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Office

H.B. 120
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsors: Reps. Fraizer and Richardson

Local Impact Statement Procedure Required: No

Jacquelyn Schroeder, Senior Budget Analyst

Highlights

- The bill requires long-term care facilities to permit compassionate caregiver visits. Since visitation policies currently allow compassionate care visits and regulations appear to be similar to the bill, this should result in minimal to no impact to state or local facilities that provide facility care.

Detailed Analysis

Compassionate caregivers

The bill permits compassionate caregivers to enter long-term care facilities to provide in-person visitation to a facility resident in compassionate care situations during the COVID-19 state of emergency. The bill specifies some situations that are included as compassionate care situations and specifies that it does not refer exclusively to end of life situations. The bill declares an emergency, so any fiscal impacts could be immediate. It also provides that these provisions are effective until the sooner of December 31, 2021, or the termination of the COVID-19 state of emergency declared by the Governor.

Not later than two weeks after the effective date of the bill, each long-term care facility must develop and implement a visitation policy regulating compassionate caregivers. The bill specifies certain policies that must be included in a facility's visitation policy. Under the bill, a long-term care facility is required to use a person-centered approach in working with residents, family members, caregivers, personal representatives, and, as appropriate, the State Long-Term Care Ombudsman Program to identify residents who are in need of visits by a compassionate caregiver. A long-term care facility is required to educate compassionate caregivers, family members, and other interested persons, about the right to contact the Office of the State Long-Term Care Ombudsman Program with concerns about access to the facility and its residents.

The bill also requires long-term care facilities to permit health care and other workers to enter the facility who are not employees of the facility but provide direct care to facility residents or essential services to the facility. A facility may restrict such an individual from providing services in the facility if the individual is subject to a work exclusion due to direct exposure to COVID-19 or shows symptoms of COVID-19 when being screened before entering the facility.

The bill clarifies that a long-term care facility is a “facility” for purposes of the temporary qualified civil immunity granted under H.B. 606 of the 133rd General Assembly to health care providers (including facilities) rendering health care or emergency medical services as a result or in response to a disaster or emergency.

Fiscal effect

There are some state and local government entities that provide care to individuals in a facility setting. These include county homes and two veterans homes operated by the Ohio Department of Veterans Services (ODVS).¹ Counties with a licensed county home and ODVS could experience a cost to establish and implement the required visitation policy, as well as to inform families of this new policy. However, the most recent Director of Health order relating to nursing homes and similar facilities allows compassionate care visits and outlines the requirements and criteria for these visits.² The order also appears to allow personnel who are necessary to the operations of the facility, such as emergency health care providers, hospice personnel providing core services, clergy, hair salon personnel, etc. to enter a facility. Since the bill’s requirements regarding visitations are similar to current regulations there should be minimal to no impact to these entities.

The Ohio Department of Health (ODH) is responsible for conducting onsite inspections of facilities for compliance with state and federal rules and regulations and to ensure the quality of care and quality of life of the residents. ODH also responds to complaints. If the bill results in changes to any current visitation policies, it is possible that ODH could realize an increase in costs. However, it is assumed that ODH is currently providing guidance regarding visitation and responding to any complaints that may be received. Lastly, the bill requires facilities to inform family members, etc. that they can contact the Office of the State Long-Term Care Ombudsman with concerns, which could increase awareness of the Office.

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¹ Some counties operate a county home, which is a facility owned and operated by the county commissioners that provides care to individuals. A county home that is licensed as a residential care facility by the Ohio Department of Health would be required to comply with the bill’s provisions. According to various newspaper articles, in 2014 there were 33 county homes, of which about half were licensed as residential care facilities.

² <https://coronavirus.ohio.gov/static/publicorders/6th-amended-do-limit-access-nursing-homes.pdf>.