
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 AND ZIMMERMAN, MARCH 23, 2021

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MARCH 23, 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.

18 "Member of the clergy." A clergyman, priest, rabbi,

1 minister, Christian Science practitioner, religious healer or
2 spiritual leader of any regularly established church or other
3 religious organization.

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

11 "Resident." An adult with established residency in a long-
12 term care facility.

13 Section 3. Access to long-term care facilities for members of
14 the clergy.

15 The department, in consultation with the Department of Human
16 Services, shall establish protocols to allow a resident or an
17 individual with decision-making authority for the resident to
18 request visitation by a member of the clergy during a
19 declaration of disaster emergency. A member of the clergy shall
20 meet the necessary qualifications to enter the long-term care
21 facility to provide in-person physical or emotional support to a
22 resident of a long-term care facility on a voluntary basis and
23 in accordance with the protocols established under this section.
24 The protocols shall include all of the following:

25 (1) Safety measures for members of the clergy,
26 including, but not limited to, restrictions on travel,
27 enhanced testing for communicable diseases and the necessary
28 safety equipment required to protect the health and safety of
29 the residents and staff of the long-term care facility.

30 (2) A duration, not to exceed 30 days, when a long-term

1 care facility may enter a lock-down phase for the purpose of
2 establishing safety measures for residents and members of the
3 clergy.

4 Section 4. Additional safety requirements for residents.

5 A long-term care facility may establish additional safety
6 requirements to protect the residents if the requirements meet
7 all of the following criteria:

8 (1) The requirements are directly linked to a
9 declaration of disaster emergency.

10 (2) The requirements are not so burdensome and onerous
11 as to substantially prevent a member of the clergy from being
12 able to visit a resident in person.

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

14 A long-term care facility may suspend access to a member of
15 the clergy who violates the protocols established under section
16 3, and the long-term care facility shall allow the resident, or
17 an individual with decision-making authority for the resident,
18 to immediately request another member of the clergy.

19 Section 6. Personal protective equipment for members of the
20 clergy.

21 A long-term care facility may require a member of the clergy
22 to provide personal protective equipment for himself or herself
23 or assume the cost of the personal protective equipment provided
24 by the facility to allow the member of the clergy to access the
25 long-term care facility.

26 Section 7. Applicability.

27 This act shall apply for the period commencing 15 days after
28 a declaration of disaster emergency and 60 days after the
29 termination or expiration of the declaration of disaster
30 emergency by executive order, proclamation or operation of law.

1 Section 8. Construction.

2 Nothing in this act shall be construed to:

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

7 (2) supersede Federal authority regarding long-term care
8 facilities or to prevent the department or Department of
9 Human Services from taking necessary actions to render the
10 Commonwealth eligible for Federal funds or reimbursement
11 services provided in long-term care facilities.

12 Section 9. Effective date.

13 This act shall take effect in 60 days.