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 essential caregiver and one alternate essential caregiver to provide care and support to the resident in accordance with this section. A facility may designate additional essential caregivers or alternate essential caregivers for residents as COVID-19 conditions in the facility and community improve.

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

(1) Be at least eighteen years of age;

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

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

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

(1) Permit a facility resident to designate up to one essential caregiver and one alternate essential caregiver to provide care and support for that resident. In accordance with
division (B) of this section, the policy shall permit the resident to designate additional essential caregivers and alternate essential caregivers as COVID-19 conditions improve.

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

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

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

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

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

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

(8) Permit an essential caregiver or alternate essential caregiver to take the resident for a walk outside during the
As Reported by the House Health Committee

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

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

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

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

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

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

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

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

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

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

(2) The essential caregiver or alternate essential caregiver has been directly exposed to an individual who tested
positive for COVID-19;

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

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

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

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

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide relief to long-term care facility residents during the
COVID-19 state of emergency. Therefore, this act shall go into immediate effect.