

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

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

Sec. 3721.20. (A) As used in this section:

(1) "Compassionate caregiver" means an individual who provides in-person visitation to a long-term care facility resident in compassionate care situations in accordance with this section.

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

"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.

(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.

(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:

(a) The resident's end of life;

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

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

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

(e) The resident is experiencing emotional distress from isolation as demonstrated by behavioral changes such as rarely speaking or crying more frequently;

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

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

(C)(1) When visiting a long-term care facility resident in a long-term care facility that is governed by United States centers for medicare and medicaid services regulations, the compassionate

caregiver shall comply with all regulations and guidance issued by the centers for medicare and medicaid services, as well as the facility's visitor policy established under division (D) of this section. When visiting a resident in a long-term care facility that is not governed by centers for medicare and medicaid services regulations, the compassionate caregiver shall comply with the facility's visitor policy established under division (D) of this section.

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

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

(b) Produce valid federal or state identification and use all appropriate personal protective equipment. Except in an emergency, each individual shall provide the facility with the individual's current telephone number and address. The facility shall log each visitor, including the individual's telephone number and address, and retain the log in accordance with state and federal record retention requirements.

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

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

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

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

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

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

(6) Require the facility to communicate to compassionate caregivers and residents its visitation policy established under this section;

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

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

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

(F) During an epidemic, pandemic, or other state of emergency, a long-term care facility shall permit health care and other workers to enter the facility who are not employees of the facility but provide direct care to facility residents or essential services to the facility, including hospice care program and home health agency workers, emergency medical services personnel, dialysis

technicians, clinical laboratory technicians, radiology technicians, social workers, clergy members, hair salon personnel, and contractors conducting critical on-site maintenance. A facility may, however, restrict such an individual from providing services in the facility if the individual is subject to a work exclusion due to direct exposure to a contagious disease or illness or shows symptoms of a contagious disease or illness when being screened before entering the facility. The health care and other workers shall adhere to the core principles of infection prevention and comply with testing requirements as applicable.

(G)(1) The screening and testing requirements of division (F) of this section do not apply in exigent circumstances, such as to emergency medical personnel, first responders, or other similarly situated individuals, in response to an emergency.

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

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

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

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_