
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 649 Session of
2021

INTRODUCED BY RAPP, ZIMMERMAN, COX, CAUSER, HILL-EVANS, THOMAS,
KULIK, RYAN, STAMBAUGH, GLEIM, TOOHIL, PICKETT, NEILSON,
FREEMAN AND LONGIETTI, FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 24, 2021

AN ACT

1 Providing for access to long-term care facilities for essential
2 caregivers, for additional safety requirements for residents
3 of long-term care facilities, for suspension of access for
4 essential caregivers and for personal protective equipment
5 for essential caregivers.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Access to
10 Long-Term Care Facilities Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Declaration of disaster emergency." A disaster emergency
16 declared by the Governor under 35 Pa.C.S. § 7301(c) (relating to
17 general authority of Governor).

18 "Department." The Department of Health of the Commonwealth.

1 "Essential caregiver." An individual, whether a family
2 member or friend of a resident of a long-term care facility, who
3 is designated by the resident or appointed by an individual with
4 decision-making authority for the resident to provide physical
5 or emotional support to the resident during a declaration of
6 disaster emergency.

7 "Long-term care facility." A facility licensed by the
8 department or the Department of Human Services, including, but
9 not limited to, a long-term care nursing facility, a skilled
10 nursing facility, an assisted living facility, a personal care
11 home, an older adult daily living center, an independent long-
12 term care facility or an intermediate care facility for
13 individuals with intellectual disabilities.

14 Section 3. Access to long-term care facilities for essential
15 caregivers.

16 The department, in consultation with the Department of Human
17 Services, shall establish protocols to allow a resident of a
18 long-term care facility or an individual with decision-making
19 authority for the resident to designate an individual as the
20 resident's essential caregiver during a declaration of disaster
21 emergency. An essential caregiver shall meet the necessary
22 qualifications to enter the long-term care facility to provide
23 in-person physical or emotional support to a resident of a long-
24 term care facility in accordance with the protocols established
25 under this section. The protocols shall include all of the
26 following:

27 (1) Safety measures for an essential caregiver,
28 including, but not limited to, restrictions on travel,
29 enhanced testing for communicable diseases and the necessary
30 safety equipment required to protect the health and safety of

1 the residents of the long-term care facility.

2 (2) Procedures to replace an essential caregiver due to
3 necessary circumstances, including illness or death of the
4 essential caregiver.

5 (3) A duration, not to exceed 30 days, when a long-term
6 care facility may enter a lock-down phase for the purpose of
7 establishing safety measures for residents of the long-term
8 care facility and essential caregivers.

9 Section 4. Additional safety requirements for residents of
10 long-term care facilities.

11 A long-term care facility may establish additional safety
12 requirements to protect the residents of the long-term care
13 facility if the requirements meet all of the following criteria:

14 (1) The requirements are directly linked to a
15 declaration of disaster emergency.

16 (2) The requirements are not so burdensome and onerous
17 as to substantially prevent an essential caregiver from being
18 able to physically or emotionally support a resident of the
19 long-term care facility in person.

20 Section 5. Suspension of access for essential caregivers.

21 A long-term care facility may suspend access to the long-term
22 care facility for an essential caregiver who violates the
23 protocols established under section 3, and the long-term care
24 facility shall allow the resident, or an individual with
25 decision-making authority for the resident, to immediately
26 designate a replacement essential caregiver.

27 Section 6. Personal protective equipment for essential
28 caregivers.

29 A long-term care facility may require an essential caregiver
30 to provide personal protective equipment for himself or herself

1 or assume the cost of the personal protective equipment provided
2 by the facility to allow the essential caregiver to provide in-
3 person physical or emotional support.

4 Section 7. Applicability.

5 This act shall apply for the period commencing 15 days after
6 a declaration of disaster emergency and 60 days after the
7 termination or expiration of the declaration of disaster
8 emergency by executive order, proclamation or operation of law.

9 Section 8. Construction.

10 Nothing in this act shall be construed to supersede Federal
11 authority regarding long-term care facilities or to prevent the
12 department or Department of Human Services from taking necessary
13 actions to render the Commonwealth eligible for Federal funds or
14 reimbursement services provided in long-term care facilities.

15 Section 9. Effective date.

16 This act shall take effect in 60 days.