

AMENDMENTS TO HOUSE BILL NO. 2861

Sponsor: REPRESENTATIVE RAPP

Printer's No. 4383

1 Amend Bill, page 1, lines 1 through 11, by striking out all
2 of said lines and inserting

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

8 Amend Bill, page 1, lines 14 through 21; pages 2 and 3, lines
9 1 through 30; page 4, lines 1 through 12; by striking out all of
10 said lines on said pages and inserting

11 Section 1. Short title.

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

14 Section 2. Definitions.

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

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

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

22 "Essential caregiver." An individual, whether a family
23 member or friend of a resident of a long-term care facility, who
24 is designated by the resident or appointed by an individual with
25 decision-making authority for the resident to provide physical
26 or emotional support to the resident during a declaration of
27 disaster emergency.

28 "Long-term care facility." A facility licensed by the
29 department or the Department of Human Services, including, but
30 not limited to, a long-term care nursing facility, a skilled
31 nursing facility, an assisted living facility, a personal care
32 home, an older adult daily living center, an independent long-
33 term care facility or an intermediate care facility for
34 individuals with intellectual disabilities.

35 Section 3. Access to long-term care facilities for essential

1 caregivers.

2 The department, in consultation with the Department of Human
3 Services, shall establish protocols to allow a resident of a
4 long-term care facility or an individual with decision-making
5 authority for the resident to designate an individual as the
6 resident's essential caregiver during a declaration of disaster
7 emergency. An essential caregiver shall meet the necessary
8 qualifications to enter the long-term care facility to provide
9 in-person physical or emotional support to a resident of a long-
10 term care facility in accordance with the protocols established
11 under this section. The protocols shall include all of the
12 following:

13 (1) Safety measures for an essential caregiver,
14 including, but not limited to, restrictions on travel,
15 enhanced testing for communicable diseases and the necessary
16 safety equipment required to protect the health and safety of
17 the residents of the long-term care facility.

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

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

25 Section 4. Additional safety requirements for residents of
26 long-term care facilities.

27 A long-term care facility may establish additional safety
28 requirements to protect the residents of the long-term care
29 facility if the requirements meet all of the following criteria:

30 (1) The requirements are directly linked to a
31 declaration of disaster emergency.

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

36 Section 5. Suspension of access for essential caregivers.

37 A long-term care facility may suspend access to the long-term
38 care facility for an essential caregiver who violates the
39 protocols established under section 3, and the long-term care
40 facility shall allow the resident, or an individual with
41 decision-making authority for the resident, to immediately
42 designate a replacement essential caregiver.

43 Section 6. Personal protective equipment for essential
44 caregivers.

45 A long-term care facility may require an essential caregiver
46 to provide personal protective equipment for himself or herself
47 or assume the cost of the personal protective equipment provided
48 by the facility to allow the essential caregiver to provide in-
49 person physical or emotional support.

50 Section 7. Applicability.

51 This act shall apply for the period commencing 15 days after

1 a declaration of disaster emergency and 60 days after the
2 termination or expiration of the declaration of disaster
3 emergency by executive order, proclamation or operation of law.
4 Section 8. Construction.

5 Nothing in this act shall be construed to supersede Federal
6 authority regarding long-term care facilities or to prevent the
7 department or Department of Human Services from taking necessary
8 actions to render the Commonwealth eligible for Federal funds or
9 reimbursement services provided in long-term care facilities.

10 Section 9. Effective date.

11 This act shall take effect in 60 days.