

Judge Halts Flu Vaccine Mandate For Health Workers

New York Health Care Employees Won't Be Forced To Get H1N1 Vaccine...For Now

NEW YORK (CBS) — Oct 16, 2009: Health care workers in New York will no longer be forced to get the H1N1 swine flu vaccine, CBS has learned. A state Supreme Court judge issued a restraining order Friday against the state from enforcing the controversial mandatory vaccination. The order came as the Public Employees Federation sued to reverse a policy requiring vaccination against the seasonal and swine flu viruses, arguing that state Health Commissioner Richard Daines overstepped his authority.

Three parties - the Public Employees Federation, New York State United Teachers and an attorney representing 4 Albany nurses - challenged the order and, for now, the vaccination for nurses, doctors, aides and non-medical staff members, who might be in a patient's room, will remain voluntary.

The health department had said the workers must be vaccinated by November 30 or face possible disciplinary action, including dismissal. PEF said it encourages members to get flu vaccinations, but opposes the emergency regulation requiring the vaccine as a condition of employment. A judge granted a temporary restraining order Friday morning, PEF spokeswoman Debbie Miles said. A court hearing is scheduled for October 30.

New York was the first state in the country initially to mandate flu vaccinations for its health care workers, but many health care workers quickly protested against the ruling. In Hauppauge, workers outside a local clinic screamed, "No forced shots!" when the mandate came down at the end of September.

"I don't even tend to the sick. I am in the nutrition field. They are telling me I must get the shot because I work in a health clinic setting," said Paula Small, a Women, Infants and Children health care worker. Small said she would refuse to be vaccinated, worried the vaccine is untested and unproven, leaving her vulnerable. In 1976, there were some deaths associated with a swine flu vaccination.

Registered nurse Frank Mannino, 50, was also angry. He said the state regulation violates his personal freedom and civil rights.

"And now I will lose my job if I don't take the regular flu shot or the swine flu shot." When asked if he's willing to lose his job, Mannino said, "Absolutely. I will not take it, will not be forced. This is still America."

The protest also shook Albany. Hundreds of demonstrators demanded freedom of choice. After all, as health care professionals, they argue they're already constantly washing their hands and aren't likely to transmit or contract the flu. Around 500,000 health care workers would have been slated to receive the vaccine.

"It's certainly their prerogative to voice their opinion," said Dr. Susan Donelan of Stony Brook University Hospital. Donelan said most in the medical community see the benefits and safety of the shots and welcome them, and that hospitals must obey the law.

"Our hospital is committed to following the mandate to have our personnel vaccinated," she said.

The state said change was needed this year to save lives. Typically only about 45 percent of health care workers take advantage of voluntary flu vaccines. More than 150 institutional outbreaks of seasonal and H1N1 flu are expected this year in hospitals, nursing homes and hospice centers.

There is also a strong resistance to the vaccine from the general public. A new Harvard University poll shows that only four in 10 adults intend to take the vaccine themselves, and only six in 10 plan to give it to their children.

<http://wcbstv.com/breakingnewsalerts/mandatory.h1n1.vaccine.2.1252672.html>