

The House Committee on Health and Human Services offers the following substitute to HB 1043:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, so as to revise a provision relating to taking the case history of a vaccine recipient; to exempt activities conducted by a hospital or health system with respect to influenza vaccinations from certain requirements; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine protocol agreements, is amended by revising paragraph (3) of subsection (d) and subsection (o) as follows:

"(3) Require the pharmacist or nurse to take ~~a complete~~ an appropriate case history and determine whether the patient has had a physical examination within the past year and shall not administer a vaccine to a patient with any condition for which such vaccine is contraindicated;"

"(o)(1) This Code section shall not apply to any activities conducted within a hospital, physician's office, nursing home, or other health care facility designated by the department or conducted within any other facility or entity owned, operated, or leased by a hospital.

(2) Except as otherwise provided in paragraph (1) of this subsection, any activities conducted by a hospital or health system for the administration of the influenza vaccine shall not be subject to paragraphs (5) through (9), (15), or (16) of subsection (d) of this Code section as long as the following conditions are met:

(A) A signed and dated consent form by which the vaccine recipient consents to the administration of the vaccine is obtained;

(B) If the vaccine recipient is a patient within the hospital or health system, the administration of the influenza shall be noted in such patient's health record maintained

by the hospital or health system, including, but not limited to, the administering pharmacist's or nurse's name, address, telephone number, and professional license number; the name, dose, manufacturer, and lot number of the vaccine; and the date of administration and injection site;

(C) If the vaccine recipient is not a patient within the hospital or health system, a personal immunization card on card stock paper containing the vaccine recipient's name, the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine, the injection site on the vaccine recipient, the date of the administration of the vaccine in legible writing or printed type in a format made available by the Department of Public Health, and written information developed by the Department of Public Health on the importance of having and periodically seeing a primary care physician shall be provided to the vaccine recipient; and

(D) If requested by the patient, the influenza vaccine shall be administered in an area or location with portable screening, at a minimum.

As used in this paragraph, the term 'health system' means (i) a parent corporation of one or more hospitals and any entity affiliated with such parent corporation through ownership, governance, membership, or other means; or (ii) a hospital and any entity affiliated with such hospital through ownership, governance, membership, or other means."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.