

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-71—sHB 6634

Human Services Committee

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

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

The act also requires the Department of Public Health (DPH) commissioner to establish a statewide policy for visiting long-term care residents. If there is a declared public health emergency, the commissioner must establish visitation requirements that incorporate a resident’s need for essential support from an essential support person and other visitors.

By 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. The act specifies that 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

Under the act, an “essential support person” is someone a 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) assisting with activities of daily living and (2) providing physical, emotional, psychological, and socialization support. A secondary essential support person serves as the primary’s backup.

The act allows for a primary or secondary essential support person to visit a resident despite general visitation restrictions for other visitors as long as they follow the rules DPH establishes under a statewide visitation policy (see below).

STATEWIDE VISITATION POLICY

The act requires the DPH commissioner to establish a statewide policy for visiting long-term care facility residents of nursing homes and managed residential communities that provide assisted living services (long-term care facilities). The policy must apply to all these facilities and incorporate a resident’s

OLR PUBLIC ACT SUMMARY

need for health, safety, and well-being, including essential support from an essential support person.

Public Health Emergencies

If the governor declares a public health emergency, the act 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 from an essential support person and other visitors and (2) include the circumstances, if any, under which a facility may restrict visitors, including essential support persons.

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

1. arrangements for visiting 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. a 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 facility if a communicable disease outbreak or a public health emergency declaration occurs;
4. permission for an essential support person to visit with a resident despite general visitation restrictions, as long as (a) the essential support person complies with the commissioner's safety protocols 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.