

## New Flu Season Requirement for NYS Healthcare Facilities

The NYS Department of Health (NYSDOH) is now requiring that workers (paid or unpaid) in hospitals, nursing homes, diagnostic and treatment centers, home care and hospice facilities must either get vaccinated annually for the seasonal flu or wear a surgical or procedure mask during flu season wherever patients or residents may be present. “Flu season” will be determined by the NYSDOH Commissioner each year.

Everyone who works in these facilities who has any contact with patients will be urged to get the flu vaccine; those who do not get vaccinated will be required to wear a mask. There are no exemptions.

### Getting Vaccinated

Vaccination is an important way to control the spread of contagious diseases. Vaccines, including flu vaccines, are generally safe with little or no side effects. It is not true that you can get the flu from a flu vaccine. Although flu vaccines vary in effectiveness from year to year, they do help limit the spread of the flu and, in many cases, make you less ill if you do get the flu.

### The Regulation’s Weaknesses

Although protecting patients and healthcare workers from the flu is very important, this regulation’s weaknesses include:

- *Limited vaccine effectiveness:* In years when the vaccine is not a good match with the circulating flu strains, the vaccine’s effectiveness is limited. This can lead to a false sense of security since many vaccinated employees will not be fully protected from the flu.

- *Limited mask effectiveness:* While surgical and procedure masks are somewhat effective in controlling flu virus contained in droplets from coughs and sneezes, they provide limited protection from aerosolized flu virus.
- *Community transmission:* The flu is considered a community-acquired infection. Most infections occur in community settings. This regulation does not address how to control the spread of the flu from members of the community entering healthcare facilities.



## Better Infection Control

While hospital-acquired infections (e.g., MRSA, C. diff, etc.) are rampant in medical facilities, there is very little data that the flu is one of the infections commonly transmitted to patients in healthcare facilities. Scientifically-based, effective infection controls such as improved ventilation, appropriate respiratory protection and aggressive cleaning protocols must be put in place to protect workers and patients from the infections commonly acquired in healthcare settings.

Resources should also be devoted to putting plans in place to protect healthcare workers and patients from newly emerging diseases. In the recent past medical facilities were unprepared for quickly spreading infections such as SARS, leading to many hospital workers becoming infected by sick patients. Effective airborne infection control can and should be implemented.

## A Comprehensive Approach to Infection Control

A new, comprehensive approach to flu and other airborne transmissible disease prevention and control is needed to ensure the safety of both workers and patients. Steps to improving infection control in medical facilities should include:

- Employer policies that ensure that all workers are able to stay home if they suspect they have the flu or other contagious illnesses. This includes having adequate staffing so that sick employees do not feel pressured to come to work.
- Adequate levels of housekeeping staff so that patient areas can be regularly and thoroughly cleaned to help limit the spread of infection.

- After implementing engineering (i.e. local exhaust ventilation, etc.) and work practice controls, appropriate respiratory protection should be provided to healthcare workers to protect them against airborne transmission of disease, including aerosolized virus. Surgical masks do not protect against aerosolized virus. During the H1N1 pandemic the CDC recommended use of N95 respirators to protect workers from the flu.
- Education and training on influenza, the influenza vaccine and infection control policies and procedures.
- A patient and visitor educational campaign to reinforce everyone's responsibility to stop the spread of infections.
- Employers should offer flu vaccinations to employees free of charge and without coercion.
- OSHA and the NYS Department of Labor (PESH) should put in place an airborne infectious disease standard, similar to California's Cal/OSHA Aerosol Transmissible Diseases Standard\*, to provide effective protection to workers and patients from the flu and other airborne transmissible diseases.

For more information, contact NYCOSH at 212-227-6440.

\*<https://www.dir.ca.gov/title8/5199.html>