

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 806 (Delegate K. Young)
Health and Government Operations

Health Facilities – Nursing Homes and Assisted Living Programs – Essential
Caregivers

This bill requires each nursing home and assisted living program to establish policies and procedures to authorize indoor visitation from an “essential caregiver.” A local health officer may be consulted when establishing policies and procedures. A nursing home or assisted living program may restrict or revoke essential caregiver status if the caregiver does not follow rules and policies or the direction of staff.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None; local health officers can consult as needed with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Essential caregiver” means an individual designated by a patient or resident of a nursing home or assisted living program to advocate or provide additional personalized care for the patient.

Each nursing home and assisted living program must (1) establish policies and procedures for how to designate and use one or more essential caregivers for each patient or resident; (2) consult with the administrator or other staff as appropriate to determine if an individual meets the criteria for an essential caregiver; (3) consult with the resident or patient and

essential caregiver to identify a daily schedule; (4) ensure that the scheduling of essential caregiver visits considers the number of essential caregivers in the facility at any given time; (5) designate a point of entry where an essential caregiver signs in to the facility and completes required screening; and (6) require an essential caregiver to abide by the rules and policies adopted by the facility to ensure patient and resident safety.

An essential caregiver may transport a patient or resident outside the facility for essential medical appointments. An essential caregiver must inform the facility if the essential caregiver develops any symptom of a potentially transmissible illness. If a patient or resident is quarantined, an essential caregiver may not visit the patient or resident until the quarantine ends.

Current Law: An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of such services that meets the needs of individuals who need assistance with the activities of daily living.

A nursing home is a facility that offers non-acute care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services. Under the Code of Maryland Regulations, at the time of admission, a resident of a nursing facility must be informed of the nursing facility's visitation rules.

Additional Comments: According to the American Association of Retired Persons, [several states](#) have begun allowing essential caregivers to visit nursing homes during the ongoing COVID-19 pandemic.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 47 (Senator Corderman) - Finance.

Information Source(s): American Association of Retired Persons; Maryland Department of Aging; Maryland Department of Health; Department of Human Services; Department of Legislative Services

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an/jc

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