
OLR Bill Analysis

HB 6634

AN ACT CONCERNING ESSENTIAL SUPPORT PERSONS AND A STATE-WIDE VISITATION POLICY FOR RESIDENTS OF LONG-TERM CARE FACILITIES.

SUMMARY

This bill allows long-term care facility residents, or their representatives, to designate an essential support person and a secondary essential support person who may visit the resident despite general visitation restrictions imposed on other visitors. The bill applies to residents in nursing homes and managed residential communities that provide assisted living services.

The bill also requires the Department of Public Health (DPH) commissioner to establish a statewide policy for visitation with long-term care residents. In the event of a declared public health emergency, the bill requires the DPH commissioner to establish visitation requirements that incorporate a resident's need for essential support provided by an essential support person and other visitors.

Under existing law, the State Long-Term Care Ombudsman's duties include providing services to protect the health, safety, welfare, and rights of long-term care facility residents. Under the bill, this includes services designed to address the impact of socialization, visitation, and the role of essential support persons on the residents' health, safety, and well-being.

EFFECTIVE DATE: Upon passage

ESSENTIAL SUPPORT PERSON

The bill allows nursing home residents and residents of managed residential communities that provide assisted living services to designate an essential support person. Under the bill, an essential support person is someone the resident or his or her representative

designates who may visit with the resident in accordance with rules established by the DPH commissioner to provide essential support as reflected in the resident's person-centered care plan. Essential support includes (1) assistance with activities of daily living and (2) physical, emotional, psychological, and socialization support. The bill also allows residents or their representatives to designate a secondary essential support person to serve as backup to a primary essential support person.

An essential support person and a secondary essential support person may visit the resident despite general visitation restrictions imposed on other visitors as long as they comply with any rules DPH establishes under a statewide visitation policy (see below).

STATEWIDE VISITATION POLICY

The bill requires the DPH commissioner to establish a statewide policy for visitation with long-term care facility residents, applicable to all long-term care facilities and incorporating a resident's need for health, safety, and well-being, including essential support provided by an essential support person. Under the bill, long-term care facilities are nursing homes and managed residential communities that provide assisted living services.

Visitation Requirements in Public Health Emergencies

If the governor declares a public health emergency, the bill requires the DPH commissioner to establish requirements, in accordance with applicable federal requirements and guidance, for visitation with long-term care facility residents. The requirements must (1) incorporate a resident's need for essential support provided by an essential support person and other visitors and (2) include the circumstances, if any, under which a facility may restrict visitors, including a resident's primary and secondary essential support person.

Under the bill, the requirements must address the following topics:

1. arrangements for visitation with a resident through various means, including (a) outdoor visitation, (b) virtual visitation

- through technology, and (c) indoor visitation allowed whether or not the resident is nearing the end of life, as determined by attending health care professionals;
2. the resident's needs for physical, emotional, psychological, and socialization support based on his or her person-centered care plan (which the resident or representative develops in consultation with health professionals);
 3. safety protocols for all visitors to a long-term care facility, including essential support people, in the event of a communicable disease outbreak or a declared public health emergency;
 4. permission for visitation with a resident by a primary or secondary essential support person despite general visitation restrictions, as long as (a) the essential support person complies with safety protocols established by the commissioner and (b) the commissioner determines that visitation will benefit the resident's health, safety, and well-being; and
 5. a requirement that facility staff work with residents, their representatives, family members, or the State Ombudsman to identify an essential support person and provide him or her with access to the resident if a resident has not designated one.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 19 Nay 0 (03/31/2021)