

HOUSE No. 2149

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Protecting Seniors from the flu..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 71 of Chapter 111 of the general laws, as appearing in the 2006 Official Edition,
2 is hereby amended in the seventh paragraph of subsection (iv) by adding the following new
3 sentence:-

4 No license shall be renewed here under, beginning on January 1, 2010, unless there shall
5 be first submitted to the department by the authorities in charge of the facility a certificate
6 verifying that all patients and employees were vaccinated against influenza each of the previous
7 years in accordance with the current recommendations of the Advisory Committee on
8 Immunization Practices for the Centers for Disease Control and Prevention with respect to
9 indications such as age, timing, dosing, and administration. Immunization of all consenting
10 patients and employees shall be subject to the availability of an adequate supply of the necessary
11 vaccine, and subject to exemptions for medical contraindications and religious beliefs. Subject
12 to these exemptions , and in accordance with the guidelines of the Advisory Committee on
13 Immunization Practices for the Center for Disease Control and Prevention, a consenting patient
14 shall be immunized prior to discharge from the hospital or within 5 working days of becoming a

15 patient in a convalescent or nursing home, infirmary maintained in a town, rest home, charitable
16 home for the aged or intermediate care facility for the mentally retarded. Receipt of the
17 vaccination shall be documented on the patient's chart and made a part of the patient's
18 permanent record. Prior to administration of the vaccination, diligence shall be exercised to
19 determine whether or not the patient has already received the influenza vaccination for the year
20 in question. This paragraph shall not prohibit a patient in a convalescent or nursing home,
21 infirmary maintained in a town, rest home, charitable home for the aged or intermediate care
22 facility for the mentally retarded from receiving the immunization from his or her personal
23 physician if he or she so chooses. A patient who chooses to receive the immunization from his
24 or her personal physician shall provide proof of immunization to the facility.