

OHIO DEPARTMENT OF HEALTH

246 North High Street
Post Office Box 118
Columbus, Ohio 43216-0118

Telephone: (614) 466-3543
www.odh.state.oh.us



BOB TAFT
Governor

J. NICK BAIRD, M.D.
Director of Health

JOURNAL ENTRY

Under the authority granted to me by rule 3701-17-26 of the Ohio Administrative Code (OAC), I, J. Nick Baird, M.D., Director of Health, hereby grant a variance to all nursing homes subject to the provisions of paragraph (B) of rule 3701-17-13 of the OAC. This paragraph governs the necessity for a signed and dated physician or other health professional order when a home's staff administers medication or treatment to a resident.

This variance authorizes a home's staff to administer influenza and pneumococcal polysaccharide vaccines to a resident without a signed and dated physician or other health professional order provided a physician or other health professional does an assessment of the resident for contraindications. 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. I intend for all the provisions of paragraph (B) of rule 3701-17-13 of the OAC that are not contrary to this variance to remain in effect.

I take this action because I believe granting this variance is in the public interest, does not defeat the spirit and general intent of the rules, and protects the health and safety of nursing home residents. This journal entry is effective when signed and remains in effect until withdrawn or superseded by a later journal entry.

10/10/02
Date

J. Nick Baird
J. Nick Baird, M.D.
Director of Health

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