

As Introduced

134th General Assembly

Regular Session

2021-2022

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.

A BILL

To permit compassionate care visits in long-term 1
care facilities during the COVID-19 state of 2
emergency, to establish criteria for those 3
visits, and to declare an emergency. 4

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

Section 1. (A) As used in this section: 5

(1) "Compassionate caregiver" means an individual who 6
provides in-person visitation to a long-term care facility 7
resident in compassionate care situations in accordance with 8
this section. 9

(2) "Long-term care facility" means a home, as defined in 10
section 3721.01 of the Revised Code. 11

"Long-term care facility" does not include any federal 12
facility operated in this state, including a facility operated 13
by the United States department of veterans affairs. 14

(3) "Transmission-based precautions" mean precautions that 15

are used when the route of infection transmission is not 16
completely interrupted using standard precautions alone. 17

(B) (1) A long-term care facility shall permit a 18
compassionate caregiver to enter the facility to provide in- 19
person visitation to a resident in compassionate care 20
situations, which does not refer exclusively to end of life 21
situations. Compassionate care situations include, but are not 22
limited to, any of the following situations: 23

(a) The resident's end of life; 24

(b) The resident was recently admitted to the facility and 25
is struggling with the change in environment and lack of 26
physical family support. 27

(c) The resident is grieving after a friend or family 28
member has recently passed away. 29

(d) The resident is experiencing weight loss or 30
dehydration and needs cueing and encouragement when eating or 31
drinking. 32

(e) The resident is experiencing emotional distress from 33
isolation as demonstrated by behavioral changes such as rarely 34
speaking or crying more frequently. 35

(f) The resident is in transmission-based precautions for 36
COVID-19. 37

(2) A long-term care facility shall use a person-centered 38
approach in working with residents, family members, caregivers, 39
personal representatives, and, as appropriate, the State Long- 40
Term Care Ombudsman Program to identify residents who are in 41
need of visits by a compassionate caregiver for a compassionate 42
care situation under division (B) (1) of this section. 43

(C) (1) When visiting a long-term care facility resident in 44
a long-term care facility that is governed by United States 45
Centers for Medicare and Medicaid Services regulations, the 46
compassionate caregiver shall comply with all regulations and 47
guidance issued by the Centers for Medicare and Medicaid 48
Services, as well as the facility's visitor policy established 49
under division (D) of this section. When visiting a resident in 50
a long-term care facility that is not governed by Centers for 51
Medicare and Medicaid Services regulations, the compassionate 52
caregiver must comply with the facility's visitor policy 53
established under division (D) of this section. 54

(2) Before entering a long-term care facility, all 55
compassionate caregivers and health care workers shall do both 56
of the following: 57

(a) Undergo screening to ascertain any exposure to COVID- 58
19 and disclose any COVID-19 symptoms, including cough, 59
shortness of breath, or a temperature above 100 degrees; 60

(b) Produce valid federal or state identification and use 61
all appropriate personal protective equipment. Except in an 62
emergency, each individual shall provide the facility with the 63
individual's current telephone number and address. The facility 64
shall log each visitor, including the individual's telephone 65
number and address, and retain the log in accordance with state 66
and federal record retention requirements. 67

(D) Not later than two weeks after the effective date of 68
this section, each long-term care facility shall develop and 69
implement a visitation policy regulating compassionate 70
caregivers. The policy shall do all of the following: 71

(1) Designate a single point of entry where compassionate 72

caregivers must sign in and be screened for COVID-19 symptoms	73
before entering the facility;	74
(2) Require screening of compassionate caregivers for	75
COVID-19 symptoms before the caregiver enters the facility, in	76
the same manner as facility staff;	77
(3) Permit evening and weekend visits to accommodate a	78
compassionate caregiver's schedule;	79
(4) Require a compassionate caregiver to provide support	80
to the resident in the resident's room or designated visitor	81
space and to limit movement throughout the facility;	82
(5) Reasonably provide hand sanitizing stations and	83
alcohol-based hand sanitizer in accessible locations, in	84
accordance with local health department guidelines;	85
(6) 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. The facility may	89
permit additional visitors or increased time as appropriate if	90
the visitors coordinate with the facility.	91
(7) Require the facility to educate compassionate	92
caregivers, family members, and other interested persons, about	93
the right to contact the Office of the State Long-Term Care	94
Ombudsman Program established under section 173.15 of the	95
Revised Code with concerns about access to the facility and its	96
residents.	97
(8) Require the facility to communicate to compassionate	98
caregivers its COVID-19 testing policy for visitors;	99
(9) Require compassionate caregivers to do all of the	100

