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**California Department of
Public Health**



EDMUND G. BROWN JR.
Governor

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AFL 09-32

TO: Skilled Nursing Facilities (SNFs)
Intermediate Care Facilities (ICFs)
Nursing Facility (NFs)

SUBJECT: H1N1 Influenza Vaccination Requirements

AUTHORITY: Health and Safety Code (HSC) Section 120392.2

This letter is being sent to notify you of the applicability of existing law to H1N1 influenza vaccinations. This All Facilities Letter (AFL) affects all SNFs, ICFs, and NFs licensed by the California Department of Public Health (CDPH) Licensing and Certification (L&C) Program.

Health and Safety Code (HSC) Section 120392.2 provides that SNFs, ICFs, and NFs licensed pursuant to HSC Section 1250 must offer on-site immunizations for influenza and pneumococcal disease to residents, aged 65 or older, based upon the recommendations from the federal Centers for Disease Control and Prevention (CDC). These facilities are required to offer the influenza and pneumococcal vaccinations unless it is medically contraindicated, against the resident's personal beliefs, or against the resident's wishes or against the wishes of the person legally authorized to make medical decisions on the resident's behalf. This HSC section further provides that facilities shall be reimbursed the standard Medi-Cal rate for immunizations provided to a Medi-Cal recipient, unless the resident is also a Medicare recipient whose coverage includes reimbursement for the immunization.

HSC Section 120392.8 exempts SNFs, ICFs, and NFs from providing the influenza and pneumococcal vaccinations under two specific circumstances. First, the facility is unable to obtain the vaccination due to shortages in supply of the vaccine. Second, in the event the resident refuses to pay for the vaccination and there is no other funding source to cover the cost of the vaccination.

HSC Section 120392.2 applies to the newly developed Novel H1N1 vaccine. All SNFs, ICFs, and NFs must offer the Novel H1N1 vaccination to all residents and new admittees, upon availability, as required by law. The H1N1 vaccination is mandated to be offered in addition to the seasonal influenza and pneumococcal vaccination. The H1N1 influenza vaccination, whether single dose or multiple doses, must be administered, if they are available, in accordance with the CDC's Advisory Committee on Immunization Practice's guidelines, available on their website:

<http://www.cdc.gov/h1n1flu/vaccination/acip.htm>

The information in this AFL applies to the H1N1 influenza vaccination. A prior AFL regarding seasonal influenza vaccination in long-term health care facilities has been distributed (please refer to AFL 08-33).

The information in this AFL is a brief summary of existing law as it applies to the Novel H1N1 influenza vaccination. CDPH's failure to expressly notify facilities of the applicability of particular laws does not relieve facilities of their responsibility for following all laws.

If you have any questions, please contact your respective L&C District Office.

Sincerely,

Original Signed by Pamela Dickfoss for Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.

Deputy Director

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