

FYI -- Updates

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Aim For Success

New Regulation – Effective October 7, 2005 **Influenza & Pneumonia Vaccinations**

On 10/7/05, CMS published the final rule and new regulation at CFR 483.25 [n] for influenza and pneumonia vaccination; the rule was effective on the day of publication. In summary, the regulations require that nursing facilities:

- 1) Develop policies and procedures that ensure that:
 - a) Before offering the influenza and pneumococcal immunization, each resident or the resident's legal representative receives education regarding the benefits and potential side effects of the immunization
 - b) Each resident is offered an influenza immunization October through March 31 annually, unless the immunization is medically contraindicated or the resident has already been immunized during this time period;
 - c) Each resident is offered a pneumococcal immunization unless the immunization is medically contraindicated or the resident has already been immunized. [Note: a second pneumococcal immunization may be given after 5 years following the first pneumococcal immunization, unless medically contraindicated or the resident or the resident's legal representative refuses the second immunization].
 - d) The resident or the resident's legal representative has the opportunity to refuse immunization; and
- 2) The resident's medical record includes documentation that indicates, at a minimum the following:
 - i) Education has been provided regarding the benefits and potential side effects; and
 - ii) That the resident either received the influenza immunization or did not receive the influenza immunization due to medical contraindication or refusal.

At this point we do not know how non-compliance with this regulation will be cited. From a regulatory outline perspective it comes after F-332/333 for CFR 483.25 [m], [medication administration] but before F-353 for CFR 483.30 Nursing Services. A copy of the regulation may be found at http://www.access.gpo.gov/su_docs/fedreg/a051007c.html. Scroll down to Medicare & Medicaid and look for words influenza and pneumonia vaccination.

Related Considerations

- Section W of the MDS
- Part B Billing for vaccinations
- Completion of 672

