

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: SB5042S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Kiggans

3. Committee: Education and Health

4. Title: State Board of Health; public health emergency; patient visitation; notice to family; emergency.

5. Summary: Requires each licensed nursing home, certified nursing facility, and hospice facility to establish visitation policies and protocols during the COVID-19 public health emergency to allow patients and residents to receive visits in person, by audio technology, or by visual technology, consistent with guidance from the U.S. Centers for Disease Control and Prevention and the U.S. Centers for Medicare and Medicaid Services, at least once every 10 calendar days. Protocols must include (i) what conditions, including those related to COVID-19, in the facilities and the community would permit in-person visitation; (ii) the requirements for in-person visitors must comply with in order to protect health and safety at the facility; (iii) the type of technology and staff support necessary to ensure visitation is provided; (iv) the steps the facility will take in the event of technology failure, service interruption, or documented emergency that prevents visitation from occurring; and (v) facilities to publish on their website or provide written communication of its plan for providing virtual or in-person family visits. The bill also makes minor technical updates to Va. Code § 32.1-162.5 to correctly refer to home care organizations and architectural guidelines. This bill contains an emergency enactment clause.

6. Budget Amendment Necessary: See item 8.

7. Fiscal Impact Estimates: Indeterminate, see item 8.

8. Fiscal Implications: The fiscal impact this bill would have on the Commonwealth cannot be determined at this time. The bill requires that the State Board of Health promulgate regulations requiring nursing homes and hospice facilities to permit either in-person or virtual visitation at least once every 10 calendar days and to establish visitation policies and protocols during the COVID-19 public health emergency. Since the beginning of the COVID-19 pandemic, the Virginia Department of Health (VDH) has received 21 complaints about the lack of visitation at nursing homes and hospice facilities. While VDH has been able to adequately investigate and inspect the complaints received to date with existing staff and resources, it is unknown if the volume of complaints after passage of this bill would exceed VDH's current capacity. It is possible that this bill may result in the need for additional staff

and increased travel expenditures for inspectors traveling to facilities for complaint inspections.

9. Specific Agency or Political Subdivisions Affected: The Virginia Department of Health.

10. Technical Amendment Necessary: The amendment in Va. Code § 32.1-162.5 subsection C regarding regulations for hospice facilities includes a reference to licensed nursing homes and certified nursing homes, “Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community”. It is assumed that this should instead reference hospice facilities.

11. Other Comments: None.