



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1610

Introduced 2/13/2013, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-650

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Deletes language that provides that the Department of Public Health may require any facility licensed by the Department to implement an influenza vaccination program that ensures that the employees of the facility are offered the opportunity to be vaccinated against seasonal influenza and any other novel or pandemic influenza viruses as vaccines become available. Provides instead that the Department shall require any facility licensed by the Department to implement an influenza vaccination program that requires onsite health care workers affiliated with the facility and persons with privileges on the medical staff to either annually receive an influenza vaccination or, as an alternative to the annual influenza vaccination, wear a facility-provided surgical or procedural mask or other mask that covers the mouth and nose area of the face while this person is performing his or her duties in any patient care area of the facility during the influenza season, as defined by the Department. Sets forth provisions concerning vaccination records, business contracts, and facility implementation policies.

LRB098 09747 RPM 39896 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by changing Section 2310-650 as follows:

7 (20 ILCS 2310/2310-650)

8 Sec. 2310-650. Influenza vaccination program. The  
9 Department of Public Health shall ~~may~~ require any facility  
10 licensed by the Department to implement an influenza  
11 vaccination program that requires onsite health care workers  
12 affiliated with the facility and persons with privileges on the  
13 medical staff to either annually receive an influenza  
14 vaccination or, as an alternative to the annual influenza  
15 vaccination, wear a facility-provided surgical or procedural  
16 mask or other mask that covers the mouth and nose area of the  
17 face while this person is performing his or her duties in any  
18 patient care area of the facility during the influenza season,  
19 as defined by the Department.

20 In meeting the requirements of this Section, the facility  
21 shall maintain influenza vaccination records of employees and  
22 may maintain influenza vaccination records of the other onsite  
23 health care workers affiliated with, but not an employee of,

1 the facility and of persons with privileges on the medical  
2 staff. If the facility does not have records of an onsite  
3 health care worker or person with privileges on the medical  
4 staff being vaccinated onsite, the facility may require the  
5 worker or medical staff person to either provide documentation  
6 of vaccination or documentation that he or she refused the  
7 vaccination.

8 The facility may include language in its business contracts  
9 to require a contract worker to maintain records of the  
10 verification of offsite vaccination or documentation that he or  
11 she refused the vaccination, which shall be made available to  
12 the facility upon request. Nothing in this Section shall be  
13 construed to require a facility to maintain separate  
14 vaccination records or to provide vaccinations at no cost to a  
15 contract worker who is not an employee of the clinic.

16 Each facility licensed by the Department shall develop  
17 policies to implement this Section and to ensure its onsite  
18 health care workers affiliated with the facility are in  
19 compliance with the vaccination requirements imposed by this  
20 Section. The medical staff shall also develop policies to  
21 ensure that persons who have privileges on the medical staff  
22 are in compliance with the vaccination requirements of this  
23 Section that have been implemented by the facility.

24 For the purposes of this Section, "onsite health care  
25 worker affiliated with the facility" means a person who is  
26 either a volunteer or is employed by, paid by, or receives

1 credit or any other form of compensation from the health  
2 facility, who performs some or all of his or her duties in a  
3 patient care area of the facility. The patient care area of the  
4 facility shall be determined by the facility's administrative  
5 body and is where onsite health care workers and medical staff  
6 are within close proximity to patients receiving care. "Onsite  
7 health care worker affiliated with the facility" includes, but  
8 is not limited to, employees, physicians, nurses, nursing  
9 assistants, therapists, technicians, emergency medical service  
10 personnel, dental personnel, pharmacists, laboratory  
11 personnel, autopsy personnel, students and trainees,  
12 contractual staff, and registry staff who perform direct  
13 patient care duties but are not employed by the facility.  
14 ~~ensures that the employees of the facility are offered the~~  
15 ~~opportunity to be vaccinated against seasonal influenza and any~~  
16 ~~other novel or pandemic influenza viruses as vaccines become~~  
17 ~~available.~~

18 The Department may adopt rules setting forth the  
19 requirements of the influenza vaccination program.

20 (Source: P.A. 96-823, eff. 11-25-09.)