
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2543 Session of
2020

INTRODUCED BY STEPHENS, KAIL, SCHLEGEL CULVER, DRISCOLL, OWLETT,
BOBACK, PICKETT, KAUFFMAN, ULLMAN, TOMLINSON, BARRAR, QUINN,
MIZGORSKI, ROZZI, THOMAS, HEFFLEY, YOUNGBLOOD, MACKENZIE,
HILL-EVANS, MILLARD, MENTZER, READSHAW, DeLUCA, BRIGGS AND
MASSER, MAY 21, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 21, 2020

AN ACT

1 Providing for COVID-19 testing in long-term care facilities and
2 for duties of the Department of Health and Department of
3 Human Services.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Long-Term
8 Care COVID-19 Testing Act.

9 Section 2. Definitions.

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

13 "COVID-19." As identified in the proclamation of disaster
14 emergency issued by the Governor on March 6, 2020, published at
15 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
16 disaster emergency.

17 "Employee." An individual who:

1 (1) is employed by a facility, or the affiliated
2 corporate entity of a facility, or enters into a contractual
3 relationship with the facility, recipient, a recipient's
4 family, agent, legal representative or the affiliated
5 corporate entity of a facility, to provide care to a
6 recipient;

7 (2) has unsupervised access to another individual and
8 that individual's living quarters, resources or personal
9 records; or

10 (3) is a student doing an internship or clinical
11 rotation or any other individual who has been granted access
12 to a facility or older adult to perform a clinical service
13 for a fee paid by the facility.

14 "Facility." Any of the following:

15 (1) A long-term care nursing facility as defined in
16 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
17 known as the Health Care Facilities Act.

18 (2) A personal care home as defined in section 1001 of
19 the act of June 13, 1967 (P.L.31, No.21), known as the Human
20 Services Code.

21 (3) An assisted living residence as defined in section
22 1001 of the Human Services Code.

23 "Recipient." An individual who receives care, services or
24 treatment in a facility.

25 Section 3. COVID-19 testing in long-term facilities.

26 (a) Testing by Department of Health.--The Department of
27 Health shall provide for testing of all recipients and employees
28 at each long-term care nursing facility in this Commonwealth as
29 part of the long-term care nursing facility's control and
30 mitigation procedures regarding the COVID-19 pandemic.

1 (b) Testing by Department of Human Services.--The Department
2 of Human Services shall provide for testing of all recipients
3 and employees at each personal care home and assisted living
4 residence in this Commonwealth as part of the personal care home
5 or assisted living residence's control and mitigation procedures
6 regarding the COVID-19 pandemic.

7 Section 4. Funding.

8 The cost of COVID-19 testing in long-term facilities shall be
9 covered as follows:

10 (1) The cost of testing under section 3(a) shall be
11 borne by the Department of Health.

12 (2) The cost of testing under section 3(b) shall be
13 borne by the Department of Human Services.

14 Section 5. Effective date.

15 This act shall take effect immediately.