



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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S.B. 311

131st General Assembly
(As Passed by the General Assembly)

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

Reps. Antonio, Ashford, Boyce, Boyd, Craig, Fedor, Hambley, Leland, Lepore-Hagan, Sheehy, Sweeney

Effective date: March 21, 2017

ACT 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 vaccine information sheet

The act requires the Ohio Department of Health (ODH) to prepare an influenza vaccine information sheet pertaining to older adults, defined as individuals age 60 or

* This version update the effective date.

older. ODH must periodically review and update the sheet and make it available on its website in a format suitable for printing.¹

Information sheet contents

The sheet must contain all of the following:²

--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.

ODH may add any other information regarding influenza and the influenza vaccine that it 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.³

Posting in long-term care facilities

Under the act, 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. By August 1 each year, a facility must determine whether the

¹ R.C. 3701.138(A), (B) and (D).

² R.C. 3701.138(B).

³ R.C. 3701.138(C).



posted sheet is the most recent version available. If it is not, the facility must replace it with the updated version.⁴

Failure to post

Failure to post the information sheet must not be taken into account when any survey or inspection of the facility is conducted or used as a basis for imposing any penalty against it.⁵

Vaccination not required

The act specifies that it does not require an older adult to be vaccinated against influenza. Under continuing law, a facility must offer to each resident on an annual basis vaccination against influenza, unless a physician has determined that the resident's vaccination is medically inappropriate. A resident may refuse vaccination.⁶

Types of facilities affected

Long-term care facilities subject to the posting requirement are referred to as "homes" under the act 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.⁷

HISTORY

ACTION	DATE
Introduced	04-12-16
Reported, S. Health & Human Services	05-11-16
Passed Senate (32-0)	05-17-16
Reported, H. Health & Aging	12-07-16
Passed House (78-18)	12-07-16

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⁴ R.C. 3721.041(B)(2).

⁵ R.C. 3721.041(B)(2).

⁶ R.C. 3721.041(B).

⁷ R.C. 3721.01(A)(1), not in the bill.

