

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 190

PRINTER NO. 619

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 10, 2021

PRIME SPONSOR

Senator Mensch

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 190 creates a freestanding act, known as the Essential Family Caregiver Designation Act, that permits a facility to designate at least one essential family caregiver per resident to provide care and support during a disaster emergency due to a communicable disease.

The legislation defines “essential family caregiver” as any of the following individuals who are at least 18 years of age who, prior to visitor restrictions, were regularly engaged with a resident at least once per week: (i) an immediate family member or (ii) a caregiver of the resident who is not employed by a facility.

The bill defines “facility” as any of the following:

- A long-term care nursing facility as defined in section 802.1 of the Health Care Facilities Act;
- A hospice as defined in the Health Care Facilities Act;
- An assisted living residence as defined in section 1001 of the Human Services Code;
- A personal care home as defined in the Human Services Code; and
- An intermediate care facility for individuals with an intellectual disability.

The bill defines “immediate family member” as a spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, stepbrother, sister, stepsister or like relative-in-law.

Senate Bill 190 provides that during a state of emergency the Secretary of Health or Human Services shall permit a facility to designate at least one essential family caregiver per resident to provide companionship and assist with activities requiring one-on-one direction. A facility having the ability to follow necessary precautions outlined by federal and state government may designate an essential family caregiver.

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The decision to designate an essential family caregiver may be individualized and incorporated with resident-centered care planning. The following shall apply:

- The facility executive director or designee shall have sole discretion of designation and only with agreement by the resident and their representative;
- A schedule and amount of time allowed in a facility by an essential family caregiver shall be agreed to prior to a caregiver entering a facility and may not exceed more than two hours per day;
- An essential family caregiver shall provide care and support similar in nature as provided prior to the state of disaster emergency;
- An essential family caregiver shall maintain physical distancing with staff and other residents while in the facility;
- An essential family caregiver must adhere to any conditions stipulated by the facility; and
- The facility executive director or designee shall have the sole discretion of placing restrictions or revoking essential family caregiver status.

The bill provides that nothing in this act shall be construed to supersede federal authority or guidance concerning long-term care facilities or to prevent the secretary from taking necessary actions to render the Commonwealth eligible for federal funds or reimbursement services provided in long-term care facilities.

This legislation shall take effect immediately.

FISCAL IMPACT:

Senate Bill 190 will have no fiscal impact on the Commonwealth. The duties placed on the departments of Health and Human Services can be accomplished within existing budget and staffing levels.