



California Department of Aging Long-Term Care Facility Access (LTCFA) Policy Workgroup Summary of State Laws on LTCF Visitation and Access

This document summarizes key state legislation related to long-term care facility (LTCF) access and visitation since 2020. The summaries are intended to provide a high-level description of each piece of legislation and are not intended to comprehensively outline all provisions of the legislation. A link to each law has been included in this document for readers' further review.

Arkansas

Law: No Patient Left Alone

Date Signed by Governor: March 10, 2021

Summary:

- Requires LTCFs to allow compassionate care visitation “as needed by the resident to alleviate physical or mental distress,” with a specific process for identifying compassionate care needs, and to allow personal contact during such visits as long as individuals adhere to appropriate infection prevention guidelines disseminated by Centers for Disease Control (CDC) or Centers for Medicare & Medicaid Services (CMS).
 - Specifies that compassionate care visits “shall continue even if the [COVID-19] infection rate in the county in which the long-term care facility is located is high.”
- Specifies conditions during the COVID-19 pandemic in which indoor visitation for reasons beyond compassionate care visitation must be allowed, with some permissible limits.
- Allows health care workers who are not employed by the LTCF to enter the LTCF if they follow protocols.

California

Bill: Resident-Designated Support Persons Act

Date: *This bill was introduced by Rep. Adrin Nazarian in March 2022 and was not passed by the State Legislature, which decided to form the LTCFA Policy Workgroup to develop and make recommendations on this issue.*

Summary:

- Would allow LTCF residents to designate support persons who could access the resident in person within the LTCF during a public health emergency (PHE) in which visitation rights are limited by state or local order, following infection control protocols no more stringent than those for LTCF staff.
- Would allow LTCF residents to leave the facility “so long as reasonable infection control precautions are taken” and to not be subject to quarantine upon their return unless they do not follow the same infection control protocol as staff, there is a known exposure, or they show symptoms of a contagious disease related to the PHE.

Colorado

Law: Elizabeth’s No Patient or Resident Left Alone Act

Date Signed by Governor: June 8, 2022

Summary:

- Allows LTCF patients or residents to have at least one visitor during their stay or residency, including “a visitor to provide a compassionate care visit to alleviate the patient’s or resident’s physical or mental distress.”

- Outlines specific limitations on visitation rights “when the risk of transmission of a communicable disease is heightened.”

Connecticut

Law: Essential Support Persons and State-Wide Visitation Policy for Residents of Long-Term Care Facilities

Date Signed by Governor: June 24, 2021

Summary:

- Allows LTCF residents to designate essential support persons (ESPs) who can visit them “despite general visitation restrictions imposed on other visitors.”
- Requires the Commissioner of Public Health to establish rules that ESPs must follow “to protect the health, safety, and well-being of” LTCF residents and outlines specific elements those rules must include.

Florida

Law: No Patient Left Alone

Date Signed by Governor: April 6, 2022

Summary:

- Requires LTCFs to establish and publish on their website policies and procedures (P&Ps) for visitation, details the required components of those P&Ps, specifies that safety protocols “may not be more stringent than those established for the provider’s staff and may not require visitors to submit proof of any vaccination or immunization,” and lists situations in which those policies must allow in-person visitation, including end-of-life situations.
- Allows at least two hours of daily in-person visitation by a designated essential caregiver in addition to “any other visitation authorized by the provider.”

Idaho

Law: Essential Caregivers Act

Date Signed by Governor: March 22, 2022

Summary:

- Establishes a patient’s or resident’s right to visitation from a designated essential caregiver.
- Instructs facilities to establish safety protocols and “place reasonable restrictions as to where and when the essential caregiver may visit,” specifying that a reasonable restriction is a restriction that “is necessary to prevent the disruption of assistance or health care services to the patient or resident” and “does not interfere with [the] patient’s or resident’s right to visitation by essential caregivers.”

Illinois

Law: Medical Patient Rights Act

Date Signed by Governor: May 27, 2022

Summary:

- Requires LTCFs “to ensure an opportunity for at least one visitor to visit a resident or patient of the health care facility” during a Governor-declared emergency.
- Allows LTCFs to deny visitation to individuals “if visitation would endanger the physical health or safety of a patient, the visitor, or health care workers or would otherwise create a public health or safety problem.”

