

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 120

Representatives Fraizer, Richardson

Cosponsors: Representatives Abrams, Fowler Arthur, Baldrige, Carfagna, Carruthers, Click, Cross, Ghanbari, Ginter, Grendell, Gross, Hillyer, Holmes, Jones, Jordan, Kick, Koehler, Lanese, LaRe, Lipps, McClain, Plummer, Ray, Riedel, Seitz, Stein, Swearingen, Young, T., Edwards, John, Schmidt, Bird, Brown, Creech, Crossman, Galonski, Hall, Hoops, Householder, Lampton, Lightbody, Liston, Manning, Merrin, Miller, J., O'Brien, Patton, Pavliga, Roemer, Russo, Smith, M., Stewart, Troy, Upchurch, Weinstein, White, Wiggam, Wilkin, Young, B., Speaker Cupp

Senators Huffman, S., Johnson, Blessing, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Kunze, Lang, Manning, McColley, Peterson, Reineke, Roegner, Rulli, Schaffer, Schuring, Sykes, Thomas, Yuko

A BILL

To enact section 3721.20 of the Revised Code	1
regarding compassionate care visits in long-term	2
care facilities during an epidemic, pandemic, or	3
other state of emergency.	4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3721.20 of the Revised Code be	5
enacted to read as follows:	6

<u>Sec. 3721.20. (A) As used in this section:</u>	7
--	---

<u>(1) "Compassionate caregiver" means an individual who</u>	8
<u>provides in-person visitation to a long-term care facility</u>	9
<u>resident in compassionate care situations in accordance with</u>	10

this section.

11

(2) "Long-term care facility" means a home, as defined in
section 3721.01 of the Revised Code.

12

13

"Long-term care facility" does not include any federal
facility operated in this state, including a facility operated
by the United States department of veterans affairs.

14

15

16

(3) "Transmission-based precautions" mean precautions that
are used when the route of infection transmission is not
completely interrupted using standard precautions alone.
Transmission-based precautions are precautions used in addition
to standard precautions.

17

18

19

20

21

(B)(1) During an epidemic, pandemic, or other state of
emergency, a long-term care facility shall permit a
compassionate caregiver to enter the facility to provide in-
person visitation to a resident in compassionate care
situations, which does not refer exclusively to end of life
situations. Compassionate care situations include, but are not
limited to, any of the following situations:

22

23

24

25

26

27

28

(a) The resident's end of life;

29

(b) The resident was recently admitted to the facility and
is struggling with the change in environment and lack of
physical family support;

30

31

32

(c) The resident is grieving after a friend or family
member has recently passed away;

33

34

(d) The resident is experiencing weight loss or
dehydration and needs cueing and encouragement when eating or
drinking;

35

36

37

(e) The resident is experiencing emotional distress from

38

isolation as demonstrated by behavioral changes such as rarely 39
speaking or crying more frequently; 40

(f) The resident is in transmission-based precautions for 41
a disease or illness. 42

(2) A long-term care facility shall use a person-centered 43
approach in working with residents, family members, caregivers, 44
personal representatives, and, as appropriate, the state long- 45
term care ombudsman program to identify residents who are in 46
need of visits by a compassionate caregiver for a compassionate 47
care situation under division (B)(1) of this section. 48

(C)(1) When visiting a long-term care facility resident in 49
a long-term care facility that is governed by United States 50
centers for medicare and medicaid services regulations, the 51
compassionate caregiver shall comply with all regulations and 52
guidance issued by the centers for medicare and medicaid 53
services, as well as the facility's visitor policy established 54
under division (D) of this section. When visiting a resident in 55
a long-term care facility that is not governed by centers for 56
medicare and medicaid services regulations, the compassionate 57
caregiver shall comply with the facility's visitor policy 58
established under division (D) of this section. 59

(2) Before entering a long-term care facility, all 60
compassionate caregivers and health care workers shall do both 61
of the following: 62

(a) Undergo screening as the facility determines 63
reasonably necessary to ascertain any exposure to a contagious 64
disease or illness and disclose any symptoms, as defined by the 65
facility; 66

(b) Produce valid federal or state identification and use 67

all appropriate personal protective equipment. Except in an 68
emergency, each individual shall provide the facility with the 69
individual's current telephone number and address. The facility 70
shall log each visitor, including the individual's telephone 71
number and address, and retain the log in accordance with state 72
and federal record retention requirements. 73

(D) Not later than thirty days after the effective date of 74
this section, each long-term care facility shall develop and 75
implement a visitation policy regulating compassionate care 76
visits during an epidemic, pandemic, or other state of 77
emergency. The policy shall do all of the following: 78

(1) Permit visitation at any time to accommodate the 79
schedules of a compassionate caregiver and resident; 80

(2) Require a compassionate caregiver to provide support 81
to the resident in the resident's room or designated visitor 82
space and to limit movement throughout the facility; 83

(3) Reasonably provide hand sanitizing stations and 84
alcohol-based hand sanitizer in accessible locations; 85

(4) Permit at least two visitors per resident for a 86
minimum of two hours in the case of a resident who displays a 87
substantial change of condition indicating that end of life is 88
approaching, or longer if death is imminent. 89

(5) Require the facility to educate compassionate 90
caregivers, family members, and other interested persons, about 91
the right to contact the office of the state long-term care 92
ombudsman program established under section 173.15 of the 93
Revised Code with concerns about access to the facility and its 94
residents; 95

(6) Require the facility to communicate to compassionate 96

caregivers and residents its visitation policy established under 97
this section; 98

(7) Require compassionate caregivers to comply with the 99
screening requirements of division (C)(2) of this section; 100

(8) Specify whether compassionate caregivers must schedule 101
compassionate care visits, other than end of life visits, with 102
the facility in advance. 103

(E) The policies developed and implemented under division 104
(D) of this section shall be the least restrictive possible and 105
provide maximum access to the resident. 106

(F) During an epidemic, pandemic, or other state of 107
emergency, a long-term care facility shall permit health care 108
and other workers to enter the facility who are not employees of 109
the facility but provide direct care to facility residents or 110
essential services to the facility, including hospice care 111
program and home health agency workers, emergency medical 112
services personnel, dialysis technicians, clinical laboratory 113
technicians, radiology technicians, social workers, clergy 114
members, hair salon personnel, and contractors conducting 115
critical on-site maintenance. A facility may, however, restrict 116
such an individual from providing services in the facility if 117
the individual is subject to a work exclusion due to direct 118
exposure to a contagious disease or illness or shows symptoms of 119
a contagious disease or illness when being screened before 120
entering the facility. The health care and other workers shall 121
adhere to the core principles of infection prevention and comply 122
with testing requirements as applicable. 123

(G)(1) The screening and testing requirements of division 124
(F) of this section do not apply in exigent circumstances, such 125

as to emergency medical personnel, first responders, or other 126
similarly situated individuals, in response to an emergency. 127

(2) Personnel who are providing nonemergency medical 128
transportation, such as for scheduled medical appointments and 129
who are considered to be providing services under arrangement 130
with the facility shall be tested at a frequency consistent with 131
the routine testing frequency applicable to the facility, if 132
any. 133

(H) This section shall not be construed or implemented in 134
such a way as to conflict with federal regulatory guidance 135
regarding long-term care facility visitation, such as guidance 136
issued by the centers for medicare and medicaid services or the 137
centers for disease control and prevention. 138

(I) Beginning thirty days after the effective date of this 139
section, a long-term care facility shall not fail to comply with 140
this section. 141