

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

Feb. 15, 2012 Board of Health ruling regarding influenza vaccinations for health care workers

The state Board of Health passed a rule regarding influenza vaccinations for health care workers. The rule requires licensed health care facilities (employers) to submit data regarding their employee vaccinations to the state Department of Public Health and Environment on an annual basis. The rule does **not** apply to health care facilities in Colorado not licensed by the Department of Public Health and Environment, including outpatient physician clinics such as doctor's offices, dental offices and chiropractor's offices.

Health care entities and health care personnel have a shared responsibility to prevent the spread of infection and avoid causing harm to their patients or residents by taking reasonable precautions to prevent the transmission of vaccine-preventable diseases. The intent of this rule is to promote patient safety by protecting vulnerable patients from influenza, which is a highly contagious and serious respiratory illness. The Colorado Department of Public Health and Environment recognizes that many facilities have already taken steps to protect vulnerable patients from influenza in their facilities. The rule was modeled to encourage facilities that are already appropriately implementing strategies to prevent influenza to continue to do so, to assist facilities that can improve, and to prompt facilities to adopt more effective policies to prevent influenza.

- Although the rule applies to all licensed health care facilities, every licensed health care facility has an option to be exempt from the rule.
- If a health care facility is already taking measures to ensure patient safety by promoting or mandating influenza vaccinations, and can document that it is achieving specific influenza vaccination rates of its employees in its facilities, the facility will not be required to make any changes and will not be held to this rule.
- Facilities can implement a policy that best fits its organization to achieve or exceed the target vaccination rates, including implementing any type of exemption or informed declination as long as it gets to the target vaccination rates described below.
- The facility must meet the vaccination rates set below for each given year to be exempt from this rule. If the facility can meet or exceed the target vaccination percentages listed below for each given year, the facility will be exempt from the rule for the following year as long as it continues to use the same or more stringent methods of promoting or mandating influenza vaccinations for its employees. The targets required for this exemption are as follows:
 - 60 percent of all employees vaccinated from Oct. 1, 2012, to Dec. 31, 2012.
 - 75 percent of all employees vaccinated from Oct. 1, 2013, to Dec. 31, 2013.
 - 90 percent of all employees vaccinated from Oct. 1, 2014, to Dec. 31, 2014, and every year thereafter.
- **If a hospital, hospital unit, ambulatory surgical center or long-term nursing care facility does not** achieve the target vaccination rates of 60-75-90 percent, it will be required to implement an influenza vaccination policy for its health care workers that includes a medical exemption.
- A medical exemption must be signed by a Colorado licensed physician, physician's assistant, advanced practice nurse or nurse midwife stating the vaccination is medically contraindicated as

described in the FDA product labeling. This means that the only health care workers who are not required to receive an annual influenza vaccine are those who have a confirmed medical reason that they cannot receive the vaccine because it will be harmful to their health.

- **If** a health care worker has a medical exemption, the policy also must require that the health care worker wears a surgical or procedure mask during influenza season (November – March) when in direct contact with patients and in common areas as specified by the facility's policy
- All other health care entities licensed by the Department of Public Health and Environment, including community clinics, rehabilitation centers, community mental health centers, facilities for people with developmental disabilities, hospice care, assisted living residences, dialysis treatment clinics, birthing centers, home care agencies, maternity hospitals, psychiatric hospitals, convalescent centers and acute treatment units, that **do not** achieve the target vaccination rates of 60-75-90 percent must perform an assessment of their workforce and residents/patients and develop an influenza vaccination policy regarding the vaccination or masking of their employees based upon that assessment.
- These facilities can implement any type of approach that works. They can utilize any type of exemption, informed declination, etc., as long as they develop and implement a policy based on their individual facility's assessment.