

Summary of CDPHE Rule on Influenza Immunization of Healthcare Workers

Who the Rule Applies to:

- ❖ The rule applies to ALL healthcare entities that are licensed by Colorado Department of Public Health and Environment (CDPHE).
- ❖ The rule does NOT apply to healthcare entities that are NOT licensed by CDPHE such as outpatient physician clinics, doctor's offices, dental offices, and chiropractor's offices.

Intent of the Rule:

The intent of the rule is to promote patient safety by protecting vulnerable patients from influenza, which is a highly contagious and serious respiratory illness. CDPHE recognizes that many facilities have already taken steps to protect vulnerable patients from influenza in their facilities. The rule is designed to encourage healthcare entities that are already appropriately implementing strategies to prevent influenza to continue to do so; to assist those entities that can improve; and to prompt entities to adopt more effective policies to prevent influenza.

Requirements of the Rule:

- ❖ **Reporting requirement**
 - All healthcare entities licensed by CDPHE must keep track of the number of its employees¹ that are vaccinated against seasonal influenza and annually report that number to CDPHE by March 31st of each year.
 - There is no exemption from the reporting requirement of the rule.
- ❖ **Policy implementation requirements**
 - There are different policy requirements for different types of healthcare entities. A synopsis of those specific requirements is described below.
 - The rule allows for an exemption from the policy requirements if certain vaccination targets are met.

Policy Implementation Requirements for Hospitals, Hospital Units, Ambulatory Surgical Centers, and Long-Term Nursing Care Facilities (sections 10.7 through 10.9 of the rule)

- ❖ If a general hospital, hospital unit, ambulatory surgical center, or long-term nursing care facility does NOT meet the criteria for an exemption from these sections (see explanation at the end of this document) they are required to implement an influenza vaccination policy for its healthcare workers to make sure that each of those workers has either been vaccinated or has a medical exemption.
- ❖ A medical exemption must be signed by a Colorado licensed physician, physician's assistant, advanced practice nurse or nurse midwife and indicate that the vaccination is medically contraindicated based upon the product labeling.
- ❖ If a healthcare worker has a medical exemption, the facility must make sure that the worker wears a surgical or procedure mask during influenza season (November –

¹ "Employees" as defined in the rule means a person who provides a services for wages for the licensed healthcare entity and includes students, trainees, individual contractors, fully credentialed physicians and fully credentialed allied health professionals with full privileges. Please see the FAQs in this toolkit for further guidance on this topic.

March) when in direct contact with patients and in common areas as specified by the facility's policy.

Policy Implementation Requirements for All Other Types of Licensed Healthcare Entities (sections 10.10 through 10.12 of the rule)

- ❖ If an assisted living residence, community clinic, community mental health center, facility for persons with developmental disabilities, hospice, dialysis treatment clinic, home care agency, psychiatric hospital, rehabilitation hospital, convalescent centers, acute treatment unit or birth center does NOT meet the criteria for an exemption from these sections (see explanation at the end of this document) it must perform an assessment of its workforce and residents/patients and develop an influenza vaccination policy regarding the vaccination or masking of its employees based upon that assessment.
- ❖ The facility or agency is not required to vaccinate all their employees¹, but may implement any type of infection control approach that fits with its assessment. It may accept any type of employee exception or declination to vaccination, as long as it is consistent with the written policy.
- ❖ The facility or agency must, however, make sure its employees are offered an opportunity to receive annual influenza immunization if the employee desires it. The facility or agency is not required to provide the vaccination, but must offer the employee options for obtaining the vaccination such as allowing the employee time to be vaccinated elsewhere or providing directions to a location where the vaccination is being offered.
- ❖ The facility or agency must provide its employees with information regarding influenza immunization, availability of influenza immunization, and the importance of adhering to standard precautions.

Exemption from Policy Implementation Requirements if Vaccination Targets are Met

- ❖ Each licensed healthcare entity has an option to be exempted from the more stringent policy implications of the rule if they can meet certain vaccination targets detailed in section 10.6 of the rule.
- ❖ If a healthcare entity is already taking measures to ensure patient safety by promoting or mandating influenza vaccinations, and can document that it is achieving the targeted vaccination rates of its employees, then the entity is not required to make any additional policy changes and will be exempt from the more specific requirements of sections 10.7 through 10.12 as long as the entity continues to meet the targets.
- ❖ Facilities or agencies can implement a policy that best suits their organization to achieve the target vaccination rate; including any type of employee exception or declination to vaccination, as long as the target vaccination rate is reached.
- ❖ The targets required for this exemption are as follows:
 - ❖ 60 percent of all employees vaccinated by December 31, 2012.
 - ❖ 75 percent of all employees vaccinated by December 31, 2013.
 - ❖ 90 percent of all employees vaccinated by December 31, 2014 and every year thereafter.
- ❖ Any healthcare entity that meets the exemption criteria must still report its employee vaccination rate to CDPHE by March 31st of each year.