Missouri

Law: Compassionate Care Visitation Act and Essential Caregiver Program Act

Date Signed by Governor: June 30, 2022

Summary:

- Establishes an LTCF resident's right to compassionate care visitation, including a specific definition of compassionate care and minimum requirements for compassionate care access (including the number of visitors and hours per day).
- Establishes an LTCF resident's right to designate essential caregivers who "shall be considered part of the patient's care team" and be permitted in-person contact during a Governor-declared state of emergency, including a specific definition of essential caregivers and minimum requirements for essential caregiver access (including the number of visitors and hours per day).

New York

Law: Essential Caregiver Bill

Date Signed by Governor: March 29, 2021

Summary:

- Allows LTCF residents to designate "personal caregiving visitors" (no more than two) who are "exempt from prohibitions on visiting residents at nursing homes" during "local or state health emergencies."
- Directs regulators to create rules governing visitation for personal caregivers and enumerates specific elements the regulations must include, including provisions for compassionate care visits.

North Carolina

Law: No Patient Left Alone

Date Signed by Governor: October 15, 2021

Summary:

- Instructs LTCFs to "permit patients and residents to receive visitors to the fullest extent permitted under any applicable rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law."
- Requires LTCFs to allow compassionate care visits, with a specific definition of compassionate care.

Ohio

Law: The Compassionate Caregiver's Act

Date Signed by Governor: April 21, 2022

Summary:

- Requires LTCFs to permit in-person visitation by compassionate caregivers during a state of emergency, includes a definition of compassionate care, specifies a process for identifying the need for compassionate care, and includes detailed requirements (such as the number of visitors and visitation hours).
- Requires that LTCF policies related to safety protocols and access conditions for compassionate care visitors be "the least restrictive possible and provide maximum access to the resident."
- Allows health care workers who are not employed by the LTCF to enter the LTCF, with some permissible limitations.

Pennsylvania

Law: Access to Congregate Care Facilities Act

Date Signed by Governor: July 1, 2021

Summary:

- Requires the Department of Health of the Commonwealth to establish protocols for an “essential caregiver” to access a resident of a congregate care facility during a “declaration of disaster emergency.”
- Allows LTCFs to set “reasonable, additional safety requirements” that “are directly linked to a declaration of disaster emergency” and “are not so burdensome and onerous as to substantially prevent an essential caregiver from being able to physically or emotionally support a resident of the congregate care facility in person.”
- Limits the amount of time that a congregate care facility may be in a lockdown in which the essential caregivers are excluded from access to the building to a maximum of 45 days, or a lesser duration set by the Department of Health.

Rhode Island

Law: Rights of Nursing Home Patients

Effective without Governor’s Signature: July 16, 2021

Summary:

- Allows LTCF residents to designate an essential caregiver who is permitted “regular and sustained in-person visitation and physical access to [the] resident” LTCF during a declared state of emergency.
- Requires the Department of Health to establish rules governing essential caregiver access to facilities.
- Allows LTCFs to set additional safety measures that “are directly linked to a declaration of disaster emergency” and “are not so burdensome and onerous as to substantially prevent an essential caregiver from being able to physically or emotionally support a resident of the nursing home or long-term care facility in person.”
- Limits the amount of time that a facility may be in a lockdown in which the essential caregivers are excluded from access to the building to a maximum of 30 days.

South Dakota

Law: An Act to Require Assisted Living Facilities to Create and Post Visitation Policies

Date Signed by Governor: March 10, 2021

Summary:

- Establishes that residents of assisted living facilities have “a right to receive visitors of the resident’s own choosing, at the time of the resident’s own choosing.”
- Sets requirements for posting and updating any policies that restrict access to visitors, including a requirement for providing the law or evidence-based research that demonstrates the need for restrictions.

Texas

Law: [Right to Essential Caregiver Visits](#)**Date Signed by Governor:** June 14, 2021**Summary:**

- Establishes residents' "right to designate an essential caregiver with whom the facility or program provider may not prohibit in-person visitation," defines "essential caregiver," and specifies requirements (such as minimum hours of visitation).
- Requires essential caregivers to follow LTCF safety protocols.
- Permits facilities to petition the Health and Human Services Commission to suspend in-person essential caregiver visitation for no more than 7 days at a time if visitation poses a serious community health risk, and limits an LTCF's total permissible lockdown days to 14 consecutive days or 45 total days in a year.

Washington State

Law: **An Act Improving the Health, Safety, and Quality of Life for Residents in Long-Term Care Facilities****Date Signed by Governor:** May 3, 2021**Summary:**

- Requires LTCFs to allow residents access to an "essential support person" in the event of a PHE or "other threat to the health and safety of the residents and staff," defines "essential support person," and lists requirements for essential support person visitation.
- Specifies that in a PHE "or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff."