



14 NYCRR Part 509
Express Terms

1. Section 509.3 of Title 14 NYCRR is amended to read as follows:

§509.3 Definitions. For the purposes of this Part:

(a) **Facility** shall mean:

(1) a psychiatric center established pursuant to Section 7.17 of the Mental Hygiene Law; including all programs or services operated by, or under the auspices of, such psychiatric center;

(2) a hospital operated pursuant to Part 582 of this Title.

(b) **Influenza season** shall mean the period of time during which influenza is prevalent as determined by the Commissioner of Health.

(c) **Influenza vaccine or Vaccine** shall mean a vaccine currently licensed for immunization and distribution in the United States by the Food and Drug Administration (FDA) for active immunization for the prevention of influenza disease caused by influenza virus(es) or authorized for such use by the FDA pursuant to an Emergency Use Authorization (EUA) or as an Emergency Investigational New Drug (EIND).

(d) **Patient** shall mean any person receiving services from a facility, as defined in this section, as well as any person presenting for admission to a facility.

[(d)](e) **Personnel** shall mean all persons employed or affiliated with a facility, as defined in this Section, whether paid or unpaid, including but not limited to employees, members of the medical, nursing, and other treatment staff, contract staff, students, and volunteers, who engage in activities such that if they were infected with influenza, they could potentially expose patients to the disease.

2. Section 509.4 of Title 14 NYCRR is amended to read as follows:

Section 509.4 Documentation Requirements.

(a) All facilities shall determine and document which persons qualify as "*personnel*" under this Part.

(b) All facilities shall document the influenza vaccination status of all personnel for the current influenza season in a secure file separate from their personnel history folder. Documentation of vaccination must include [the name and address of the individual who ordered or administered the vaccine and the date of vaccination.];

(1) a document prepared by the licensed healthcare practitioner who administered the vaccine, indicating that one dose of influenza vaccine was administered, and specifying the vaccine formulation and the date of administration; or

(2) for personnel employed by a healthcare employer other than the facility in which he or she is providing services, an attestation by the employer that the employee(s) named in the attestation has been vaccinated against influenza for the current influenza season, and that the health care employer maintains documentation of vaccination of the employee(s), as described in paragraph (1) of this subdivision; or

(3) for student personnel, an attestation by the professional school that the student(s) named in the attestation has been vaccinated against influenza for the current influenza season, and that the school maintains documentation of the vaccination of the student(s) as described in paragraph (1) of this subdivision.

(c) During the influenza season, all facilities shall ensure that all personnel who have not been vaccinated against influenza for the current influenza season wear a surgical or procedure mask while in areas where patients [may be] are typically present[. Facilities shall supply such masks to personnel, free of charge.], except that:

(1) when personnel provide services outside the facility, mask wear shall not be required by this section, provided that this paragraph shall not be interpreted as eliminating the requirement that personnel wear a mask pursuant to standard and transmission-based precautions not addressed by this section;

(2) personnel required to wear a mask by this subdivision, but who provide speech therapy services, may remove the mask when necessary to deliver care, such as when modeling speech; and

(3) for any person who lip reads, personnel required to wear a mask by this subdivision may remove the mask when necessary for communication.

(d) Upon the request of the Office, a facility must report the number and percentage of personnel that have been vaccinated against influenza for the current influenza season.

(e) All facilities shall develop and implement a policy and procedure to ensure compliance with the provisions of this Part. The policy and procedure shall include, but is not limited to, the

identification of those areas where unvaccinated personnel must wear a mask pursuant to subdivision (c) of this Section.

(f) Facilities shall supply surgical or procedure masks required by this section at no cost to personnel.

(g) Nothing in this Part shall be interpreted as prohibiting any facility from adopting policies that are more stringent than the requirements of this Part.

[(f)](h) For those facilities that are required to comply with 10 NYCRR Section 2.59, compliance with such Section shall be deemed compliance with this Part.

509.text.1.6.15