

1 AN ACT relating to essential personal caregivers and declaring an emergency.

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

3 ➔Section 1. 2022 RS SB 100/EN, Section 1, 2022 Ky. Acts ch. 10, sec. 1, is
4 amended to read as follows:

5 (1) As used in this section:

6 (a) "Community" means assisted-living community as defined in KRS 194A.700;

7 (b) **"Health facility" means any institution, place, building, agency, or portion**
8 **thereof, public or private, whether organized for profit or not, used,**
9 **operated, or designed to provide medical diagnosis, treatment, nursing,**
10 **rehabilitative, or preventive care and includes alcohol abuse, drug abuse,**
11 **and mental health services. "Health facility" shall include but shall not be**
12 **limited to health facilities and health services commonly referred to as**
13 **hospitals, psychiatric hospitals, physical rehabilitation hospitals, chemical**
14 **dependency programs, nursing facilities, nursing homes, personal care**
15 **homes, intermediate care facilities, family care homes, outpatient clinics,**
16 **ambulatory care facilities, ambulatory surgical centers, emergency care**
17 **centers and services, ambulance providers, hospices, community mental**
18 **health centers, home health agencies, kidney disease treatment centers and**
19 **freestanding hemodialysis units, and others providing similarly organized**
20 **services regardless of nomenclature**~~["Facility" includes long-term care~~
21 ~~facilities as defined in KRS 216A.010 and residential long-term care facilities~~
22 ~~as defined in KRS 216.510]; and~~

23 (c) "Mental hospital" means a state-owned or operated mental or psychiatric
24 hospital.

25 (2) Notwithstanding any state law to the contrary, the Cabinet for Health and Family
26 Services shall require a community, a **health** facility, and a mental hospital to
27 permit in-person ~~resident~~ visitation **with a resident, client, or patient** by at least

1 one (1) essential personal care visitor, including a family member, legal guardian,
2 outside caregiver, friend, lay caregiver as defined in KRS 216B.230, or volunteer
3 who is important to the mental, physical, or social well-being of the resident, client,
4 or patient.

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

8 (a) Establish procedures for a resident, client, or patient to designate at least one
9 (1) essential personal care visitor and procedures to change the designated
10 essential personal care visitor;

11 (b) Exempt an essential personal care visitor from any prohibitions on visiting a
12 resident, client, or patient of a community, a health facility, or a mental
13 hospital other than the requirements in this subsection including during a
14 communicable disease outbreak in the community, health facility, or mental
15 hospital, or due to the communicable disease status of the resident, client,
16 or patient;

17 (c) Require an essential personal care visitor to follow safety protocols of the
18 community, the health facility, or the mental hospital;

19 (d) Require an essential personal care visitor to assume a risk of contracting
20 communicable diseases, provided the community, the health facility, or the
21 mental hospital is compliant with the Kentucky Department for Public Health
22 guidelines;

23 (e) Permit a community, a health facility, or a mental hospital to require a written
24 visitation agreement with an essential personal care visitor;

25 (f) Permit a community, health facility, or mental hospital to limit visitation of
26 an essential personal care visitor to the ~~resident or~~ residents, clients, or
27 patients he or she is approved to visit;

1 (g) Permit a community, health facility, or mental hospital to limit the total
2 number of essential personal care visitors allowed in the community, health
3 facility, or mental hospital at any one (1) time; and

4 (h) Except as provided in this section, do not require a community, health
5 facility, or mental hospital to permit an in-person visitor at all times.

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