

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

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

3 ➔Section 1. KRS 216.505 is amended to read as follows:

4 (1) As used in this section:

5 (a) **"Health facility" has the same meaning as in KRS Chapter 216B;**

6 **"Health service" has the same meaning as in KRS Chapter 216B;**

7 **"Medicaid waiver service" means a medical service provided under the**
8 **acquired brain injury, the Michelle P. waiver, the supports for community**
9 **living, or the home and community based waiver programs**~~["Community"~~
10 ~~means assisted living community as defined in KRS 194A.700;~~

11 ~~(b) "Facility" includes long term care facilities as defined in KRS 216A.010 and~~
12 ~~residential long term care facilities as defined in KRS 216.510; and~~

13 ~~(c) "Mental hospital" means a state owned or operated mental or psychiatric~~
14 ~~hospital].~~

15 (2) Notwithstanding any state law to the contrary, the Cabinet for Health and Family
16 Services shall require a community, a facility, and a mental hospital to permit in-
17 person resident visitation by at least one (1) essential personal care visitor,
18 including a family member, legal guardian, outside caregiver, friend, or volunteer
19 who is important to the mental, physical, or social well-being of the resident.

20 (3) The cabinet shall, within fourteen (14) days of **the effective date of this**
21 **Act**~~[February 7, 2022],~~ promulgate administrative regulations in accordance with
22 KRS Chapter 13A that, subject to applicable federal requirements:

23 (a) Establish procedures for a resident to designate at least one (1) essential
24 personal care visitor and procedures to change the designated essential
25 personal care visitor;

26 (b) Exempt an essential personal care visitor, **including during a communicable**
27 **disease outbreak in a health facility, health service, or Medicaid waiver**

1 service, regardless of the resident's communicable disease status, from any
2 prohibitions on visiting a resident of a community, a facility, or a mental
3 hospital other than the requirements in this subsection;

- 4 (c) Require an essential personal care visitor to follow safety protocols of the
5 community, the facility, or the mental hospital;
- 6 (d) Require an essential personal care visitor to assume a risk of contracting
7 communicable diseases, provided the community, the facility, or the mental
8 hospital is compliant with the Kentucky Department for Public Health
9 guidelines;
- 10 (e) Permit a community, a facility, or a mental hospital to require a written
11 visitation agreement with an essential personal care visitor;
- 12 (f) Permit a community, facility, or mental hospital to limit visitation of an
13 essential personal care visitor to the resident or residents he or she is approved
14 to visit;
- 15 (g) Permit a community, facility, or mental hospital to limit the total number of
16 essential personal care visitors allowed in the community, facility, or mental
17 hospital at any one (1) time; and
- 18 (h) Except as provided in this section, do not require a community, facility, or
19 mental hospital to permit an in-person visitor at all times.

20 ➔Section 2. Whereas, the General Assembly recognizes that the mental, physical,
21 and social well-being of residents in health facilities is greatly enhanced by assistance
22 from essential personal care visitors, an emergency is declared to exist, and this Act takes
23 effect upon its passage and approval by the Governor or upon its otherwise becoming a
24 law.