

HOUSE BILL 983

J3, J1

EMERGENCY BILL

1lr2757

By: **Delegate Lehman**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2021

CHAPTER _____

1 AN ACT concerning

2 **Nursing Homes – COVID–19 and Other Catastrophic Health Emergencies**
3 **– Visitation**
4 **(The Gloria Daytz Lewis Act)**

5 FOR the purpose of requiring the Maryland Department of Health to develop certain
6 guidelines relating to the restrictions on personal and compassionate care visitation
7 that a nursing home may impose to reduce the spread of COVID–19 or another
8 disease that constitutes a catastrophic health emergency; defining certain terms;
9 declaring the intent of the General Assembly; making this Act an emergency
10 measure; and generally relating to guidelines for nursing home visitation.

11 BY adding to
12 Article – Health – General
13 Section 19–1410.3
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2020 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **19–1410.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “CATASTROPHIC HEALTH EMERGENCY” MEANS A HEALTH
4 EMERGENCY WITH REGARD TO WHICH THE GOVERNOR ISSUES A PROCLAMATION
5 UNDER § 14-3A-02 OF THE PUBLIC SAFETY ARTICLE.

6 ~~(2)~~ (3) “COMPASSIONATE CARE VISITOR” MEANS A FAMILY
7 MEMBER OR LEGAL GUARDIAN OF A RESIDENT OR ANY INDIVIDUAL WHO IS
8 IMPORTANT TO THE MENTAL, PHYSICAL, OR SOCIAL WELL-BEING OF THE RESIDENT
9 DURING CRITICAL SITUATIONS INCLUDING THE END OF THE RESIDENT’S LIFE, THE
10 SIGNIFICANT MENTAL OR PHYSICAL DECLINE OF THE RESIDENT, OR WHEN EXIGENT
11 CIRCUMSTANCES EXIST REGARDING THE RESIDENT.

12 ~~(3)~~ (4) “COVID-19” MEANS, INTERCHANGEABLY AND
13 COLLECTIVELY, THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE
14 SARS-CoV-2 VIRUS.

15 ~~(4)~~ (5) “PERSONAL CARE VISITOR” MEANS A FAMILY MEMBER OR
16 LEGAL GUARDIAN OF A RESIDENT WHO IS IMPORTANT TO THE MENTAL, PHYSICAL,
17 OR SOCIAL WELL-BEING OF THE RESIDENT.

18 (B) (1) ~~THE~~ CONSISTENT WITH FEDERAL REQUIREMENTS, THE
19 DEPARTMENT SHALL DEVELOP GUIDELINES RELATING TO THE RESTRICTIONS ON
20 PERSONAL AND COMPASSIONATE CARE VISITATION THAT A NURSING HOME MAY
21 IMPOSE TO REDUCE THE SPREAD OF COVID-19 OR ANOTHER DISEASE THAT
22 CONSTITUTES A CATASTROPHIC HEALTH EMERGENCY.

23 (2) THE GUIDELINES ~~REGARDING COMPASSIONATE CARE VISITATION~~
24 SHALL:

25 (I) ~~REQUIRE A NURSING HOME TO ALLOW VISITATION BY A~~
26 ~~COMPASSIONATE CARE VISITOR~~ DESCRIBE THE CIRCUMSTANCES UNDER WHICH
27 VISITATION MAY BE RESTRICTED TO ONLY COMPASSIONATE CARE VISITORS AND
28 PERSONAL CARE VISITORS;

29 (II) ~~RESTRICT THE COMPASSIONATE CARE VISITOR~~ LIMIT THE
30 MOVEMENT OF VISITORS WITHIN THE NURSING HOME, WHICH MAY INCLUDE
31 RESTRICTING VISITORS TO THE RESIDENT’S ROOM OR ANOTHER DESIGNATED
32 ROOM; AND

33 (III) ~~REQUIRE EACH COMPASSIONATE CARE~~ VISITOR TO FOLLOW
34 SAFETY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19 OR ANOTHER DISEASE
35 THAT CONSTITUTES A CATASTROPHIC HEALTH EMERGENCY, WHICH MAY INCLUDE:

1 1. **TESTING FOR COVID-19 OR ANOTHER DISEASE**
2 **THAT CONSTITUTES A CATASTROPHIC HEALTH EMERGENCY;**

3 2. **CHECKING BODY TEMPERATURE;**

4 3. **HEALTH SCREENINGS;**

5 4. **THE USE OF PERSONAL PROTECTIVE EQUIPMENT;**

6 5. **SOCIAL DISTANCING; AND**

7 6. **ANY OTHER SAFETY PROTOCOL THAT THE**
8 **DEPARTMENT CONSIDERS APPROPRIATE TO LIMIT THE SPREAD OF COVID-19 OR**
9 **ANOTHER DISEASE THAT CONSTITUTES A CATASTROPHIC HEALTH EMERGENCY IN A**
10 **NURSING HOME;**

