

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Care Employee Vaccination Code
- 2) Code Citation: 77 Ill. Adm. Code 956
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
956.10	Amend
956.20	Amend
- 4) Statutory Authority: Section 2310-195, Section 2310-610, and Section 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310/2310-160, and 2310/2310-650]
- 5) A Complete Description of the Subjects and Issues Involved: Under the Health Care Employee Vaccination Code (77 Ill. Adm. Code 956), the Department may require any facility licensed by the Department to implement an influenza vaccination program for its employees. When Part 956 was adopted in May, 2010, long-term care facilities licensed under the MR/DD Community Care Act [210 ILCS 47] were omitted from the health care settings covered by Part 956 and listed in Section 956.10 (Definitions), and the MR/DD Community Care Act was not listed in Section 956.20 (Referenced Materials).

This rulemaking fixes that omission, and also adds to those two Sections, respectively, facilities licensed under the Specialized Mental Health Rehabilitation Act [210 ILCS 48], and the Act itself, which was enacted by the General Assembly in 2011.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: long-term care facilities licensed under the MR/DD Community Care Act [210 ILCS 47]
- B) Reporting, bookkeeping or other procedures required for compliance: yes
- C) Types of professional skills necessary for compliance: nursing
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not apparent at the time the Regulatory Agendas were proposed.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 956
HEALTH CARE EMPLOYEE VACCINATION CODE

Section

956.10	Definitions
956.20	Referenced Materials
956.30	Influenza Vaccination
956.APPENDIX A	Sample Declination Form

AUTHORITY: Sections 2310-195, 2310-610 and 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310-610 and 2310-650].

SOURCE: Emergency rule adopted at 34 Ill. Reg. 996, effective December 29, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 7725, effective May 19, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 956.10 Definitions

The following terms shall have the meaning ascribed to them whenever the term is used in this Part:

Health care employee – All paid and unpaid persons working in health care settings who have the potential for exposure to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air. Health care employees include, but are not limited to, physicians, nurses, nursing assistants, therapists, technicians, emergency medical services employees, pharmacists, laboratory employees, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance and volunteers) but potentially exposed to infectious agents that can be transmitted to and from health care employees.

Health care setting –

A facility licensed under the Alternative Health Care Delivery Act;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

An ambulatory surgical treatment center, as defined in the Ambulatory Surgical Treatment Center Act;

An assisted living facility, a shared housing establishment, or a board and care home, as defined in the Assisted Living and Shared Housing Act;

A community living facility, as defined in the Community Living Facilities Licensing Act;

A life care facility, as defined in the Life Care Facilities Act;

A long-term care facility, as defined in the Nursing Home Care Act;

[A long-term care facility, as defined in the MR/DD Community Care Act;](#)

[A long-term care facility, as defined in the Specialized Mental Health Rehabilitation Act;](#)

An EMS System, as defined in the Emergency Medical Services (EMS) Systems Act;

A freestanding emergency center, licensed under the Emergency Medical Services (EMS) Systems Act;

A home health agency, home services agency or home nursing agency, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

A hospice care program or voluntary hospice program, as defined in the Hospice Program Licensing Act;

An end stage renal disease facility, as defined in the End Stage Renal Disease Facility Act;

A supportive residence, as defined in the Supportive Residences Licensing Act;

A hospital, as defined in the Hospital Licensing Act;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The University of Illinois Hospital, Chicago, as defined in the University of Illinois Hospital Act.

Influenza – An acute infectious respiratory disease, caused by influenza viruses.

Vaccination – The act or practice of vaccinating; inoculation with vaccine.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 956.20 Referenced Materials

The following Illinois statutes are referenced in this Part:

- a) Alternative Health Care Delivery Act [210 ILCS 3]
- b) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- c) Assisted Living and Shared Housing Act [210 ILCS 9]
- d) Community Living Facilities Licensing Act [210 ILCS 35]
- e) Life Care Facilities Act [210 ILCS 40]
- f) Nursing Home Care Act [210 ILCS 45]
- g) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- h) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- i) Hospice Program Licensing Act [210 ILCS 60]
- j) End Stage Renal Disease Facility Act [210 ILCS 62]
- k) Supportive Residences Licensing Act [210 ILCS 65]
- l) Hospital Licensing Act [210 ILCS 85]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

m) University of Illinois Hospital Act [110 ILCS 330]

n) MR/DD Community Care Act [210 ILCS 47]

o) Specialized Mental Health Rehabilitation Act [210 ILCS 48]

(Source: Amended at 35 Ill. Reg. _____, effective _____)