
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2861 Session of
2020

INTRODUCED BY RAPP, KAUFFMAN, SAYLOR, TOEPEL, CAUSER, DRISCOLL,
COX, TOOHIL, PICKETT, MILLARD AND GLEIM, SEPTEMBER 14, 2020

REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 14, 2020

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, providing for access to long-term care nursing
11 facilities for essential caregivers.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
15 as the Health Care Facilities Act, is amended by adding a
16 section to read:

17 Section 822. Access to long-term care nursing facilities for
18 essential caregivers.

19 (a) Protocols.--The department, in consultation with the
20 Department of Human Services, shall establish protocols to allow
21 a resident of a long-term care nursing facility or an individual
22 with decision-making authority for the resident to designate an

1 individual as the resident's essential caregiver during a
2 declaration of disaster emergency. An essential caregiver shall
3 meet the necessary qualifications to enter the long-term care
4 nursing facility to provide in-person physical or emotional
5 support to a resident of a long-term care nursing facility in
6 accordance with the protocols established under this section.
7 The protocols shall include all of the following:

8 (1) Safety measures for an essential caregiver,
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 of the long-term care nursing facility.

13 (2) Procedures to replace an essential caregiver due to
14 necessary circumstances, including illness or death of the
15 essential caregiver.

16 (3) A duration, not to exceed 30 days, when a long-term
17 care nursing facility may enter a lock-down phase for the
18 purpose of establishing safety measures for residents of the
19 long-term care nursing facility and essential caregivers.

20 (b) Additional safety requirements.--

21 (1) A long-term care nursing facility may establish
22 additional safety requirements to protect the residents of
23 the long-term care nursing facility if the requirements meet
24 all of the following criteria:

25 (i) The requirements are directly linked to a
26 declaration of disaster emergency.

27 (ii) The requirements are not so burdensome and
28 onerous as to substantially prevent an essential
29 caregiver from being able to physically or emotionally
30 support a resident of the long-term care facility in

1 person.

2 (2) After a replacement essential caregiver has been
3 named by a resident of a long-term care nursing facility, a
4 long-term care nursing facility may suspend access to the
5 long-term care nursing facility for an essential caregiver
6 who violates the protocols established under subsection (a).

7 (c) Personal protective equipment.--A long-term care nursing
8 facility may require an essential caregiver to provide personal
9 protective equipment for himself or herself or assume the cost
10 of the personal protective equipment provided by the facility to
11 allow the essential caregiver to provide in-person physical or
12 emotional support.

13 (d) Applicability.--This section shall apply for the period
14 commencing 15 days after a declaration of disaster emergency and
15 60 days after the termination or expiration of the declaration
16 of disaster emergency by executive order, proclamation or
17 operation of law.

18 (e) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

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

24 "Essential caregiver." An individual, whether a family
25 member or friend of a resident of a long-term care nursing
26 facility, who is designated by the resident or appointed by an
27 individual with decision-making authority for the resident to
28 provide physical or emotional support to the resident during a
29 declaration of disaster emergency.

30 Section 2. This act shall take effect in 60 days.