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OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

Legislative Budget
Office

R-134-3517

To: The Honorable Tracy Richardson
Ohio House of Representatives

From: Audra Tidball, Attorney *AT*

Date: April 1, 2022

Subject: Comparison of H.B. 120 and I_134_0355-7

You requested a comparison of H.B. 120, As Passed by the House, with I_134_0355-7. This table summarizes the substantive differences between the bills, but does not list topics on which the two bills are substantively the same. I hope this information will be helpful. If you have any further questions about this matter, please contact me at (614) 466-8710 or audra.tidball@lsc.ohio.gov.

| Previous Version (As Passed by the House) | Latest Version (I_134_0355-7) |
|---|---|
| Application | |
| <p>Applies from the effective date of the bill through December 31, 2021, or the end of the COVID-19 state of emergency declared by the Governor, whichever is sooner (Governor DeWine terminated the state of emergency on June 18, 2021).</p> <p><i>(Section 3.)</i></p> <p>Declares the bill to be an emergency measure to provide relief for long-term care facility residents in need of compassionate care visits, thereby making it go into immediate effect.</p> <p><i>(Section 4.)</i></p> | <p>Applies during an epidemic, pandemic, or other state of emergency.</p> <p><i>(R.C. 3721.20(B), (D), and (F).)</i></p> <p>No provision.</p> |
| Impact of COVID-19 restrictions | |
| <p>Exempts compassionate care visits and entry by direct care providers from COVID-19 severity restrictions.</p> <p><i>(Section 1(E).)</i></p> | No provision. |

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| Transmission-based precautions | |
| <p>Defines “transmission-based precautions” as, “precautions that are used when the route of infection transmission is not completely interrupted using standard precautions alone.” <i>(Section 1(A)(3).)</i></p> <p>Specifies that compassionate care situations include, among other circumstances, when a resident is in transmission-based precautions for COVID-19. <i>(Section 1(B)(1)(f).)</i></p> | <p>Same, and clarifies that transmission-based precautions are precautions used in addition to standard precautions. <i>(R.C. 3721.20(A)(3).)</i></p> <p>Instead, specifies that compassionate care situations include when a resident is in transmission-based precautions for a disease or illness, in addition to other circumstances that are consistent between the bills. <i>(R.C. 3721.20(B)(1)(f).)</i></p> |
| Screening | |
| <p>Requires all compassionate caregivers and health workers to undergo screening for COVID-19 symptoms before entering a long-term care facility. Symptoms that caregivers and workers must be screened for include cough, shortness of breath, and temperature over 100° Fahrenheit. <i>(Section 1(C)(2)(a).)</i></p> | <p>Instead, requires all compassionate caregivers and health workers to undergo screening to ascertain exposure to a contagious disease or illness and to disclose any symptoms before entering a long-term care facility. The facility determines the necessary extent of screening. <i>(R.C. 3721.20(C)(2)(a).)</i></p> |
| Visitation policy | |
| <p>Requires each long-term care facility to develop and implement a visitation policy regulating visits by compassionate caregivers. Among other requirements, the policy must:</p> <ul style="list-style-type: none"> ▪ Require screening of compassionate caregivers for COVID-19 symptoms in the same manner as facility staff; ▪ Designate a single point of entry for compassionate caregivers to sign in and be screened for COVID-19 symptoms; | <p>Instead of these requirements, and in addition to requirements that are consistent between the bills, the visitation policy must:</p> <ul style="list-style-type: none"> ▪ Require compassionate caregivers to comply with the disease or illness screening policy developed by the facility; ▪ No provision; |

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| <ul style="list-style-type: none"> ▪ Require communication of the COVID-19 testing policy to compassionate caregivers; ▪ Permit evening and weekend visits to accommodate a compassionate caregiver's schedule; ▪ Reasonably provide hand sanitizing stations and alcohol-based hand sanitizer in accessible locations, in accordance with local health department guidelines; ▪ No provision; ▪ Require compassionate caregivers to do all of the following: <ul style="list-style-type: none"> ▫ Sign in upon arrival at the facility's single entry point and be screened for COVID-19 symptoms; ▫ Provide the facility with valid federal or state identification, a current phone number, and a current address; ▫ Wear all necessary personal protection equipment. This includes, at minimum, a facial covering; ▫ Perform frequent hand hygiene; ▫ Maintain social distancing of at least six feet with other residents and staff; ▫ Conduct compassionate care visits using social distancing protocols, or following other appropriate infection prevention guidelines regarding personal contact; ▫ Inform the facility if the caregiver develops COVID-19 symptoms within 14 days of a visit with the resident; | <ul style="list-style-type: none"> ▪ Require communication of the visitation policy to compassionate caregivers and residents; ▪ Permit visitation at any time to accommodate the schedules of a compassionate caregiver and resident; ▪ Same, except does not specify local health department guidelines must be followed; ▪ Specify whether compassionate caregivers must schedule compassionate care visits, other than end-of-life visits, with the facility in advance; ▪ No provision. <p><i>(R.C. 3721.20(D).)</i></p> |

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| <ul style="list-style-type: none"> ▫ Schedule compassionate care visits in advance; ▫ Not conduct compassionate care visits in a resident’s room if the resident shares a room. <p><i>(Section 1(D).)</i></p> <p>Requires each long-term care facility to develop and implement the visitation policy within two weeks of the effective date of the bill.</p> <p><i>(Section 1(D).)</i></p> | <p>Requires each long-term care facility to develop and implement the visitation policy within 30 days of the effective date of the bill.</p> <p><i>(R.C. 3721.20(D).)</i></p> |