following:	101
(a) Sign in upon arrival at the facility's single entry point and be screened for COVID-19 symptoms;	102 103
(b) Wear all necessary personal protective equipment when in the facility, including, at a minimum, a facial covering, and perform frequent hand hygiene. Staff shall provide monitoring for those who may have difficulty adhering to core infection control principles, such as children.	104 105 106 107 108
(c) Maintain social distancing of at least six feet with other residents and staff when in the facility and limit movement within the facility. For example, compassionate caregivers may not walk around different halls of the facility and shall instead go directly to the resident's room or the designated visitation area.	109 110 111 112 113 114
(d) Inform the facility if the caregiver develops COVID-19 symptoms within fourteen days of a visit with the resident;	115 116
(e) Comply with the screening requirements of division (C) (2) of this section;	117 118
(f) Schedule compassionate care visits with the facility in advance;	119 120
(g) Not conduct compassionate care visits in the resident's room for residents who share a room. For situations where there is a roommate and the health status of the resident prevents the resident leaving the room, facilities must attempt to enable in-room visitation while adhering to the core principles of COVID-19 infection prevention.	121 122 123 124 125 126
(h) Conduct compassionate care visits using social distancing protocols, but if, during a compassionate care visit,	127 128

a compassionate caregiver and facility identify a way to allow 129
for personal contact, the personal contact shall only be done 130
following all appropriate infection prevention guidelines and 131
for a limited amount of time. 132

(E) The policy developed and implemented under division 133
(D) of this section shall be the least restrictive possible and 134
provide maximum access to the resident. 135

Compassionate care visits and entry described in division 136
(F) of this section are exempt from COVID-19 severity 137
restrictions, even if the COVID-19 positivity rate in the county 138
is greater than ten per cent. 139

(F) A long-term care facility shall permit health care and 140
other workers to enter the facility who are not employees of the 141
facility but provide direct care to facility residents or 142
essential services to the facility, including hospice care 143
program and home health agency workers, emergency medical 144
services personnel, dialysis technicians, clinical laboratory 145
technicians, radiology technicians, social workers, clergy 146
members, hair salon personnel, and contractors conducting 147
critical on-site maintenance. A facility may, however, restrict 148
such an individual from providing services in the facility if 149
the individual is subject to a work exclusion due to direct 150
exposure to COVID-19 or shows symptoms of COVID-19 when being 151
screened before entering the facility. The health care and other 152
workers shall adhere to the core principles of COVID-19 153
infection prevention and comply with COVID-19 testing 154
requirements. 155

(G) (1) The screening and testing requirements of division 156
(F) of this section do not apply in exigent circumstances, such 157
as to emergency medical personnel, first responders, or other 158

similarly situated individuals, in response to an emergency. 159

(2) Personnel who are providing nonemergency medical 160
transportation, such as for scheduled medical appointments and 161
who are considered to be providing services under arrangement 162
with the facility shall be tested at a frequency consistent with 163
the facility's routine testing frequency. 164

(H) This section shall not be construed or implemented in 165
such a way as to conflict with federal regulatory guidance 166
regarding long-term care facility visitation during the COVID-19 167
outbreak, such as guidance issued by the Centers for Medicare 168
and Medicaid Services or the Centers for Disease Control and 169
Prevention. 170

Section 2. A long-term care facility, as defined in 171
Section 1 of this act, including a residential care facility as 172
defined in section 3721.01 of the Revised Code, is a "facility" 173
for purposes of Section 1 and a "person" for purposes of Section 174
2 of House Bill 606 of the 133rd General Assembly. The qualified 175
civil immunity established in division (B) of Section 1 of that 176
act applies to a long-term care facility, as defined in Section 177
1 of this act. The qualified civil immunity established in 178
division (A) of Section 2 of that act applies to a long-term 179
care facility, as defined in Section 1 of this act. 180

Section 3. Sections 1 and 2 of this act apply from the 181
effective dates of those sections through December 31, 2021, or 182
the end of the state of emergency due to COVID-19 declared in 183
the Governor's Executive Order 2020-01D, issued on March 9, 184
2020, whichever is sooner. 185

Section 4. This act is hereby declared to be an emergency 186
measure necessary for the immediate preservation of the public 187

peace, health, and safety. The reason for such necessity is to 188
provide relief to long-term care facility residents during the 189
COVID-19 state of emergency. Therefore, this act shall go into 190
immediate effect. 191