

## **PART 10 - INFLUENZA IMMUNIZATION OF HEALTHCARE WORKERS**

### **Statutory Authority and Applicability**

- 10.1 The statutory authority for the promulgation of these rules is set forth in sections 25-1.5-102, 25-1.5-103 and 25-3-103, C.R.S.
- 10.2 Each Healthcare entity that is licensed by the Department shall comply with this Part 10.
- 10.3 The requirements of this Part 10 shall be overseen and enforced by the Department in a manner consistent with sections 2.11 and 2.12 of Part 2 of this Chapter.

### **General Provisions**

- 10.4 Healthcare entities and healthcare workers 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. Vaccine programs are, therefore, an essential part of infection prevention and control for slowing or stopping the transmission of seasonal influenza viruses from adversely affecting those individuals who are most susceptible.

### **Definitions**

- 10.5 For purposes of this Part 10, the following definitions shall apply:
- (A) Ambulatory Surgical Center means a facility that is licensed and regulated pursuant to 6 CCR 1011-1, Chapter XX, Ambulatory Surgical Center.
  - (B) "Department" means the Colorado Department of Public Health and Environment.
  - (C) "Employee" means any person who performs a service for wages or other remuneration for a licensed healthcare entity. For purposes of this Part 10, the definition of employee includes students, trainees, persons who have individual contracts with the healthcare entity, physicians with staff privileges and allied health professionals with privileges. The definition of employee does not include volunteers or persons who provide services through a contractual arrangement between the licensee and a separate organization, association or other healthcare entity.
  - (D) "Healthcare Entity" means a health care facility or agency that is required to obtain a license from the Department pursuant to section 25-3-101, C.R.S. Unless otherwise indicated, the term "healthcare entity" is synonymous with the terms "facility" or "agency" as used elsewhere in 6 CCR 1011-1, Standards for Hospitals and Health Facilities.
  - (E) "Healthcare Worker" means any person, working in a healthcare entity who has the potential for exposure to patients, residents, or consumers of the healthcare entity and/or to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air.  
Healthcare worker includes, but is not limited to, physicians, nurses, nursing assistants, therapists, technicians, emergency medical service personnel, dental personnel, pharmacists, laboratory personnel, autopsy personnel, students and trainees, contractual personnel, home care personnel, and persons not directly involved in patient care (e.g., clerical, dietary, house-keeping, laundry, security, maintenance, billing and chaplains) but potentially exposed to infectious agents that can be transmitted to and from the healthcare worker and patients, residents or consumers of the healthcare entity. The definition of healthcare worker does not include volunteers.
  - (F) "Hospital" means a facility that is licensed and regulated pursuant to 6 CCR 1011-1, Chapter IV, General Hospitals.
  - (G) "Hospital Unit" means a facility that is licensed and regulated pursuant to 6 CCR 1011-1, Chapter XIX, Hospital Units.
  - (H) "Influenza Season" means November 1 through March 31 of the following year, or as otherwise defined by the Department epidemiology and flu surveillance team.
  - (I) "Influenza Vaccine" means a currently licensed FDA approved vaccine product.
  - (J) "Long Term Care Facility" means a facility that is licensed and regulated pursuant to 6 CCR 1011-1, Chapter V, Long Term Care Facilities.
  - (K) "Proof of Immunization" means a written statement from a licensed healthcare provider who has administered an influenza vaccine to a healthcare worker, specifying the vaccine administered and the date it was administered or electronic entry in the Colorado Immunization Information System (CIIS).
  - (L) "Volunteer" means a person who provides services without wages or other remuneration.

### **Exemption For Healthcare Entities Meeting Vaccination Targets**

- 10.6 If a licensed healthcare entity demonstrates that it has vaccinated a targeted percentage of its employees in a given year, using its own methodology, it shall be exempt from the requirements of sections 10.7 through 10.12 of this Part for the following year as long as it continues to use the same or more stringent methodology.
- (A) The minimum targets required for this exemption are:
    - (1) 60 percent of employees vaccinated by December 31, 2012;
    - (2) 75 percent of employees vaccinated by December 31, 2013; and
    - (3) 90 percent of employees vaccinated by December 31, 2014; and by December 31 of each year thereafter.

- (B) To take advantage of this annual exemption, the licensee shall:
- (1) Have defined procedures to prevent the spread of influenza from its unvaccinated healthcare workers;
  - (2) Maintain supporting documentation for a period of three (3) years that may be examined by the Department in a random audit process; and
  - (3) Report to the Department that the qualifying percentage of its employees was appropriately vaccinated (according to the annual recommendations of the Advisory Committee on Immunization Practices) against seasonal influenza by December 31st of the year specified. This report shall be submitted to the Department, in the form and manner specified, no later than March 31st of the following year.

### **Requirements For Hospitals, Hospital Units, Ambulatory Surgical Centers and Long-Term Care Facilities**

- 10.7 Each licensed hospital, hospital unit, ambulatory surgical center and long-term care facility shall provide or make available an annual influenza vaccine for each of its healthcare workers when the influenza vaccine is readily available.
- 10.8 Each licensed hospital, hospital unit, ambulatory surgical center and long-term care facility shall have a written policy regarding the annual influenza immunization of its healthcare workers that, at a minimum, addresses the following criteria:
- (A) Ensuring that each of its healthcare workers has either:
- (1) proof of immunization, or
  - (2) a medical exemption signed by a physician, physician's assistant, advanced practice nurse or nurse midwife licensed in the State of Colorado stating that the influenza vaccination for that individual is medically contraindicated as described in the product labeling approved by the United States Food and Drug Administration.
- (B) Ensuring that each healthcare worker who does not have proof of immunization wears a surgical or procedure mask during influenza season when in direct contact with patients and in common areas as specified by the licensee's policy. Such masks shall be in addition to other standard personal protective equipment.
- (C) Ensuring it has established a procedure to:
- (1) Maintain proof of annual immunization or medical exemption for each employee; and
  - (2) Inform other healthcare workers who provide services on the licensee's premises that:
    - (a) The licensee has a policy regarding the annual influenza immunization of its healthcare workers;
    - (b) The licensee requires each healthcare worker who has not been immunized to wear a mask during influenza season when in direct contact with patients or in common areas specified by the facility; and
    - (c) The licensee has masks available for those healthcare workers who have not been immunized.
- 10.9 Each licensed hospital, hospital unit, ambulatory surgical center and long-term care facility shall track and report the annual influenza vaccination rate for its employees through December 31st of each year. This report shall be submitted to the Department, in the form and manner specified, no later than March 31st of the following year.

### **Requirements For All Other Licensed Healthcare entities**

- 10.10 Each licensed healthcare entity, other than those identified in sections 10.7 through 10.9, shall perform an initial assessment of their facility or agency to assist in the development of a written policy regarding influenza transmission from its healthcare workers to its patients, residents or consumers. The assessment shall, at a minimum, consider the following criteria:
- (A) The number of healthcare workers at the healthcare entity;