

# Legislative Analysis



## FLU VACCINE FOR ELDERLY PERSONS

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### House Bill 5259

**Sponsor: Rep. Robert Jones**

**Committee: Senior Health, Security, and Retirement**

**Complete to 11-26-07**

### A SUMMARY OF HOUSE BILL 5259 AS INTRODUCED 9-20-07

The bill would amend the Public Health Code to require each hospital, beginning October 1, 2008, to establish a strategic plan for managing its supply of the influenza vaccine. The bill would also require a hospital that has the influenza vaccine available, in a supply consistent with its strategic plan, to inform each person 65 years of age or older who is admitted to the hospital for a period of 24 hours or more during influenza season that the influenza vaccine is available. The hospital would also have to offer to provide the vaccine to those patients for whom it is not contraindicated.

If the person consents to be vaccinated, and a physician, nurse, pharmacist, or other independent practicing licensed health care professional determines there is not a relative or absolute contraindication to giving the vaccine, then the health care professional would administer the vaccination to the person before he or she is discharged and document the vaccination in the patient's medical record.

Documentation could be in the form of a written note included in the medical record indicating he or she had received the vaccine on a previous occasion, received the vaccine, or refused the vaccine, or indicating that the vaccine was not administered because a contraindication rendered it inadvisable.

The strategic plan required of a hospital would have to be consistent with guidelines or recommendations issued by the federal Centers for Disease Control and Prevention or by its Advisory Committee on Immunization Practices.

The term "influenza season" would be defined to mean that period between October 1 and March 1.

The provisions of the bill would be repealed effective April 1, 2011.

MCL 333.21529

### FISCAL IMPACT:

A fiscal analysis is in process. A similar bill was introduced in the 2005-06 legislative session, House Bill 5325. The fiscal impact statement on that bill said, "Requiring a hospital to administer the flu vaccination to an elderly person before he or she is

discharged, if certain criteria have been met, would create an additional administrative burden upon hospitals and result in increased staffing costs. Staffing costs for hospitals are allowable under Medicaid reimbursement policies."

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.