AN ACT

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," in licensing of health care facilities, providing for access to long-term care nursing facilities for essential caregivers.

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

Section 1. The act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, is amended by adding a section to read:

Section 822. Access to long-term care nursing facilities for essential caregivers.

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

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

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

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

(b) Additional safety requirements.--

(1) A long-term care nursing facility may establish
additional safety requirements to protect the residents of
the long-term care nursing facility if the requirements meet
all of the following criteria:

(i) The requirements are directly linked to a
declaration of disaster emergency.

(ii) The requirements are not so burdensome and
onerous as to substantially prevent an essential
caregiver from being able to physically or emotionally
support a resident of the long-term care facility in
(2) After a replacement essential caregiver has been named by a resident of a long-term care nursing facility, a long-term care nursing facility may suspend access to the long-term care nursing facility for an essential caregiver who violates the protocols established under subsection (a).

(c) Personal protective equipment.--A long-term care nursing facility may require an essential caregiver to provide personal protective equipment for himself or herself or assume the cost of the personal protective equipment provided by the facility to allow the essential caregiver to provide in-person physical or emotional support.

(d) Applicability.--This section shall apply for the period commencing 15 days after a declaration of disaster emergency and 60 days after the termination or expiration of the declaration of disaster emergency by executive order, proclamation or operation of law.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

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

Section 2. This act shall take effect in 60 days.