

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 996 Session of 2021

INTRODUCED BY DAVANZO, T. DAVIS, HENNESSEY, HILL-EVANS, JONES, KAUFFMAN, MALONEY, MASSER, MERSKI, MILLARD, PICKETT, ROWE, RYAN, SAYLOR, WARNER, WHEELAND, ZIMMERMAN AND GILLEN, MARCH 23, 2021

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 2021

AN ACT

1 Providing for access to long-term care facilities for members of
2 the clergy, for additional safety requirements for residents,
3 for suspension of access for members of the clergy and for
4 personal protective equipment for members of the clergy.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Religious
9 Liberty in Long-Term Care Facilities Act.

10 Section 2. Definitions.

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

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

17 "Department." The Department of Health of the Commonwealth.

1 ~~"Member of the clergy." A clergyman, priest, rabbi,~~ <--
2 ~~minister, Christian Science practitioner, religious healer or~~
3 ~~spiritual leader of any regularly established church or other~~
4 ~~religious organization.~~

5 "LOCK-DOWN PHASE." A PERIOD OF TIME A LONG-TERM CARE <--
6 FACILITY RESTRICTS VISITATION FROM THE GENERAL PUBLIC TO
7 RESIDENTS OF THE FACILITY.

8 "Long-term care facility." A facility licensed by the
9 department or the Department of Human Services, including, but
10 not limited to, a long-term care nursing facility, a skilled
11 nursing facility, an assisted living facility, a personal care
12 home, ~~an older adult daily living center,~~ OR an independent <--
13 long-term care facility ~~or an intermediate care facility for~~ <--
14 ~~individuals with intellectual disabilities.~~

15 "MEMBER OF THE CLERGY." A CLERGYMAN, PRIEST, RABBI, <--
16 MINISTER, CHRISTIAN SCIENCE PRACTITIONER, RELIGIOUS HEALER OR
17 SPIRITUAL LEADER OF ANY REGULARLY ESTABLISHED CHURCH OR OTHER
18 RELIGIOUS ORGANIZATION.

19 "Resident." An adult with established residency in a long-
20 term care facility.

21 Section 3. Access to long-term care facilities for members of
22 the clergy.

23 The department, in consultation with the Department of Human
24 Services, shall establish protocols to allow a resident or an
25 individual with decision-making authority for the resident to
26 request visitation by a member of the clergy during a
27 declaration of disaster emergency. A member of the clergy shall
28 meet the necessary qualifications to enter the long-term care
29 facility to provide in-person physical or emotional support to a
30 resident of a long-term care facility on a voluntary basis and

1 in accordance with the protocols established under this section.
2 THE DEPARTMENT MAY UPDATE THE PROTOCOLS ESTABLISHED UNDER THIS <--
3 SECTION AT ANY TIME DURING THE DISASTER EMERGENCY. THE
4 DEPARTMENT MAY NOT UPDATE THE PROTOCOLS ESTABLISHED UNDER THIS
5 SECTION TO EXPAND THE DURATION OF THE LOCK-DOWN PHASE UNDER
6 PARAGRAPH (2) FOR A TIME PERIOD EXCEEDING 45 DAYS. The protocols
7 shall include all of the following:

8 (1) Safety measures for members of the clergy,
9 including, but not limited to, restrictions on travel,
10 enhanced testing for communicable diseases and the necessary
11 safety equipment required to protect the health and safety of
12 the residents and staff of the long-term care facility.

13 (2) A duration, SET BY THE DEPARTMENT, IN CONSULTATION <--
14 WITH THE DEPARTMENT OF HUMAN SERVICES not to exceed 30 45 <--
15 days, when a long-term care facility may enter a lock-down
16 phase DURING WHICH THE LONG-TERM CARE FACILITY MAY EXCLUDE <--
17 MEMBERS OF THE CLERGY for the purpose of establishing safety
18 measures for residents and members of the clergy.

19 Section 4. Additional safety requirements for residents.

20 A long-term care facility may establish additional safety
21 requirements to protect the residents ~~if the requirements meet~~ <--
22 ~~all of the following criteria:~~, INCLUDING LIMITATIONS ON THE <--
23 DURATION OF THE VISITS, THE NUMBER OF VISITORS PER WEEK PER
24 RESIDENT, THE LOCATION OF VISITS AND THE SPACING OF VISITORS.
25 THE REQUIREMENTS UNDER THIS SUBSECTION SHALL MEET ALL OF THE
26 FOLLOWING CRITERIA:

27 (1) The requirements are directly linked to a
28 declaration of disaster emergency.

29 (2) The requirements are not so burdensome and onerous
30 as to substantially prevent a member of the clergy from being

1 able to visit a resident in person.

2 Section 5. Suspension of access for members of the clergy.

3 A long-term care facility may suspend access to a member of
4 the clergy who violates the protocols established under section
5 3, and the long-term care facility shall allow the resident, or
6 an individual with decision-making authority for the resident,
7 to immediately request another member of the clergy.

8 Section 6. Personal protective equipment for members of the
9 clergy.

10 A long-term care facility may require a member of the clergy
11 to provide personal protective equipment for himself or herself
12 or assume the cost of the personal protective equipment provided
13 by the facility to allow the member of the clergy to access the
14 long-term care facility. PERSONAL PROTECTIVE EQUIPMENT PROVIDED <--
15 BY THE LONG-TERM CARE FACILITY MAY NOT REDUCE THE PERSONAL
16 PROTECTIVE EQUIPMENT AVAILABLE TO THE EMPLOYEES AND STAFF OF THE
17 LONG-TERM CARE FACILITY.

18 Section 7. Applicability.

19 This act shall apply for the period commencing 15 days after
20 a declaration of disaster emergency ~~and~~ THAT RESULTS IN A LOCK- <--
21 DOWN PHASE OF LONG-TERM CARE FACILITIES UNTIL 60 days after the
22 termination or expiration of the declaration of disaster
23 emergency by executive order, proclamation or operation of law.

24 Section 8. Construction.

25 Nothing in this act shall be construed to:

26 (1) prohibit or restrict long-term care facilities from
27 allowing members of the clergy to visit residents in a manner
28 deemed appropriate by the long-term care facilities before
29 the effective date of section 3; or

30 (2) supersede Federal authority regarding long-term care

1 facilities or to prevent the department or Department of
2 Human Services from taking necessary actions to render the
3 Commonwealth eligible for Federal funds or reimbursement
4 services provided in long-term care facilities.

5 Section 9. Effective date.

6 This act shall take effect in 60 days.