



Ohio Legislative Service Commission

Bill Analysis

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S.B. 311

131st General Assembly
(As Introduced)

Sens. Patton, Hite, Eklund, Hughes, Cafaro

BILL SUMMARY

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

CONTENT AND OPERATION

Influenza information sheet

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

The influenza information sheet must contain all of the following:³

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

¹ R.C. 3701.138(B).

² R.C. 3701.138(A).

³ R.C. 3701.138(B).

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

--A discussion of the influenza vaccine, including its availability, administration methods, and its 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 older adult.

In addition, the bill permits the information sheet to contain other information regarding influenza and the influenza vaccine that ODH 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.

The bill requires ODH to periodically review and update the information sheet. ODH must make the information sheet available on its website in a format suitable for printing.⁴

Posting in long-term care facilities

The bill requires several types of long-term care facilities to obtain the influenza vaccine information sheet that ODH must prepare under the bill and to post the sheet in a conspicuous location that is accessible to all residents, employees, and visitors.⁵ The long-term care facilities subject to the requirement are referred to as "homes," which 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

⁴ R.C. 3701.138(D).

⁵ R.C. 3721.041(B)(2).

recategorize hospital beds, has been granted, and (3) county homes or district homes that are or have been licensed as residential care facilities.⁶

Not later than August 1 of each year, a home must determine whether the information sheet it has posted is the most recent version available. If not, the home must replace the sheet with the updated version. The bill specifies that the posting requirement does not require an older adult to be vaccinated against influenza.⁷ Under current law not modified by the bill, a home is required every year to offer each resident vaccination against influenza unless a physician has determined that vaccination of the resident is medically inappropriate. A resident may refuse vaccination.⁸

The bill prohibits a home's failure to comply with the posting requirement from being taken into account when any survey or inspection of the home is conducted. Furthermore, a home's failure to comply with the requirement may not be used as a basis for imposing any penalty against the home.⁹

Influenza – background

According to the U.S. Centers for Disease Control and Prevention, influenza (flu) is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness. Serious outcomes of flu infection can result in hospitalization or death. Some people, such as older people, young children, and people 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

HISTORY

ACTION

DATE

Introduced

04-12-16

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⁶ R.C. 3721.01(A)(1).

⁷ R.C. 3701.132(B)(2).

⁸ R.C. 3701.132(B)(1).

⁹ R.C. 3701.132(B)(2).

¹⁰ U.S. Centers for Disease Control and Prevention, *Seasonal Influenza: Flu Basics*, available at <<http://www.cdc.gov/flu/about/disease/index.htm>>.

