

CHAPTER 10**(SB 100)**

AN ACT relating to essential caregivers and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Community" means assisted-living community as defined in KRS 194A.700;*
- (b) *"Facility" includes long-term care facilities as defined in KRS 216A.010 and residential long-term care facilities as defined in KRS 216.510; and*
- (c) *"Mental hospital" means a state-owned or operated mental or psychiatric hospital.*

(2) *Notwithstanding any state law to the contrary, the Cabinet for Health and Family Services shall require a community, a facility, and a mental hospital to permit in-person resident visitation by at least one (1) essential personal care visitor, including a family member, legal guardian, outside caregiver, friend, or volunteer who is important to the mental, physical, or social well-being of the resident.*

(3) *The cabinet shall, within fourteen (14) days of the effective date of this Act, promulgate administrative regulations in accordance with KRS Chapter 13A that, subject to applicable federal requirements:*

- (a) *Establish procedures for a resident to designate at least one (1) essential personal care visitor and procedures to change the designated essential personal care visitor;*
- (b) *Exempt an essential personal care visitor from any prohibitions on visiting a resident of a community, a facility, or a mental hospital other than the requirements in this subsection;*
- (c) *Require an essential personal care visitor to follow safety protocols of the community, the facility, or the mental hospital;*
- (d) *Require an essential personal care visitor to assume a risk of contracting communicable diseases, provided the community, the facility, or the mental hospital is compliant with the Kentucky Department for Public Health guidelines;*
- (e) *Permit a community, a facility, or a mental hospital to require a written visitation agreement with an essential personal care visitor;*
- (f) *Permit a community, facility, or mental hospital to limit visitation of an essential personal care visitor to the resident or residents he or she is approved to visit;*
- (g) *Permit a community, facility, or mental hospital to limit the total number of essential personal care visitors allowed in the community, facility, or mental hospital at any one (1) time; and*
- (h) *Except as provided in this section, do not require a community, facility, or mental hospital to permit an in-person visitor at all times.*

➔Section 2. Whereas, the General Assembly recognizes that the mental, physical, and social well-being of residents in long-term care facilities, assisted-living communities, and mental hospitals is greatly enhanced by assistance from essential personal care visitors, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor February 7, 2022.