

Publications

Health Care Alert: Ohio Issues Indoor Visitation Order for Assisted Living Facilities and Nursing Homes

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On October 8, 2020, two weeks after Governor DeWine announced it during a COVID-19 press conference, the Ohio Department of Health (ODH) posted the new order for indoor visitation for “homes” as defined under Ohio Revised Code 3721.01, including residential care/assisted living facilities and nursing homes. The order does not apply to ICFs/IID. As expected, the order provides that homes may permit residents to have visitors in accordance with the guidelines set forth in the order for facility planning, visitation requirements, and compassionate care visitation. In setting their visitation policies, facilities must evaluate case status in the surrounding community and home(s), staffing levels, access to adequate testing for residents and staff, personal protective equipment supplies, and local hospital capacity. The order will take effect on Monday, October 12, 2020.

Some of the notable visitation parameters provided by the order include the following:

- Homes must screen visitors for COVID-19 symptoms, including symptoms assessment and questions about exposure to COVID-19.
- Homes must require visitors to wear facility-provided face coverings during the entire visit.
- Visitors must be at an age of maturity to facilitate social distancing and not be a distraction to other residents, visitors, or staff and be able to wear a face covering.
- Homes are encouraged to test visitors, if feasible (and if they do, should prioritize testing visitors that visit regularly).
- No more than two visitors can be permitted per resident per visit.
- If more than one resident has a visitor, or a resident has multiple visitors, the home must provide enough space to permit visitors and residents to maintain appropriate distance from each other the entire visit, and social distancing must be adhered to regardless of where the visit takes place.
- Homes must encourage residents and visitors to have a contact-free visit.

- Items and surfaces such as wheelchairs, tabletops, or other touched items must be cleaned and disinfected between visits, and hand sanitizer must be made available to visitors and residents for use before, after, and during the visit.
- Visits must be scheduled with the home in advance and can last a maximum of 30 minutes per visit.
- Visitation must occur in a designated visitation area that is separate and distinct from where resident rooms are located, and the place must be able to be monitored by staff.
- Visitors must be escorted to and from the designated visitation area by staff.
- Each home must develop a protocol for restroom use by visitors, and use of private, resident restrooms is prohibited.
- Compassionate care visits (which are defined in the order and are not exclusively limited to end-of-life situations) must be conducted using social distancing, and the home should work with residents, families, caregivers, resident representatives, clinicians and the Office of the State Long-Term Care Ombudsman program to identify the need, length, and frequency for compassionate care visits.

The order requires providers to regularly report visitation information in the state's online visitation dashboard, which will be available at <https://coronavirus.ohio.gov>. The effective date of the dashboard requirement is October 19, 2020.

A copy of the order can be found [here](#). Providers should carefully review the order in its entirety to ensure their visitation policies are in compliance.

If you have questions, please contact Suzanne Scrutton, Robin Amicon, or your regular Vorys attorney.

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VORYS COVID-19 TASK FORCE

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.