

1 AN ACT 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) "Community" means an assisted-living community as defined in KRS
6 194A.700;

7 (b) "Facility" includes long-term care facilities as defined in KRS 216A.010, ~~and~~
8 ~~residential~~ long-term-~~care~~ facilities as defined in KRS 216.510, and
9 ***psychiatric residential treatment facilities as defined in KRS 216B.450***; and

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

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

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

20 (a) Establish procedures for a resident to designate at least one (1) essential
21 personal care visitor and procedures to change the designated essential
22 personal care visitor;

23 (b) Exempt an essential personal care visitor, ***including during a communicable***
24 ***disease outbreak in the community, facility, or mental hospital, regardless***
25 ***of the resident's communicable disease status***, from any prohibitions on
26 visiting a resident of a community, a facility, or a mental hospital other than
27 the requirements in this subsection;

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

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