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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 120
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 120's Bill Analysis](#)

Version: As Reported by Senate Health

Primary Sponsors: Reps. Fraizer and Richardson

Local Impact Statement Procedure Required: No

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Highlights

- The bill requires long-term care facilities to permit compassionate caregiver visits during an epidemic, pandemic, or state of emergency and to develop and implement a visitation policy for these visits no later than 30 days after the bill's effective date. Facilities may currently have a policy in place that meets the bill's requirements. However, if a facility needs to adopt or adjust a visitation policy, there could be costs.

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 an epidemic, pandemic, or other 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.

Not later than 30 days after the effective date of the bill, each long-term care facility must develop and implement a visitation policy regulating compassionate caregiver visits during an epidemic, pandemic, or state of emergency. 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 during an epidemic, pandemic, or state of emergency. 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 or shows symptoms of a contagious disease or illness when being screened before entering the facility.

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 residents, families, and compassionate caregivers of this policy. However, it is possible that facilities may already have a visitation policy in place that meets these requirements. There should be no other impacts at this time as policies have adjusted since the start of the pandemic. According to the U.S. Centers for Medicare and Medicaid Services' guidance issued in November 2021 and clarified in March 2022,² nursing home visitation in general should be allowed for all residents at all times. In addition, the guidance states that nursing homes should be able to ensure visitation by adhering to infection prevention protocols, not allowing large gatherings in situations where physical distancing cannot be maintained, and working with state or local health departments when an outbreak occurs. 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 CMS Nursing Home Visitation Frequently Asked Questions, March 10, 2022.