

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 257

Representatives Hagan, D. Evans, Strahorn, Ujvagi, Chandler

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A BILL

To enact sections 3721.041 and 3727.19 of the Revised Code to require nursing homes and other homes for the elderly to offer residents vaccinations against influenza and pneumonia and to require hospitals to offer certain patients vaccinations against influenza and pneumonia. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3721.041 and 3727.19 of the Revised Code be enacted to read as follows: 7
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Sec. 3721.041. As used in this section, "physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 9
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Each home shall, on an annual basis, offer to each resident vaccination against influenza, unless a physician has determined that vaccination of the resident is medically inappropriate or the appropriate vaccine is not available due to a shortage announced by the United States centers for disease control and prevention. The vaccine shall be of a form approved by the advisory committee on immunization practices of the United States centers for disease control and prevention for that calendar year. A resident may refuse vaccination. The home shall record in the resident's medical record whether the vaccine was administered, refused, or 12
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medically inappropriate.

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Each home shall offer to each resident sixty-five years of
age or older vaccination against pneumococcal pneumonia, unless
the resident has already received such vaccination, a physician
has determined that vaccination of the resident is medically
inappropriate, or the appropriate vaccine is not available due to
a shortage announced by the United States centers for disease
control and prevention. Each vaccine shall be of a form approved
by the advisory committee on immunization practices of the United
States centers for disease control and prevention for that
calendar year. A resident may refuse vaccination. The home shall
record in the resident's medical record whether the vaccine was
administered, refused, or medically inappropriate.

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The director of health may adopt rules under Chapter 119. of
the Revised Code as the director considers appropriate to
implement this section.

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Sec. 3727.19. As used in this section, "physician" means an
individual authorized under Chapter 4731. of the Revised Code to
practice medicine and surgery or osteopathic medicine and surgery.

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Each hospital shall offer to each patient fifty years of age
or older who is admitted to the hospital for a period of
twenty-four hours or more vaccination against influenza, unless a
physician has determined that vaccination of the patient is
medically inappropriate or the appropriate vaccine is not
available due to a shortage announced by the United States centers
for disease control and prevention. The vaccine shall be of a form
approved by the advisory committee on immunization practices of
the United States centers for disease control and prevention for
that calendar year. A patient may refuse vaccination. The hospital
shall record in the patient's medical record whether the vaccine
was administered, refused, or medically inappropriate.

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Each hospital shall offer to each patient fifty years of age 53
or older who is admitted to the hospital for a period of 54
twenty-four hours or more vaccination against pneumococcal 55
pneumonia, unless a physician has determined that vaccination of 56
the patient is medically inappropriate or the appropriate vaccine 57
is not available due to a shortage announced by the United States 58
centers for disease control and prevention. Each vaccine shall be 59
of a form approved by the advisory committee on immunization 60
practices of the United States centers for disease control and 61
prevention for that calendar year. A patient may refuse 62
vaccination. The hospital shall record in the patient's medical 63
record whether the vaccine was administered, refused, or medically 64
inappropriate. 65

The director of health may adopt rules under Chapter 119. of 66
the Revised Code as the director considers appropriate to 67
implement this section. 68