment that does not provide medication as an optional service must advise a prospective resident to consult a physician about whether to obtain a flu shot. Provides that an establishment that provides medication administration as an optional service shall annually administer a flu shot to each resident and shall administer or arrange for the administration of a pneumonia shot to each resident who is age 65 or older. Requires hospitals to administer annual flu shots to all residents or patients (with flu shots for residents or patients age 65 or over to be completed by November 30 of each year, or as soon as practicable under certain circumstances) and to provide or arrange for the administration of pneumonia shots to residents or patients age 65 or over, unless a resident or patient refuses or the shot is medically contraindicated. Effective immediately.

LRB093 17922 DRJ 46808 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning health facilities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is  
5 amended by changing Section 76 as follows:

6 (210 ILCS 9/76)

7 Sec. 76. Vaccinations. ~~Pneumonia shots.~~

8 (a) Before a prospective resident's admission to an  
9 assisted living establishment or a shared housing  
10 establishment that does not provide medication administration  
11 as an optional service, the establishment shall advise the  
12 prospective resident to consult a physician to determine  
13 whether the prospective resident should obtain a vaccination  
14 against pneumococcal pneumonia or influenza, or both.

15 (b) An assisted living establishment or shared housing  
16 establishment that provides medication administration as an  
17 optional service shall annually administer a vaccination  
18 against influenza to each resident, in accordance with the  
19 recommendations of the Advisory Committee on Immunization  
20 Practices of the Centers for Disease Control and Prevention  
21 that are most recent to the time of vaccination, unless the  
22 vaccination is medically contraindicated or the resident has  
23 refused the vaccine. Influenza vaccinations for all residents  
24 age 65 or over shall be completed by November 30 of each year  
25 or as soon as practicable if vaccine supplies are not available  
26 before November 1. Residents admitted after November 30, during  
27 the flu season, and until February 1 shall, as medically  
28 appropriate, receive an influenza vaccination prior to or upon  
29 admission or as soon as practicable if vaccine supplies are not  
30 available at the time of the admission, unless the vaccine is  
31 medically contraindicated or the resident has refused the  
32 vaccine. In the event that the Advisory Committee on

1 Immunization Practices of the Centers for Disease Control and  
2 Prevention determines that dates of administration other than  
3 those stated in this Section are optimal to protect the health  
4 of residents, the Department is authorized to adopt rules to  
5 require vaccinations at those times rather than the times  
6 stated in this Section. An establishment shall document in the  
7 resident's medical record that an annual vaccination against  
8 influenza was administered, refused, or medically  
9 contraindicated.

10 An assisted living establishment or shared housing  
11 establishment that provides medication administration as an  
12 optional service shall administer or arrange for  
13 administration of a pneumococcal vaccination to each resident  
14 who is age 65 or over, in accordance with the recommendations  
15 of the Advisory Committee on Immunization Practices of the  
16 Centers for Disease Control and Prevention, who has not  
17 received this immunization prior to or upon admission to the  
18 establishment, unless the resident refuses the offer for  
19 vaccination or the vaccination is medically contraindicated.  
20 An establishment shall document in each resident's medical  
21 record that a vaccination against pneumococcal pneumonia was  
22 offered and administered, refused, or medically  
23 contraindicated.

24 (Source: P.A. 92-562, eff. 6-24-02.)

25 Section 10. The Hospital Licensing Act is amended by adding  
26 Section 6.22 as follows:

27 (210 ILCS 85/6.22 new)

28 Sec. 6.22. Vaccinations.

29 (a) A hospital shall annually administer a vaccination  
30 against influenza to each patient, in accordance with the  
31 recommendations of the Advisory Committee on Immunization  
32 Practices of the Centers for Disease Control and Prevention  
33 that are most recent to the time of vaccination, unless the  
34 vaccination is medically contraindicated or the patient has

1 refused the vaccine. Influenza vaccinations for all patients  
2 age 65 or over shall be completed by November 30 of each year  
3 or as soon as practicable if vaccine supplies are not available  
4 before November 1. Patients admitted after November 30, during  
5 the flu season, and until February 1 shall, as medically  
6 appropriate, receive an influenza vaccination prior to or upon  
7 admission or as soon as practicable if vaccine supplies are not  
8 available at the time of the admission, unless the vaccine is  
9 medically contraindicated or the patient has refused the  
10 vaccine. In the event that the Advisory Committee on  
11 Immunization Practices of the Centers for Disease Control and  
12 Prevention determines that dates of administration other than  
13 those stated in this Section are optimal to protect the health  
14 of patients, the Department is authorized to develop rules to  
15 mandate vaccinations at those times rather than the times  
16 stated in this Section. A hospital shall document in the  
17 patient's medical record that an annual vaccination against  
18 influenza was administered, refused or medically  
19 contraindicated.

20 (b) A hospital shall provide or arrange for administration  
21 of a pneumococcal vaccination to each patient who is age 65 or  
22 over, in accordance with the recommendations of the Advisory  
23 Committee on Immunization Practices of the Centers for Disease  
24 Control and Prevention, who has not received this immunization  
25 prior to or upon admission to the hospital, unless the patient  
26 refuses the offer for vaccination or the vaccination is  
27 medically contraindicated. A hospital shall document in each  
28 patient's medical record that a vaccination against  
29 pneumococcal pneumonia was offered and administered, refused,  
30 or medically contraindicated.

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.