

HOUSE BILL 983

J3, J1

1lr2757

By: **Delegate Lehman**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes – COVID-19 – Visitation**

3 FOR the purpose of requiring the Maryland Department of Health to develop certain
4 guidelines relating to the restrictions on personal and compassionate care visitation
5 that a nursing home may impose to reduce the spread of COVID-19; defining certain
6 terms; and generally relating to guidelines for nursing home visitation.

7 BY adding to

8 Article – Health – General

9 Section 19-1410.3

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2020 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 **19-1410.3.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(2) “COMPASSIONATE CARE VISITOR” MEANS A FAMILY MEMBER OR**
19 **LEGAL GUARDIAN OF A RESIDENT WHO IS IMPORTANT TO THE MENTAL, PHYSICAL,**
20 **OR SOCIAL WELL-BEING OF THE RESIDENT DURING CRITICAL SITUATIONS**
21 **INCLUDING THE END OF THE RESIDENT’S LIFE, THE SIGNIFICANT MENTAL OR**
22 **PHYSICAL DECLINE OF THE RESIDENT, OR WHEN EXIGENT CIRCUMSTANCES EXIST**
23 **REGARDING THE RESIDENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2 VIRUS.

(4) “PERSONAL CARE VISITOR” MEANS A FAMILY MEMBER OR LEGAL GUARDIAN OF A RESIDENT WHO IS IMPORTANT TO THE MENTAL, PHYSICAL, OR SOCIAL WELL-BEING OF THE RESIDENT.

(B) (1) THE DEPARTMENT SHALL DEVELOP GUIDELINES RELATING TO THE RESTRICTIONS ON PERSONAL AND COMPASSIONATE CARE VISITATION THAT A NURSING HOME MAY IMPOSE TO REDUCE THE SPREAD OF COVID-19.

(2) THE GUIDELINES REGARDING COMPASSIONATE CARE VISITATION SHALL:

(I) REQUIRE A NURSING HOME TO ALLOW VISITATION BY A COMPASSIONATE CARE VISITOR;

(II) RESTRICT THE COMPASSIONATE CARE VISITOR TO THE RESIDENT’S ROOM OR ANOTHER DESIGNATED ROOM; AND

(III) REQUIRE EACH COMPASSIONATE CARE VISITOR TO FOLLOW SAFETY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19, WHICH MAY INCLUDE:

1. TESTING FOR COVID-19;

2. CHECKING BODY TEMPERATURE;

3. HEALTH SCREENINGS;

4. THE USE OF PERSONAL PROTECTIVE EQUIPMENT;

5. SOCIAL DISTANCING; AND

6. ANY OTHER SAFETY PROTOCOL THAT THE DEPARTMENT CONSIDERS APPROPRIATE TO LIMIT THE SPREAD OF COVID-19 IN A NURSING HOME.

(3) THE GUIDELINES REGARDING PERSONAL CARE VISITATION SHALL:

(I) REQUIRE A NURSING HOME TO ALLOW VISITATION BY A PERSONAL CARE VISITOR;

1 **(II) ESTABLISH PROCEDURES FOR THE DESIGNATION OF A**
2 **PERSONAL CARE VISITOR BY A RESIDENT OR A LEGAL REPRESENTATIVE OF THE**
3 **RESIDENT THAT:**

4 **1. MAY INCLUDE REQUIRING A HEALTH CARE**
5 **PROFESSIONAL TO DETERMINE WHETHER A PERSONAL CARE VISITOR IS NECESSARY**
6 **FOR THE MENTAL, PHYSICAL, OR SOCIAL WELL-BEING OF THE RESIDENT; AND**

7 **2. IF A DETERMINATION IS REQUIRED, AUTHORIZE THE**
8 **DETERMINATION TO BE MADE BY A HEALTH CARE PROFESSIONAL WHO IS NOT**
9 **AFFILIATED WITH THE NURSING HOME;**

10 **(III) PROVIDE THAT A RESIDENT MAY DESIGNATE NOT MORE**
11 **THAN ONE PERSONAL CARE VISITOR;**

12 **(IV) ESTABLISH PROCEDURES FOR CHANGING THE**
13 **DESIGNATION OF A RESIDENT'S PERSONAL CARE VISITOR;**

14 **(V) REQUIRE A PERSONAL CARE VISITOR TO WAIVE A NURSING**
15 **HOME FROM LIABILITY FOR EXPOSURE TO COVID-19;**

16 **(VI) ESTABLISH THE CIRCUMSTANCES UNDER WHICH**
17 **VISITATION BY A PERSONAL CARE VISITOR MAY BE LIMITED, SUSPENDED, OR**
18 **TERMINATED, INCLUDING INCREASED LOCAL INFECTION RATES AND HEALTH CARE**
19 **CAPACITY;**

20 **(VII) REQUIRE A PERSONAL CARE VISITOR TO FOLLOW SAFETY**
21 **PROTOCOLS TO LIMIT THE SPREAD OF COVID-19, WHICH MAY INCLUDE:**

22 **1. TESTING FOR COVID-19;**

23 **2. CHECKING BODY TEMPERATURE;**

24 **3. HEALTH SCREENINGS;**

25 **4. THE USE OF PERSONAL PROTECTIVE EQUIPMENT;**

26 **5. SOCIAL DISTANCING; AND**

27 **6. ANY OTHER SAFETY PROTOCOL THAT THE**
28 **DEPARTMENT CONSIDERS APPROPRIATE TO LIMIT THE SPREAD OF COVID-19 IN A**
29 **NURSING HOME;**

1 (VIII) ESTABLISH STANDARDS FOR THE FREQUENCY AND
2 DURATION OF PERSONAL CARE VISITS; AND

3 (IX) ESTABLISH THE TOTAL NUMBER OF PERSONAL CARE
4 VISITORS AUTHORIZED TO VISIT A NURSING HOME FACILITY AT ANY ONE TIME.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2021.