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State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

October 1, 2009

AFL 09-29

TO: General Acute Care Hospitals

This is the **only** copy being sent to your facility. Please distribute to the following:

- Chief Executive Officer
- Chief Nurse Executive
- Quality Management Department
- Infection Control Committee Chair
- Infection Prevention and Control Professionals
- Employee Health Professionals

SUBJECT: H1N1 Influenza Vaccination Requirements

AUTHORITY: Senate Bill (SB) 739 (Speier, Chapter 526, Statutes of 2006)

This letter is being sent to notify you of the applicability of existing law to H1N1 influenza vaccinations. This All Facilities Letter (AFL) affects all general acute care hospitals (GACHs) licensed by the California Department of Public Health (CDPH) Licensing and Certification (L&C) Program.

SB 739 (Speier, Chapter 526, Statutes of 2006) established the Hospital Infectious Disease Control Program, which intended to improve existing disease surveillance and infection prevention measures in all California GACHs, thereby preventing prolonged and unnecessary hospitalizations and decreasing mortality rates resulting from healthcare associated infections.

Health and Safety Code (HSC) section 1288.7(a) provides that each GACH licensed pursuant to HSC Section 1250 must annually offer onsite influenza vaccinations, upon availability, to all hospital employees at no cost to the employee. This HSC section mandates that each GACH must require its employees to be vaccinated, or if the employee elects not to be vaccinated, to obtain a written declaration that the employee declined the vaccination. HSC section 1288.7(b) requires each GACH to institute

respiratory hygiene and cough etiquette protocols, develop and implement procedures for the isolation of patients with influenza, and adopt a seasonal influenza plan. HSC section 1288.7(a) applies to the newly developed Novel H1N1 vaccine. All hospitals must offer the Novel H1N1 vaccination to all healthcare personnel, upon availability, as required by law. The H1N1 vaccination is mandated to be offered in addition to the seasonal influenza vaccination. If the H1N1 vaccination requires a single dose and the employee declines the vaccination, the employee must submit a written declination for that dose. If the H1N1 vaccination requires multiple doses and an employee declines the vaccination, the employee must submit a written declination for the initial dose and would not be required to submit the declination for subsequent doses. The written declination would apply to all doses. However, if an employee receives the first dose of vaccination, but declines subsequent doses, the employee will be required to submit to the hospital the declination for the subsequent dose(s). In any case, a declination of the first dose of vaccination would not preclude the employee from requesting and receiving the H1N1 vaccination in the future.

These influenza vaccines must be administered, if they are available, in accordance with the CDC's Advisory Committee on Immunization Practice's guidelines, available on their website:

<http://www.cdc.gov/h1n1flu/vaccination/acip.htm>

Information about the supply and source of H1N1 vaccine in California will be posted on CDPH's website when it becomes available:

<http://www.cdph.ca.gov/HealthInfo/discond/Pages/SwineInfluenza.aspx>

HSC section 1288.8(b) requires each GACH to annually report to CDPH infection prevention process measures that have been recommended by the Centers for Disease Control and Prevention (CDC) Healthcare Infection Control Practices Advisory Committee, including but not limited to influenza vaccination measures of patients and healthcare personnel. The requirement for reporting influenza vaccination measures also applies to the Novel H1N1 vaccine. Electronic reporting of influenza vaccination measures to CDPH will be instituted for the 2009-2010 influenza season beginning September 1, 2009. GACHs will be notified of the reporting link when it becomes available.

The information in this AFL applies to the H1N1 influenza vaccination. A prior AFL regarding seasonal influenza vaccination in hospitals has been distributed (please refer to AFL 07-06). The information in this AFL is a brief summary of existing law as it applies to the Novel H1N1 influenza vaccination. CDPH's failure to expressly notify facilities of the applicability of particular laws does not relieve facilities of their responsibility for following all laws.

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If you have any questions, please contact your respective L&C District Office.
Sincerely,

Original Signed by Pamela Dickfoss for Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
Center for Health Care Quality