A BILL FOR

1 An Act establishing the immunization safety and right of refusal Act, and providing penalties.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 135Q.1 Short title.
This chapter shall be known and may be cited as the “Immunization Safety and Right of Refusal Act”.
Sec. 2. NEW SECTION. 135Q.2 Definitions.
As used in this chapter, unless the content otherwise requires:
1. “Health care facility” means the same as defined in section 135C.1.
2. “Health care provider” means a person licensed or certified by and subject to the authority of a board as defined in section 147.2 who provides professional health care services to a patient during that patient’s medical care, treatment, or confinement.
3. “Hospital” means the same as defined in section 135B.1.
4. “Insurer” means an entity providing a plan of health insurance, health care benefits, or health care services, or an entity subject to the jurisdiction of the commissioner of insurance performing utilization review, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services.
5. “Patient” means a person who has received or is receiving professional health care services from a health care facility, health care provider, or hospital.
Sec. 3. NEW SECTION. 135Q.3 Immunizations — prohibited discrimination — civil remedies.
1. A hospital or health care facility shall not do any of the following:
   a. Discriminate against or terminate the employment of a health care provider, staff member, employee, or applicant for one of these positions based on the person’s refusal to receive an immunization.
b. Discriminate against or terminate the employment of a health care provider, staff member, or employee based on the person's willingness to participate in the immunization of patients.

2. A hospital or health care facility or a health care provider, staff member, or employee of a hospital or health care facility shall not discriminate against or terminate treatment of a patient based upon the patient's refusal to receive an immunization.

3. A hospital, health care facility, or educational institution providing clinical experience to satisfy the professional degree requirements of a student, intern, or resident shall not discriminate against the student, intern, or resident, or prohibit admission, enrollment, or employment as a student, intern, or resident based on the immunization status of the student, intern, or resident.

4. A person aggrieved under this section may petition the district court in the county where the hospital, health care facility, or educational institution is located for any of the following:

   a. Injunctive relief against any further violation.
   b. Affirmative relief, including reinstatement of employment with back pay and interest, or any other equitable relief the court deems appropriate.
   c. Other appropriate relief necessary to ensure compliance with this section.

Sec. 4. NEW SECTION. 135Q.4 Immunization — health care providers — prohibited discrimination.

1. The licensing authority for a health care provider shall not deny an applicant for a license or suspend, revoke, or refuse to renew a license, and shall not take disciplinary action against a licensee based on the applicant's or licensee's immunization history or refusal to submit to or administer an immunization.

2. The licensing authority for a health care provider shall
1 not deny an applicant a license or suspend, revoke, or refuse
2 to renew a license, and shall not take disciplinary action
3 against a licensee based on the applicant or licensee having
4 three or more verified failures to comply in one calendar year
5 with the applicable health care provider requirements pursuant
7 Sec. 5. NEW SECTION. 135Q.5 Immunizations — prohibited
8 actions — insurers and insurer ratings — cease and desist
9 orders and penalties.
10 1. An insurer providing a group policy, contract, or plan
11 for health insurance shall not use the immunization status of
12 a person as a basis to reject; deny; limit; cancel; refuse to
13 renew; increase the premiums for; limit the amount, extent, or
14 kind of coverage available to; or otherwise adversely affect
15 eligibility or coverage for the group health policy, contract,
16 or plan for health insurance.
17 2. An insurer providing a group policy, contract, or plan
18 for health insurance shall not use the immunization status of
19 patient as a qualification or requirement for contracting with
20 the patient’s provider or as a basis for terminating a contract
21 with the patient’s provider.
22 3. The immunization status of a person covered by a group
23 policy, contract, or plan for health insurance shall not be
24 used as a factor in the rating of a group policy, contract, or
25 plan for health insurance in this state.
26 4. An insurer issuing a group policy, contract, or plan for
27 health insurance who violates this section is subject to the
28 summary cease and desist order, cease and desist order, and
29 penalty provisions pursuant to chapter 507B.
30 EXPLANATION
31 The inclusion of this explanation does not constitute agreement with
32 the explanation’s substance by the members of the general assembly.
33 This bill creates the “Vaccination Safety and Right of
34 Refusal Act”. The bill provides definitions used in the Code
35 chapter.
The bill prohibits a hospital or health care facility from discriminating against or terminating the employment of a health care provider, staff member, employee, or applicant for one of these positions, based on the person's refusal to receive an immunization, and from discriminating against or terminating the employment of a health care provider, staff member, or employee based on the person's willingness to participate in the immunization of patients. The bill also prohibits a hospital, health care facility, or a health care provider, staff member, or employee of a hospital or health care facility from discriminating against or terminating treatment of a patient based upon the patient's refusal to receive an immunization. Under the bill, a hospital, health care facility, or educational institution providing clinical experience to satisfy the professional degree requirements of a student, intern, or resident is prohibited from discriminating against the student, intern, or resident, or prohibiting admission, enrollment, or employment as a student, intern, or resident based on the immunization status of the student, intern, or resident. A person aggrieved under this portion of the bill may petition the district court in the county where the hospital, health care facility, or educational institution is located for injunctive relief; affirmative relief, including reinstatement of employment with back pay and interest or any other equitable relief the court deems appropriate; or other appropriate relief necessary to ensure compliance with this portion of the bill.

The bill also prohibits a health care provider licensing authority from denying an applicant for a license or suspending, revoking, or refusing to renew a license, or from taking disciplinary action against a licensee based on an applicant's or licensee's immunization history or refusal to submit to or administer an immunization. A health care provider licensing authority is also prohibited from denying an applicant a license; suspending, revoking, or refusing to
renew a license; or from taking disciplinary action against a
licensee based on the applicant or licensee having three or
more verified failures to comply in one calendar year with
the applicable health care provider requirements relative to
the recording and reporting of vaccine information and the
provision of vaccine information to patients under federal law.
The bill prohibits an insurer providing a group policy,
contract, or plan for health insurance from using the
immunization status of a person as a basis to reject; deny;
limit; cancel; refuse to renew; increase the premiums for;
limit the amount, extent, or kind of coverage available
to; or otherwise adversely affect eligibility or coverage
for the group health policy, contract, or plan for health
insurance. The bill also prohibits an insurer providing a
group policy, contract, or plan for health insurance from
using the immunization status of a patient as a qualification
or requirement for contracting with the patient’s provider
or as a basis for terminating a contract with the patient’s
provider. Finally, the bill prohibits the immunization status
of a person covered by a group policy, contract, or plan for
health insurance from being used as a factor in the rating of a
group policy, contract, or plan for health insurance in Iowa.
An insurer issuing a group policy, contract, or plan for health
insurance who violates any of these provisions of the bill is
subject to the summary cease and desist order, cease and desist
order, and penalty provisions pursuant to Code chapter 507B
(insurance trade practices).