



**Sub. H.B. 257**

126th General Assembly  
(As Passed by the General Assembly)

**Reps.** Hagan, Evans, D., Strahorn, Ujvagi, Chandler, Allen, Barrett, Beatty, Brown, Calvert, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Harwood, Hughes, Martin, Mason, McGregor, J., Oelslager, Patton, T., Sayre, Schaffer, Seitz, Smith, S., Stewart, D., Stewart, J., Taylor, Widowfield, Yates, Yuko

**Sens.** Hagan, Wilson, Amstutz, Clancy, Niehaus, Padgett, Schuring

**Effective date:** \*

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**ACT SUMMARY**

- Requires, with certain exceptions, that nursing homes and residential care facilities offer influenza and pneumococcal pneumonia vaccinations to all residents, in accordance with guidelines issued by the Advisory Committee on Immunization Practices of the U.S. Centers for Disease Control and Prevention.
- Requires, with certain exceptions, that hospitals offer influenza and pneumococcal pneumonia vaccinations to patients, in accordance with the Advisory Committee's guidelines.

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**CONTENT AND OPERATION**

**Vaccinations in long-term care facilities and hospitals**

(R.C. 3721.041 and 3727.19)

The act requires that nursing homes and residential care facilities<sup>1</sup> offer residents vaccinations against influenza and pneumococcal pneumonia. The

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

<sup>1</sup> *Under Ohio law, a nursing home is a long-term care facility that receives and cares for at least three unrelated individuals who require skilled nursing care because of illness or*

influenza vaccination must be offered on an annual basis. Both influenza and pneumonia vaccinations must be in accordance with guidelines issued by the Advisory Committee on Immunization Practices of the U.S. Centers for Disease Control and Prevention. The act requires that the vaccines offered be of a form approved by the Advisory Committee for that calendar year.

In the case of hospitals, the act requires that each hospital offer to each patient admitted to the hospital vaccination against influenza and pneumococcal pneumonia. The vaccinations must be offered in accordance with guidelines issued by the Advisory Committee. The act requires that the vaccines be of a form approved by the Advisory Committee for that calendar year.

### **Exceptions**

Under the act a nursing home, residential care facility, or hospital is not required to offer a resident or patient vaccination against influenza or pneumococcal pneumonia if a physician has determined that vaccination is medically inappropriate. A nursing home or residential care facility is also not required to offer a resident vaccination against pneumococcal pneumonia if the resident has already received the vaccination. The act provides that a resident or patient may refuse vaccination.

### **Rule-making**

The act authorizes the Director of Health to adopt rules as the Director considers appropriate for the act's implementation. The rules are to be adopted under the Administrative Procedure Act (R.C. Chapter 119.).

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*physical or mental impairment and individuals who require personal care services but not skilled nursing care. A residential care facility is a long-term care facility that provides accommodations for 17 or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment. A facility is also a residential care facility if it provides accommodations for three or more unrelated individuals who require certain specialized services. (R.C. 3721.01 and 3721.011.)*



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## HISTORY

ACTION	DATE
Introduced	05-17-05
Reported, H. Health	10-06-05
Passed House (94-1)	10-25-05
Reported, S. Health, Human Services & Aging	01-26-06
Passed Senate (32-0)	02-08-06

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