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 person.

(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).

(2) A LONG-TERM CARE FACILITY MAY SUSPEND ACCESS TO THE LONG-TERM CARE FACILITY FOR AN ESSENTIAL CAREGIVER WHO VIOLATES THE PROTOCOLS ESTABLISHED UNDER SUBSECTION (A), AND THE LONG-TERM CARE FACILITY SHALL ALLOW THE RESIDENT, OR AN INDIVIDUAL WITH DECISION-MAKING AUTHORITY FOR THE RESIDENT, TO IMMEDIATELY DESIGNATE A REPLACEMENT ESSENTIAL CAREGIVER.

(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 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.

"LONG-TERM CARE FACILITY." A FACILITY LICENSED BY THE DEPARTMENT OR THE DEPARTMENT OF HUMAN SERVICES, INCLUDING A LONG-TERM CARE NURSING FACILITY, A SKILLED NURSING FACILITY, AN ASSISTED LIVING FACILITY, A PERSONAL CARE HOME OR AN OLDER ADULT DAILY LIVING CENTER.

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