

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HUMAN SERVICES LICENSING
Assisted Living Residences (55 Pa.Code Chapter 2800)

Q/A - Regulatory Clarifications – December 2016

The clarifications and interpretations below will remain on the Department's web site until the information is included in the next updated Regulatory Compliance Guide (RCG).

Regulation: § 2800.18 – Applicable Laws

§ 2800.18 - A residence shall comply with applicable Federal, State and local laws, ordinances and regulations.

Question: What are the parameters of the new Influenza Awareness Act, which went into effect July 2016?

ANSWER: Assisted living residences must post the required influenza information in a public place in the home year-round. According to the Influenza Awareness Act (HB 1785), the Department of Health (DOH) is responsible for making available to facilities printable publications that include information relating to the influenza vaccine for individuals residing in facilities.

Printable resources for the Act can be found on BHSL's web site. When accessing the BHSL web site, please see the link titled "Assisted Living Residences - Policy, Regulations and Interpretation Information" under the Assisted Living Residences Information section. You will find the following information relating to the Influenza Awareness Act under "Policies" on that page:

- A copy of the Influenza Awareness Act
- The Influenza Awareness Poster
- The Influenza Toolkit for Operators

BHSL will begin to measure for compliance with this Act effective **March 1, 2017**.

*A copy of the Influenza Awareness Act (HB 1785) is included at the end of this Q/A document.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1785 Session of 2015

AS AMENDED, MAY 17, 2016

AN ACT

Requiring the preparation and publication of information relating to the influenza vaccine for individuals residing in assisted living residences and personal care homes; and imposing duties on the Department of Health and the Department of Human Services.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Influenza Awareness Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Facility." Any of the following:

- (1) An "assisted living residence" as defined under section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.
- (2) A "personal care home" as defined under section 1001 of the Human Services Code.

Section 3. Informational publications by Department of Health.

The Department of Health shall, on the department's publicly accessible Internet website, make available to facilities printable publications that include information relating to the influenza vaccine for individuals residing in facilities. The information shall include:

- (1) How vaccination can help prevent influenza.
- (2) The availability and efficacy of the influenza vaccine.
- (3) A recommendation that individuals consult with their health care practitioners about the influenza vaccine.
- (4) Individual and community benefits of vaccination.

Section 4. Dissemination of information by facilities.

Each facility shall ensure that the required influenza information is posted in a public place in the facility year-round.

Section 5. Inspection.

The Department of Human Services, when carrying out its duty to inspect facilities, shall determine compliance with this act.

Section 6. Construction.

Nothing in this act shall be construed to require a resident of a facility to receive influenza vaccination.

Section 7. Effective date.

This act shall take effect in 60 days.