

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 859**

Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45;  
Gloor, 35; Howard, 9.

Read first time January 13, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Health Care Facility Licensure Act; to  
2 amend section 71-468, Revised Statutes Cumulative  
3 Supplement, 2012, and sections 71-467 and 71-469, Revised  
4 Statutes Supplement, 2013; to change provisions for  
5 onsite vaccinations at certain health care facilities;  
6 and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-467, Revised Statutes Supplement,  
2   2013, is amended to read:

3           71-467 (1) Each general acute hospital shall take all of  
4   the following actions in accordance with the guidelines of the  
5   Centers for Disease Control and Prevention of the United States  
6   Public Health Service of the United States Department of Health and  
7   Human Services as the guidelines existed on January 1, 2013:

8           (a) Annually offer onsite influenza vaccinations to all  
9   hospital employees; ~~when no national vaccine shortage exists;~~

10          (b) Offer to all hospital employees a single dose of  
11   tetanus-diphtheria-pertussis vaccine if they have not previously  
12   received such vaccine and regardless of the time since their most  
13   recent vaccination with such vaccine; and

14          (c) Require all hospital employees to be vaccinated  
15   against influenza, tetanus, diphtheria, and pertussis, except that an  
16   employee may elect not to be vaccinated.

17          (2) The hospital shall keep a record of which hospital  
18   employees receive the annual vaccination against influenza and a  
19   single dose of tetanus-diphtheria-pertussis vaccine and which  
20   hospital employees do not receive such vaccinations.

21          (3) This section shall not apply in individual cases when  
22   contraindicated or if a national shortage of the vaccine exists.

23          Sec. 2. Section 71-468, Revised Statutes Cumulative  
24   Supplement, 2012, is amended to read:

25          71-468 In order to prevent, detect, and control pneumonia

1 and influenza outbreaks in Nebraska, each general acute hospital,  
2 intermediate care facility, nursing facility, and skilled nursing  
3 facility shall annually, beginning no later than October 1 and ending  
4 on the following April 1, ~~when no national vaccine shortage exists,~~  
5 offer onsite vaccinations for influenza and pneumococcal disease to  
6 all residents and to all inpatients prior to discharge, pursuant to  
7 procedures of the facility and in accordance with the recommendations  
8 of the advisory committee on immunization practices of the Centers  
9 for Disease Control and Prevention of the United States Public Health  
10 Service of the United States Department of Health and Human Services  
11 as the recommendations existed on January 1, 2012. This section shall  
12 not apply in individual cases when contraindicated or if a national  
13 shortage of the vaccine exists. Nothing in this section shall be  
14 construed to require any facility listed in this section to cover the  
15 cost of a vaccination provided pursuant to this section.

16           Sec. 3. Section 71-469, Revised Statutes Supplement,  
17 2013, is amended to read:

18           71-469 In order to prevent, detect, and control  
19 diphtheria, tetanus, and pertussis in Nebraska, each general acute  
20 hospital, intermediate care facility, nursing facility, and skilled  
21 nursing facility shall offer onsite vaccinations for diphtheria,  
22 tetanus, and pertussis to all residents and to all inpatients prior  
23 to discharge, pursuant to procedures of the facility and in  
24 accordance with the recommendations of the advisory committee on  
25 immunization practices of the Centers for Disease Control and

1 Prevention of the United States Public Health Service of the United  
2 States Department of Health and Human Services as the recommendations  
3 existed on January 1, 2013. This section shall not apply in  
4 individual cases when contraindicated or if a national shortage of  
5 the vaccine exists. Nothing in this section shall be construed to  
6 require any facility listed in this section to bear the cost of a  
7 vaccination provided pursuant to this section.

8           Sec. 4. Original section 71-468, Revised Statutes  
9 Cumulative Supplement, 2012, and sections 71-467 and 71-469, Revised  
10 Statutes Supplement, 2013, are repealed.