



Ohio Legislative Service Commission

Bill Analysis

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S.B. 311

131st General Assembly
(As Passed by the Senate)

Sens. Patton, Hite, Eklund, Hughes, Cafaro, Beagle, Faber, Gardner, Jones, Manning, Obhof, Tavares

BILL SUMMARY

- Requires the Ohio Department of Health to prepare an influenza vaccine information sheet pertaining to older adults and make it available on the Department's website.
- Requires each long-term care facility to post a copy of the most recent sheet in a conspicuous location accessible to residents, employees, and visitors.
- Specifies that a facility's failure to post the sheet cannot be taken into account when it undergoes a survey or inspection or be used as a basis for imposing a penalty against it.

CONTENT AND OPERATION

Influenza information sheet

The bill requires the Ohio Department of Health (ODH) to prepare an influenza vaccine information sheet that pertains to older adults.¹ An "older adult" is defined as an individual who is 60 years of age or older.²

The sheet must contain all of the following information:³

¹ R.C. 3701.138(B).

² R.C. 3701.138(A).

³ R.C. 3701.138(B).

--A description of influenza, including its causes, symptoms, and methods of transmission;

--A discussion of the health risks that influenza poses to older adults;

--A discussion of the influenza vaccine, including its availability, methods of administration, and effectiveness in preventing influenza and lessening symptoms and complications of influenza; and

--A recommendation that each older adult consult with a health care professional to determine whether annual vaccination against influenza is appropriate for the adult.

The bill also permits ODH to add to the sheet any other information regarding influenza and the influenza vaccine that the Department considers necessary, including:

--The rates of influenza-associated hospitalizations and deaths among older adults;

--The benefits to older adults from annual vaccination against influenza, especially to those living in close proximity to other older adults; and

--The entities, facilities, or health care professionals providing influenza vaccinations to older adults.

ODH must periodically review and update the influenza vaccine information sheet and make it available on its website in a format suitable for printing.⁴

Posting in long-term care facilities

Under the bill, a specified long-term care facility must post the information sheet prepared by ODH in a conspicuous location that is accessible to all residents, employees, and visitors. Not later than August 1 of each year, a facility must determine whether the sheet posted is the most recent version available. If it is not, the facility must replace the sheet with the updated version.⁵

The bill specifies that its posting requirement does not require an older adult to be vaccinated against influenza.⁶ Under current law not modified by the bill, a facility must offer to each resident on an annual basis vaccination against influenza, unless a

⁴ R.C. 3701.138(D).

⁵ R.C. 3721.041(B)(2).

⁶ R.C. 3721.041(B)(2).

physician has determined that the resident's vaccination is medically inappropriate. A resident may refuse vaccination.⁷

The bill further specifies that a failure to comply with the posting requirement must not be taken into account when any survey or inspection of the facility is conducted. Furthermore, a failure to comply must not be used as a basis for imposing any penalty against the facility.⁸

The long-term care facilities subject to the posting requirement are referred to as "homes" under the bill and include (1) institutions, residences, or facilities that provide, for a period of more than 24 hours (whether for compensation or not), accommodations to three or more unrelated individuals who are dependent on the services of others, including nursing homes, residential care facilities, homes for the aging, and veterans' homes, (2) facilities that are proposed for Medicare or Medicaid certification as skilled nursing facilities or nursing facilities and for which a certificate of need, other than a certificate to recategorize hospital beds, has been granted, and (3) county homes or district homes that are or have been licensed as residential care facilities.⁹

Influenza – background

According to the U.S. Centers for Disease Control and Prevention, influenza (flu) is a contagious disease caused by influenza viruses. It can result in mild to severe illness. Serious outcomes of flu infection can lead to hospitalization or death. The elderly, young children, and individuals with certain health conditions are at high risk for serious flu complications. The best way to prevent the flu is by getting vaccinated each year.¹⁰

⁷ R.C. 3721.041(B)(1).

⁸ R.C. 3721.041(B)(2).

⁹ R.C. 3721.01(A)(1), not in the bill.

¹⁰ U.S. Centers for Disease Control and Prevention, *Seasonal Influenza: Flu Basics*, available at <http://www.cdc.gov/flu/about/disease/index.htm>. See also U.S. Centers for Disease Control and Prevention, *Vaccine Information Statement, Influenza (Flu) Vaccine*, available at <http://www.cdc.gov/vaccines/hcp/vis/vis-statements/flu.html>.



HISTORY

ACTION	DATE
Introduced	04-12-16
Reported, S. Health & Human Services	05-11-16
Passed Senate (32-0)	05-17-16

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