

As Re-Referred by the House Rules and Reference Committee

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H. B. No. 770

Representatives Richardson, Fraizer

Cosponsors: Representatives Abrams, Baldridge, Becker, Carruthers, Cross, Ghanbari, Ginter, Grendell, Hambley, Hillyer, Holmes, A., Jones, Jordan, Keller, Kick, Koehler, LaRe, McClain, Merrin, Plummer, Riedel, Scherer, Seitz, Smith, T., Stein, Swearingen, Wilkin, Zeltwanger

A BILL

To permit essential caregivers to enter long-term
care facilities to provide care and support to a
facility resident during the COVID-19 state of
emergency, to establish criteria for those
visits, and to declare an emergency.

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

Section 1. (A) As used in this section:

(1) "Essential caregiver" means an individual designated
by a long-term care facility resident to provide care and
support to the resident in accordance with this section.

(2) "Long-term care facility" means both of the following:

(a) A home, as defined in section 3721.01 of the Revised
Code;

(b) An ICF/IID, as defined in section 5124.01 of the
Revised Code.

(B) A long-term care facility resident may designate one 15
essential caregiver and one alternate essential caregiver to 16
provide care and support to the resident in accordance with this 17
section. A facility may designate additional essential 18
caregivers or alternate essential caregivers for residents as 19
COVID-19 conditions in the facility and community improve. 20

(C) An essential caregiver or alternate essential 21
caregiver shall meet both of the following criteria: 22

(1) Be at least eighteen years of age; 23

(2) Provide care and support to the resident, including, 24
but not limited to, meal set up, personal grooming, and 25
companionship. 26

(D) The long-term care facility resident, or the 27
resident's attorney in fact, legal guardian, or other personal 28
representative, has sole discretion to designate, or revoke the 29
designation of, an essential caregiver or alternate essential 30
caregiver for the resident. The resident, attorney in fact, 31
legal guardian, or personal representative shall consult with 32
the long-term care facility staff before designating an 33
essential caregiver or an alternate essential caregiver for the 34
resident. 35

(E) Not later than two weeks after the effective date of 36
this section, each long-term care facility shall develop and 37
implement a visitation policy regulating essential caregivers 38
and alternate essential caregivers. The policy shall do all of 39
the following: 40

(1) Permit a facility resident to designate up to one 41
essential caregiver and one alternate essential caregiver to 42
provide care and support for that resident. In accordance with 43

division (B) of this section, the policy shall permit the 44
resident to designate additional essential caregivers and 45
alternate essential caregivers as COVID-19 conditions improve. 46

(2) Require the facility to consult with a resident about 47
the resident's wishes regarding who to designate as the 48
resident's essential caregiver and alternate essential 49
caregiver. In considering who to designate as the resident's 50
essential caregiver and alternate essential caregiver, the 51
resident and the facility may consider individuals who provided 52
regular care and support to the resident before the COVID-19 53
outbreak, such as family members, legal guardians, friends, 54
outside caregivers, and volunteers, as well as other 55
individuals. 56

(3) Comply with division (F) of this section. 57

(4) Designate a single point of entry where essential 58
caregivers and alternate essential caregivers must sign in and 59
be screened for COVID-19 symptoms before entering the facility. 60

(5) Require screening of essential caregivers and 61
alternate essential caregivers for COVID-19 symptoms before the 62
caregiver enters the facility, in the same manner as facility 63
staff. 64

(6) Permit evening and weekend visits to accommodate an 65
essential caregiver's or alternate essential caregiver's 66
schedule. 67

(7) Require an essential caregiver or alternate essential 68
caregiver to provide care and support to the resident in the 69
resident's room and to limit movement throughout the facility. 70

(8) Permit an essential caregiver or alternate essential 71
caregiver to take the resident for a walk outside during the 72

visit. During the walk, the caregiver must wear a facial 73
covering, practice social distancing, and use safe practices. 74

(9) Reasonably provide hand sanitizing stations and 75
alcohol-based hand sanitizer in accessible locations, in 76
accordance with local health department guidelines. 77

(10) Require essential caregivers and alternate essential 78
caregivers to do all of the following: 79

(a) Sign in upon arrival at the facility's single entry 80
point and be screened for COVID-19 symptoms; 81

(b) Wear all necessary personal protective equipment when 82
in the facility, including, at a minimum, a facial covering and 83
eye protection, and perform frequent hand hygiene; 84

(c) Maintain social distancing of at least six feet with 85
other residents and staff when in the facility; 86

(d) Agree to limit contact with other individuals when 87
outside of the facility; 88

(e) Inform the facility if the caregiver develops COVID-19 89
symptoms within fourteen days of a visit with the resident. 90

(F) The long-term care facility's essential caregiver and 91
alternate essential caregiver visitation policy shall be the 92
least restrictive possible and provide maximum access to the 93
resident. The long-term care facility may implement more 94
restrictive visitation measures if any of the following is the 95
case: 96

(1) There is a COVID-19 outbreak at the facility; 97

(2) The essential caregiver or alternate essential 98
caregiver has been directly exposed to an individual who tested 99

positive for COVID-19; 100

(3) The county in which the facility is located is 101
experiencing severe exposure and spread of COVID-19 according to 102
the Ohio Public Health Advisory System announced by the Governor 103
on July 2, 2020. 104

(G) The long-term care facility shall educate essential 105
caregivers and alternate essential caregivers about the proper 106
use of personal protective equipment and reinforce safe 107
practices. This requirement may be satisfied by posters that 108
demonstrate key instructions for the use of the personal 109
protective equipment. 110

Section 2. A long-term care facility, as defined in 111
Section 1 of this act, is a "facility" for purposes of Section 1 112
and a "person" for purposes of Section 2 of House Bill 606 of 113
the 133rd General Assembly. The qualified civil immunity 114
established in division (B) of Section 1 of that act applies to 115
a long-term care facility, as defined in Section 1 of this act. 116
The qualified civil immunity established in division (A) of 117
Section 2 of that act applies to a long-term care facility, as 118
defined in Section 1 of this act. 119

Section 3. Sections 1 and 2 of this act apply from the 120
act's effective date through December 31, 2021, or the end of 121
the state of emergency due to COVID-19 declared in the 122
Governor's Executive Order 2020-01D, issued on March 9, 2020, 123
whichever is sooner. 124

Section 4. This act is hereby declared to be an emergency 125
measure necessary for the immediate preservation of the public 126
peace, health, and safety. The reason for such necessity is to 127
provide relief to long-term care facility residents during the 128

COVID-19 state of emergency. Therefore, this act shall go into	129
immediate effect.	130