

AMENDMENTS TO SENATE BILL NO. 1279

Sponsor: SENATOR MENSCH

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1 Amend Bill, page 1, by inserting between lines 14 and 15

2 "Compassionate care situation." Any of the following:

3 (1) An end of life situation.

4 (2) A resident struggling with the change in environment
5 and lack of physical family support who was living with
6 family before being recently admitted to a facility.

7 (3) A resident who is grieving after a friend or family
8 member recently passed away.

9 (4) A resident who is experiencing weight loss or
10 dehydration and needs cueing and encouragement with eating or
11 drinking which was previously provided by a family member or
12 caregiver.

13 (5) A resident who is experiencing emotional distress,
14 is seldom speaking or crying more frequently and who used to
15 talk and interact with others.

16 Amend Bill, page 2, lines 9 through 15, by striking out all
17 of lines 9 through 14 and "(3)" in line 15 and inserting

18 (1)

19 Amend Bill, page 2, line 18, by striking out "(4)" and
20 inserting

21 (2)

22 Amend Bill, page 2, line 20, by striking out "(5)" and
23 inserting

24 (3)

25 Amend Bill, page 3, line 1, by striking out "Health OR THE
26 SECRETARY OF"

27 Amend Bill, page 3, line 9, by striking out "allow" and
28 inserting

29 require

1 Amend Bill, page 3, line 11, by inserting after "direction"

2 , including compassionate care situations

3 Amend Bill, page 3, lines 15 through 30; page 4, lines 1
4 through 6; by striking out all of said lines on said pages and
5 inserting

6 (b) Visitation.--Visitation by an essential family caregiver
7 may be conducted through different means based on a facility's
8 structure and the needs of the residents, such as use of
9 resident rooms, dedicated visitation spaces and the outdoors and
10 visitation in circumstances beyond compassionate care
11 situations. The following shall apply:

12 (1) Except for on-going use of virtual visits,
13 facilities may still restrict visitation by an essential
14 family caregiver due to any of the following:

15 (i) A COVID-19 county positivity rate greater than
16 10% according to the United States Department of Health
17 and Human Services Centers for Medicare and Medicaid
18 Services.

19 (ii) The facility's COVID-19 status.

20 (iii) A resident's COVID-19 status.

21 (iv) Visitor symptoms.

22 (2) Except as provided under paragraph (1), a facility
23 may not restrict visitation by an essential family caregiver
24 without a reasonable clinical or safety cause.

25 (c) Essential family caregiver requirements.--The decision
26 to designate an essential family caregiver may be individualized
27 and integrated with resident-centered care planning. A visit
28 shall be held outdoors whenever practicable. For inside visits,
29 the following shall apply:

30 (1) Designation shall be by the facility executive
31 director or equivalent position or designee, in consultation
32 with the resident and the resident's representative, and only
33 upon agreement by the resident and their representative.

34 (2) A schedule and the amount of time allowed in a
35 facility by an essential family caregiver shall be agreed to
36 prior to an essential family caregiver entering a facility
37 and may not exceed more than two hours per day.

38 (3) Notwithstanding any other provision of law,
39 visitation shall be contingent upon the facility having no
40 new COVID-19 cases in the last 14 days. No facility may
41 conduct visitation during the time period the facility is
42 conducting outbreak testing.

43 (4) All who enter the facility must be screened for
44 signs and symptoms of COVID-19 and the denial of entry of
45 those with signs or symptoms must occur.

46 (5) Proper hand hygiene must be implemented.

47 (6) The wearing of a face covering or mask covering both

1 the mouth and nose must be enforced.

2 (7) Physical distancing at least six feet between
3 individuals shall be maintained by an essential family
4 caregiver with staff and other residents while in the
5 facility.

6 (8) An essential family caregiver shall provide care and
7 support similar in nature as provided prior to the
8 proclamation of disaster emergency issued by the Governor on
9 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020),
10 and any renewal of the state of disaster emergency.

11 (9) An essential family caregiver shall adhere to any
12 conditions specified by the facility.

13 (10) Restriction or revocation of essential family
14 caregiver status shall be at the sole discretion of the
15 facility executive director or equivalent position or
16 designee.