

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 597

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Health and  
Mental Hygiene)

Education, Health, and Environmental Affairs

Health and Government Operations

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Public Health - Immunizations - Related Institutions

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This departmental bill repeals the requirement that an employee of a related institution be allowed to refuse an influenza vaccine after being fully informed of the health risks associated with not receiving the vaccine. Instead, a related institution *may permit* an employee to refuse a vaccine under such circumstances.

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Fiscal Summary

**State Effect:** Any change in State activities does not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** The Department of Health and Mental Hygiene (DHMH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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Analysis

**Current Law:** Related institutions include nursing homes, assisted living facilities, and residential treatment centers. Each related institution must immunize residents against influenza virus and pneumococcal disease and immunize employees against influenza. Prior to administration of a vaccination, a related institution must obtain written consent from the resident, employee, or the legal guardian of the resident. A resident or employee is *not required* to receive a vaccine if (1) it is medically contraindicated; (2) if it is against the resident's or employee's religious beliefs; or (3) after being informed of the health risks of not receiving a vaccine, the resident or employee refuses the vaccine (informed refusal).

**Background:** The findings of a recent U.S. Centers for Disease Control and Prevention (CDC) review of related published literature indicate that influenza vaccination of health care personnel can enhance patient safety. CDC, the Advisory Committee on Immunization Practices, and the Healthcare Infection Control Practices Advisory Committee recommend that all U.S. health care workers get vaccinated annually against influenza. According to CDC, in 2013-2014, influenza vaccination coverage among health care workers was 75.2%. Influenza vaccination coverage was higher among health care workers whose employers required (88.8%) or recommended (70.1%) vaccination compared to workers who did not have an employer policy regarding vaccination (44.3%).

Several health care facilities, including all but one Maryland hospital, mandate influenza vaccination among personnel, and numerous health care associations support mandated influenza vaccination for personnel.

DHMH operates several related institutions, including Deer's Head Hospital Center, Western Maryland Hospital Center, the Holy Center, the Potomac Center, two Regional Institutes for Children and Adolescents (better known as RICAs), two Secure Evaluation and Therapeutic Treatment (better known as SETT) units, and assisted living units at Eastern Shore Hospital Center and Thomas B. Finan Hospital Center. According to DHMH, the department wants to establish a vaccination policy that permits medical and religious exemptions from vaccination but does not allow informed refusal. The bill allows related institutions to adopt a policy that *permits* informed refusal rather than requiring a related institution to allow informed refusal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** U.S. Centers for Disease Control and Prevention, Johns Hopkins Medicine, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2015  
md/ljm Revised - Senate Third Reader - March 27, 2015

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Health – Immunizations – Related Institutions

BILL NUMBER: LR0111.DHMH#17

PREPARED BY: Erin McMullen, Office of the Deputy Secretary for Behavioral Health

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

  X   WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

       WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This bill only impacts facilities overseen by the Department of Health and Mental Hygiene.