FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2145

Introduced by

Senators K. Roers, Mathern, Patten

Representatives Keiser, Rohr, Westlind

- 1 A BILL for an Act to create and enact chapter 50-10.3 of the North Dakota Century Code,
- 2 relating to access to long-term care facilities; and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** Chapter 50-10.3 of the North Dakota Century Code is created and enacted as
- 5 follows:
- 6 **50-10.3-01. Definitions.**
- As used in this chapter, unless the context clearly indicates otherwise:
- 8 <u>1. "Declaration of disaster or emergency" means a disaster or emergency declared by</u>
 9 the governor under chapter 37-17.1.
- 10 2. "Department" means the department of human services.
- 11 <u>3.</u> "Essential caregiver" means an individual identified by a resident of a long-term care
- 12 <u>facility or by the resident's designated decisionmaker to provide in-person physical,</u>
- spiritual, or emotional support to the resident.
- 14 <u>4. "Long-term care facility" means a skilled nursing facility, basic care facility, assisted</u>
- 15 <u>living facility, or swing-bed hospital approved to furnish long-term services.</u>
- 16 **50-10.3-02.** Scope.
- 17 This chapter does not supersede federal authority regarding long-term care facilities or
- 18 prevent the department or state department of health from taking necessary actions to render
- 19 the state eligible for federal funds or reimbursement services provided in long-term care
- 20 facilities.
- 21 <u>50-10.3-03. Access to long-term care facilities for essential caregivers.</u>
- 22 <u>1. The department, working jointly with the state department of health, the state long-</u>
- term care ombudsman, residents and tenants, families of residents and tenants, and
- 24 <u>long-term care facility representatives, shall establish protocols to allow a resident of a</u>

1		<u>long</u>	-term care facility or the resident's designated decisionmaker designate one or	
2		mor	e individuals as the resident's essential caregivers, including during a declaration	
3		of d	isaster or emergency. An essential caregiver shall meet the necessary	
4		<u>qua</u>	lifications to enter the long-term care facility to provide in-person physical, spiritual,	
5		or e	motional support to a resident of a long-term care facility in accordance with the	
6		prot	ocols established under this section.	
7	<u>2.</u>	The protocols must include:		
8		<u>a.</u>	Safety measures for an essential caregiver which may include restrictions on	
9			travel, enhanced testing for communicable diseases, and the necessary safety	
0			equipment required to protect the health and safety of the residents of the long-	
11			term care facility;	
2		<u>b.</u>	Procedures to replace an essential caregiver due to necessary circumstances,	
3			including illness or death of the essential caregiver; and	
4		<u>C.</u>	A duration, not to exceed thirty days, during which a long-term care facility may	
5			enter a lockdown phase for the purpose of establishing safety measures for	
6			residents of the long-term care facility and essential caregivers.	
7	50-10.3-04. Additional safety requirements for residents of long-term care facilities.			
8	A long-term care facility may establish additional safety requirements to protect the			
9	residents of the long-term care facility if the requirements and cost are not so burdensome or			
20	onerous as to substantially prevent an essential caregiver from being able to provide in-person			
21	physical, spiritual, or emotional support to a resident of the long-term care facility.			
22	50-10.3-05. Suspension of access for essential caregivers.			
23	If a long-term care facility suspends access to the long-term care facility for an essential			
24	caregiver who violates the protocols established under section 50-10.3-03, the long-term care			
25	facility shall allow the resident, or the resident's designated decisionmaker, to immediately			
26	designate a replacement essential caregiver.			
27	SEC	SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.		