

**Clarification on Director's Journal Entry: Variance to administer influenza and pneumococcal polysaccharide vaccines**

As written, the variance states that, "My intent in granting this variance is to make the Ohio rules contain the same exception as the federal conditions of participation regulation 42 C.F.R. 483.40(b)(3) with respect to the necessity of a signed and dated physician order." This section of federal regulations provides that signed and dated physician orders are not needed for influenza and pneumococcal polysaccharide vaccines when they are administered per a physician-approved facility policy--i.e. a general standing order--after an assessment for contraindications. Our intent in the variance document is to waive the necessity for an individually signed and dated physician order for every resident, as arguably required by paragraph (B) of rule 3701-17-13 of the Ohio Administrative Code, when influenza and pneumococcal polysaccharide vaccines are administered. A facility still must have a physician-approved facility policy that allows the administration in order to take advantage of the variance. *Therefore, as we interpret what the variance allows, a facility may only administer influenza and pneumococcal polysaccharide vaccines when either a physician-approved facility policy or an individually signed and dated physician order for every resident exists.* We hope this clarifies our position.