
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1279 Session of
2020

INTRODUCED BY MENSCH, AUMENT, BROWNE, GORDNER, J. WARD,
HUTCHINSON, MARTIN, MASTRIANO, PHILLIPS-HILL AND PITTMAN,
SEPTEMBER 3, 2020

REFERRED TO AGING AND YOUTH, SEPTEMBER 3, 2020

AN ACT

1 Providing for essential family caregivers in facilities during
2 disaster emergencies.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Essential
7 Family Caregiver Designation Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Communicable disease." As defined in section 2(c) of the
13 act of April 23, 1956 (1955 P.L.1510, No.500), known as the
14 Disease Prevention and Control Law of 1955.

15 "Essential family caregiver." As follows:

16 (1) Any of the following individuals who are at least 18
17 years of age and who, prior to visitor restrictions, were

1 regularly engaged with a resident at least once per week:

2 (i) An immediate family member.

3 (ii) A caregiver of the resident who is not employed
4 by a facility.

5 (2) The term does not include an employee of a
6 regulatory agency unless the employee is an immediate family
7 member of the resident.

8 "Facility." Any of the following:

9 (1) A long-term care nursing facility as defined in
10 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
11 known as the Health Care Facilities Act.

12 (2) A hospice as defined in section 802.1 of the Health
13 Care Facilities Act, if the hospice renders care in an
14 inpatient setting.

15 (3) An assisted living residence as defined in section
16 1001 of the act of June 13, 1967 (P.L.31, No.21), known as
17 the Human Services Code.

18 (4) A personal care home as defined in section 1001 of
19 the Human Services Code.

20 (5) An intermediate care facility for individuals with
21 an intellectual disability.

22 "Immediate family member." A spouse, child, stepchild,
23 parent, stepparent, grandparent, grandchild, brother,
24 stepbrother, sister, stepsister or like relative-in-law.

25 "Intermediate care facility for individuals with an
26 intellectual disability." The term shall have the same meaning
27 as the term "intermediate care facility for the mentally
28 retarded" in section 1905(d) of the Social Security Act (49
29 Stat. 620, 42 U.S.C. § 1396d(d)) on the effective date of this
30 definition.

1 "Secretary." The Secretary of Health of the Commonwealth.

2 "State of disaster emergency." A state of disaster emergency
3 declared under 35 Pa.C.S. § 7301(c) (relating to general
4 authority of Governor) that is due to a communicable disease.

5 Section 3. Essential family caregiver.

6 (a) Designation.--Notwithstanding any other provision of
7 law, during a state of disaster emergency the secretary shall
8 allow a facility to designate at least one essential family
9 caregiver per resident to provide companionship and assist with
10 activities requiring one-on-one direction. Only facilities that
11 have the ability to follow necessary precautions outlined by the
12 Federal and State Government may designate an essential family
13 caregiver.

14 (b) Individualization and integration.--The decision to
15 designate an essential family caregiver may be individualized
16 and integrated with resident-centered care planning. The
17 following shall apply:

18 (1) Designation shall be at the sole discretion of the
19 facility executive director or designee and only upon
20 agreement by the resident and their representative.

21 (2) A schedule and the amount of time allowed in a
22 facility by an essential family caregiver shall be agreed to
23 prior to an essential family caregiver entering a facility
24 and may not exceed more than two hours per day.

25 (3) An essential family caregiver shall provide care and
26 support similar in nature as provided prior to the state of
27 disaster emergency.

28 (4) Physical distancing shall be maintained by an
29 essential family caregiver with staff and other residents
30 while in the facility.

1 (5) An essential family caregiver shall adhere to any
2 conditions specified by the facility.

3 (6) Restriction or revocation of essential family
4 caregiver status shall be at the sole discretion of the
5 facility executive director or designee.

6 Section 4. Effective date.

7 This act shall take effect immediately.