



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 2861

PRINTERS NO. 4564

PRIME SPONSOR: Rapp

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

**SUMMARY:** House Bill 2861, Printer's Number 4564, creates the freestanding Access to Long-Term Care Facilities Act. This legislation is effective in 60 days.

**ANALYSIS:** This legislation requires the Department of Health (DOH), in consultation with the Department of Human Services (DHS), to establish protocols to allow a resident of a long-term care facility or an individual with decision-making authority for the resident to designate an essential caregiver during a declaration of disaster emergency. The essential caregiver must meet the necessary qualifications to enter the long-term care facility to provide in-person physical or emotional support and access may be suspended for violating protocols.

The definition of "long-term care facility" includes a facility licensed by DOH or DHS including, but not limited to, a long-term care nursing facility, a skilled nursing facility, an assisted living facility, a personal care home, an older adult daily living center, an independent long-term care facility or an intermediate care facility for individuals with intellectual disabilities.

HB 2861 mandates the protocols include all of the following: safety measures for an essential caregiver, including restrictions on travel, enhanced testing for communicable diseases and the necessary safety equipment to protect residents of the facility; procedures to replace an essential caregiver; and a duration, not to exceed 30 days, when the facility may enter a lock-down phase for the purpose of establishing safety measures for residents and essential caregivers. This legislation allows a long-term care facility to establish additional safety requirements to protect residents. Facilities may require essential caregivers to provide their own personal protective equipment (PPE) or assume the cost of PPE provided by the facility.

This Act shall apply during the period beginning 15 days after the declaration of disaster emergency and ending 60 days after the termination or expiration of the disaster emergency.

**FISCAL IMPACT:** Enactment of this legislation should have no fiscal impact.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** October 20, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*