



## Measles protection law

## > For those employed in Medical Facilities

Masernschutzgesetz – Merkblatt für Beschäftigte in medizinischen Einrichtungen – englisch

# Frequently asked questions about the measles protection law

### 1. Who does the measles protection law apply to?

The law applies to everyone born after 1970 who is at least one year old and

1. is cared for in one of the following community facilities: day care centres and nurseries, certain forms of child day care, schools and other educational institutions in which predominantly under-age individuals are cared for
2. who have already been four weeks
  - a) in the care of a children's home or
  - b) in shared accommodation for asylum seekers and refugees or late emigrants
3. who are employed in health facilities such as hospitals and medical practices or in community facilities or shared accommodation (facilities as laid out in 1 and 2).

People who cannot be immunised due to medical contraindications, and who provide the relevant evidence, are excluded from the regulations.

### 2. Which health facilities does the law apply to?

The measles protection law applies to the following medical facilities (see also § 23 Para 3 Clause 1 of Infection Control Law): hospitals, facilities for outpatient surgery, preventive or rehabilitation facilities in which medical care equivalent to that to hospitals is provided, dialysis centres, day clinics, maternity facilities, treatment or care facilities comparable to any of the aforementioned facilities, medical practices, dental practices, psychotherapeutic practices, practices of other human medical professions, public health service facilities in which medical examinations, preventive measures, and outpatient treatment are carried out, rescue services, and facilities of the civil defence and disaster control.

All employees of the aforementioned facilities who were born after 1970 must prove vaccination – even if they do not have any direct contact with patients. The patients themselves are not included.

### 3. Which allied health care practitioners are subject to the law?

Allied medical health care practitioners covered by the law include: dietitians, ergotherapists, midwives, speech therapists, masseurs or masseuses and medical lifeguards, ortho-therapists, physiotherapists and podiatrists. The regulations also apply to members of various health care sectors whose activities offer healing of illnesses and medicine-assisted treatments and care to patients. These include, for example, naturopaths, osteopaths and speech therapists.

### 4. Does the law also apply to volunteers and trainees?

Yes, both volunteers and trainees are also subject to the measles protection law when they are regularly (not just for a few days) and not just briefly (not just for a few minutes at a time, but rather for extended periods) active in the facility.

### 5. From when does the law apply?

The law applies from 1st March 2020. All individuals who were already cared for or employed at that time in the corresponding facilities were required to submit evidence by 31st July 2022.

### 6. What precisely needs to be proved?

Individuals to whom the law applies and who are at least one year old must prove either a measles vaccination or confirmed

immunity to measles. Individuals born after 1970 and at least 2 years old must demonstrate two measles vaccinations or a doctor's confirmatory note of adequate immunity to measles. Immunity can be determined by a blood test (so-called titre determination). The costs of medical confirmation generally fall to the individual.

The legal provisions align with the recommendations of the Standing Committee on Immunisation (STIKO). If the immunisation status is unclear, the vaccinations should be repeated. An antibody assessment (titre determination) is not recommended by the STIKO.

If there is a medical contraindication, then this needs to be confirmed by a medical report.

### **7. Will protection against measles be tested?**

Affected individuals must, prior to entering care or starting work, provide the following evidence to the management of their facility:

1. a vaccination passport or a medical report confirming measles immunisation.
2. a medical report confirming immunity to measles or that vaccination is impossible due to a medical contraindication.
3. confirmation from a public agency or the management of another facility that evidence as laid out in 1 or 2 has already been provided.

The highest State Health Authority, or an agency appointed by it, can determine that the evidence should not be submitted to the management of the facility but rather to the Health Authority or another public agency.

### **8. What happens if employees do not submit evidence?**

Anybody who does not submit evidence may not be employed in the above-named facilities. If this is the case, then the Health Authority does not need to be informed.

Individuals who were already employed in the corresponding facilities when the law came into force were required to submit evidence by no later than 31st July 2022. If this was not done, or if it is only possible later, then the management must inform the Health Authority.

Regulation for school-age individuals: if the evidence is not provided, or it transpires that vaccination against measles is only possible at a later date, then the management of the particular facility or the state-appointed agency must inform the local Health Authority of the fact, insofar as individuals are involved who nevertheless may be admitted to the facility (school-aged).

### **9. What happens after the Health Authority has been notified?**

If the required evidence has not been submitted within a certain time period (at least ten days and perhaps up to three months in order to permit completion of the measles vaccination), the Health Authority may invite the obligated individual to a consultation.

Independent of this, after a suitable period has elapsed the Health Authority may in individual cases decide whether to impose work or access restrictions (other than for school-age individuals or in cases of vaccine supply bottlenecks) or whether fines and penalties should be imposed.

### **10. What service and employment law consequences are possible?**

The Health Authority can impose an employment ban on an individual worker. The consequences for the supervisory, service or employment contracts depend upon the particular contract, service or employment laws. An appropriate vaccination against measles in the above-named institutions is provided for in law and provides the context for possible individual consequences.

### **11. Will fines be imposed?**

It is left to the discretion of the responsible authorities whether they impose a fine. The management of a facility which, contrary to legal prohibitions, cares for or employs a person, or in the case of an obligation to notify the Health Authority fails to do so, must reckon with a fine of up to 2,500 Euros.

This also goes for persons who, despite requests from the Health Authority, do not provide evidence within a reasonable time frame. A fine can generally only be imposed once.

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