11 **(IV) REQUIRE, AS PRACTICABLE AND WHEN AVAILABLE,**
12 **ALTERNATIVE MEANS OF COMMUNICATION WITH VISITORS IF A NURSING HOME**
13 **DETERMINES THAT AN IN-PERSON VISIT WOULD ENDANGER THE HEALTH AND**
14 **SAFETY OF A PATIENT, RESIDENT, OR MEMBER OF THE STAFF; AND**

15 **(V) PROVIDE ADDITIONAL GUIDANCE NECESSARY TO PROMOTE**
16 **ACCESS TO RESIDENTS BY COMPASSIONATE CARE VISITORS.**

17 **(3) ~~THE~~ IN ADDITION TO THE REQUIREMENTS IN PARAGRAPH (2) OF**
18 **THIS SUBSECTION, THE GUIDELINES REGARDING PERSONAL CARE VISITATION**
19 **SHALL:**

20 **~~(I) REQUIRE A NURSING HOME TO ALLOW VISITATION BY A~~**
21 **~~PERSONAL CARE VISITOR;~~**

22 **~~(H)~~ (I) ESTABLISH PROCEDURES FOR THE DESIGNATION OF**
23 **A PERSONAL CARE VISITOR BY A RESIDENT OR A LEGAL REPRESENTATIVE OF THE**
24 **RESIDENT THAT:**

25 1. **MAY INCLUDE REQUIRING A HEALTH CARE**
26 **PROFESSIONAL TO DETERMINE WHETHER A PERSONAL CARE VISITOR IS NECESSARY**
27 **FOR THE MENTAL, PHYSICAL, OR SOCIAL WELL-BEING OF THE RESIDENT; AND**

28 2. **IF A DETERMINATION IS REQUIRED, AUTHORIZE THE**
29 **DETERMINATION TO BE MADE BY A HEALTH CARE PROFESSIONAL WHO IS NOT**
30 **AFFILIATED WITH THE NURSING HOME;**

1 ~~(II)~~ (II) PROVIDE THAT A RESIDENT MAY DESIGNATE NOT
2 MORE THAN ONE PERSONAL CARE VISITOR;

3 ~~(III)~~ (III) ESTABLISH PROCEDURES FOR CHANGING THE
4 DESIGNATION OF A RESIDENT'S PERSONAL CARE VISITOR;

5 ~~(IV)~~ (IV) REQUIRE A PERSONAL CARE VISITOR TO WAIVE A
6 NURSING HOME FROM LIABILITY FOR EXPOSURE TO COVID-19 OR ANOTHER
7 DISEASE THAT CONSTITUTES A CATASTROPHIC HEALTH EMERGENCY;

8 ~~(V)~~ (V) ESTABLISH THE CIRCUMSTANCES UNDER WHICH
9 VISITATION BY A PERSONAL CARE VISITOR MAY BE LIMITED, SUSPENDED, OR
10 TERMINATED, INCLUDING INCREASED LOCAL INFECTION RATES AND HEALTH CARE
11 CAPACITY;

12 ~~(VI)~~ ~~REQUIRE A PERSONAL CARE VISITOR TO FOLLOW SAFETY~~
13 ~~PROTOCOLS TO LIMIT THE SPREAD OF COVID-19, WHICH MAY INCLUDE:~~

14 1. ~~TESTING FOR COVID-19;~~

15 2. ~~CHECKING BODY TEMPERATURE;~~

16 3. ~~HEALTH SCREENINGS;~~

17 4. ~~THE USE OF PERSONAL PROTECTIVE EQUIPMENT;~~

18 5. ~~SOCIAL DISTANCING; AND~~

19 6. ~~ANY OTHER SAFETY PROTOCOL THAT THE~~
20 ~~DEPARTMENT CONSIDERS APPROPRIATE TO LIMIT THE SPREAD OF COVID-19 IN A~~
21 ~~NURSING HOME;~~

22 ~~(VII)~~ (VI) ESTABLISH STANDARDS FOR THE FREQUENCY AND
23 DURATION OF PERSONAL CARE VISITS; AND

24 ~~(VIII)~~ (VII) ESTABLISH THE TOTAL NUMBER OF PERSONAL CARE
25 VISITORS AUTHORIZED TO VISIT A NURSING HOME FACILITY AT ANY ONE TIME.

26 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~
27 ~~1, 2021.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
29 Assembly that during a catastrophic public health emergency issued by the Governor under
30 § 14-3A-02 of the Public Safety Article that visitation in nursing homes be prioritized to
31 balance the physical needs of the residents with the mental and spiritual needs of the

1 residents and family members resulting from isolation and separation during the
2 emergency.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety, has
5 been passed by a yea and nay vote supported by three-fifths of all the members elected to
6 each of the two Houses of the General Assembly, and shall take effect from the date it is
7 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.