

**As Reported by the House Health Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 770**

**Representatives Richardson, Fraizer**

**Cosponsors: Representatives Abrams, Baldrige, Becker, Carruthers, Cross, Ghanbari, Ginter, Grendell, Hambley, Hillyer, Holmes, A., Jones, Jordan, Keller, Kick, Koehler, LaRe, McClain, Merrin, Plummer, Riedel, Scherer, Seitz, Smith, T., Stein, Swearingen, Wilkin, Zeltwanger**

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**A BILL**

To permit essential caregivers to enter long-term  
care facilities to provide care and support to a  
facility resident during the COVID-19 state of  
emergency, to establish criteria for those  
visits, and to declare an emergency.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** (A) As used in this section: 6

(1) "Essential caregiver" means an individual designated  
by a long-term care facility resident to provide care and  
support to the resident in accordance with this section. 9

(2) "Long-term care facility" means both of the following: 10

(a) A home, as defined in section 3721.01 of the Revised  
Code; 12

(b) An ICF/IID, as defined in section 5124.01 of the  
Revised Code. 14

(B) A long-term care facility resident may designate one 15  
essential caregiver and one alternate essential caregiver to 16  
provide care and support to the resident in accordance with this 17  
section. A facility may designate additional essential 18  
caregivers or alternate essential caregivers for residents as 19  
COVID-19 conditions in the facility and community improve. 20

(C) An essential caregiver or alternate essential 21  
caregiver shall meet both of the following criteria: 22

(1) Be at least eighteen years of age; 23

(2) Provide care and support to the resident, including, 24  
but not limited to, meal set up, personal grooming, and 25  
companionship. 26

(D) The long-term care facility resident, or the 27  
resident's attorney in fact, legal guardian, or other personal 28  
representative, has sole discretion to designate, or revoke the 29  
designation of, an essential caregiver or alternate essential 30  
caregiver for the resident. The resident, attorney in fact, 31  
legal guardian, or personal representative shall consult with 32  
the long-term care facility staff before designating an 33  
essential caregiver or an alternate essential caregiver for the 34  
resident. 35

(E) Not later than two weeks after the effective date of 36  
this section, each long-term care facility shall develop and 37  
implement a visitation policy regulating essential caregivers 38  
and alternate essential caregivers. The policy shall do all of 39  
the following: 40

(1) Permit a facility resident to designate up to one 41  
essential caregiver and one alternate essential caregiver to 42  
provide care and support for that resident. In accordance with 43

division (B) of this section, the policy shall permit the 44  
resident to designate additional essential caregivers and 45  
alternate essential caregivers as COVID-19 conditions improve. 46

(2) Require the facility to consult with a resident about 47  
the resident's wishes regarding who to designate as the 48  
resident's essential caregiver and alternate essential 49  
caregiver. In considering who to designate as the resident's 50  
essential caregiver and alternate essential caregiver, the 51  
resident and the facility may consider individuals who provided 52  
regular care and support to the resident before the COVID-19 53  
outbreak, such as family members, legal guardians, friends, 54  
outside caregivers, and volunteers, as well as other 55  
individuals. 56

(3) Comply with division (F) of this section. 57

(4) Designate a single point of entry where essential 58  
caregivers and alternate essential caregivers must sign in and 59  
be screened for COVID-19 symptoms before entering the facility. 60

(5) Require screening of essential caregivers and 61  
alternate essential caregivers for COVID-19 symptoms before the 62  
caregiver enters the facility, in the same manner as facility 63  
staff. 64

(6) Permit evening and weekend visits to accommodate an 65  
essential caregiver's or alternate essential caregiver's 66  
schedule. 67

(7) Require an essential caregiver or alternate essential 68  
caregiver to provide care and support to the resident in the 69  
resident's room and to limit movement throughout the facility. 70

(8) Permit an essential caregiver or alternate essential 71  
caregiver to take the resident for a walk outside during the 72

visit. During the walk, the caregiver must wear a facial covering, practice social distancing, and use safe practices. 73  
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(9) Reasonably provide hand sanitizing stations and alcohol-based hand sanitizer in accessible locations, in accordance with local health department guidelines. 75  
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(10) Require essential caregivers and alternate essential caregivers to do all of the following: 78  
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(a) Sign in upon arrival at the facility's single entry point and be screened for COVID-19 symptoms; 80  
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(b) Wear all necessary personal protective equipment when in the facility, including, at a minimum, a facial covering and eye protection, and perform frequent hand hygiene; 82  
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(c) Maintain social distancing of at least six feet with other residents and staff when in the facility; 85  
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(d) Agree to limit contact with other individuals when outside of the facility; 87  
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(e) Inform the facility if the caregiver develops COVID-19 symptoms within fourteen days of a visit with the resident. 89  
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(F) The long-term care facility's essential caregiver and alternate essential caregiver visitation policy shall be the least restrictive possible and provide maximum access to the resident. The long-term care facility may implement more restrictive visitation measures if any of the following is the case: 91  
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(1) There is a COVID-19 outbreak at the facility; 97

(2) The essential caregiver or alternate essential caregiver has been directly exposed to an individual who tested 98  
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positive for COVID-19; 100

(3) The county in which the facility is located is 101  
experiencing severe exposure and spread of COVID-19 according to 102  
the Ohio Public Health Advisory System announced by the Governor 103  
on July 2, 2020. 104

(G) The long-term care facility shall educate essential 105  
caregivers and alternate essential caregivers about the proper 106  
use of personal protective equipment and reinforce safe 107  
practices. This requirement may be satisfied by posters that 108  
demonstrate key instructions for the use of the personal 109  
protective equipment. 110

**Section 2.** A long-term care facility, as defined in 111  
Section 1 of this act, is a "facility" for purposes of Section 1 112  
and a "person" for purposes of Section 2 of House Bill 606 of 113  
the 133rd General Assembly. The qualified civil immunity 114  
established in division (B) of Section 1 of that act applies to 115  
a long-term care facility, as defined in Section 1 of this act. 116  
The qualified civil immunity established in division (A) of 117  
Section 2 of that act applies to a long-term care facility, as 118  
defined in Section 1 of this act. 119

**Section 3.** Sections 1 and 2 of this act apply from the 120  
act's effective date through December 31, 2021, or the end of 121  
the state of emergency due to COVID-19 declared in the 122  
Governor's Executive Order 2020-01D, issued on March 9, 2020, 123  
whichever is sooner. 124

**Section 4.** This act is hereby declared to be an emergency 125  
measure necessary for the immediate preservation of the public 126  
peace, health, and safety. The reason for such necessity is to 127  
provide relief to long-term care facility residents during the 128

COVID-19 state of emergency. Therefore, this act shall go into  
immediate effect.

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