

116TH CONGRESS
2D SESSION

H. R. 7048

To establish requirements for skilled nursing facilities, nursing facilities, and assisted living facilities to manage the outbreak of COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2020

Mr. GOTTHEIMER (for himself, Mr. SMITH of New Jersey, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish requirements for skilled nursing facilities, nursing facilities, and assisted living facilities to manage the outbreak of COVID–19, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nursing Home Pan-
5 demic Protection Act”.

1 **SEC. 2. REQUIREMENTS FOR SKILLED NURSING FACILI-**
2 **TIES, NURSING FACILITIES, AND ASSISTED**
3 **LIVING FACILITIES TO MANAGE THE OUT-**
4 **BREAK OF COVID-19.**

5 (a) CODIFICATION OF MEMORANDUM RELATING TO
6 NOTIFICATION REQUIREMENTS OF CASES OF COVID-19
7 THAT ARE CONFIRMED OR UNDER INVESTIGATION IN
8 NURSING HOMES.—The memorandum entitled “Upcom-
9 ing Requirements for Notification of Confirmed COVID-
10 19 (or COVID-19 Persons under Investigation) Among
11 Residents and Staff in Nursing Homes” published by the
12 Centers for Medicare & Medicaid Services on April 19,
13 2020, shall have the force and effect of law.

14 (b) CRISIS PLAN FOR SUCH FACILITIES.—The Sec-
15 retary of Health and Human Services shall ensure that
16 skilled nursing facilities, nursing facilities, and assisted
17 living facilities establish, not later than 60 days after the
18 date of the enactment of this Act, establish a crisis plan
19 to manage the outbreak of COVID-19 and other public
20 health emergencies within such facilities. Such plan shall
21 outline procedures relating to infection control, staffing,
22 personal protective equipment, outside medical providers
23 and hospitalizations, and communication with family
24 members.

25 (c) PPE REQUIREMENTS FOR SUCH FACILITIES.—

1 (1) IN GENERAL.—The Secretary of Health and
2 Human Services shall ensure that skilled nursing fa-
3 cilities, nursing facilities, and assisted living facilities
4 establish, not later than 120 days after the date of
5 the enactment of this Act, maintain access to a min-
6 imum amount of personal protective equipment de-
7 scribed in paragraph (2) to manage the outbreak of
8 COVID–19 and other public health emergencies
9 within such facilities.

10 (2) MINIMUM AMOUNT OF PPE DESCRIBED.—
11 For purposes of paragraph (1), a minimum amount
12 of personal protective equipment described in this
13 paragraph is the amount of such equipment for use
14 by the staff and residents of such facilities for a 30-
15 day period.

16 (d) DEFINITIONS.—In this Act:

17 (1) NURSING FACILITY.—The term “nursing
18 facility” has the meaning given such term in section
19 1919(a) of the Social Security Act (42 U.S.C.
20 1396r(a)).

21 (2) SKILLED NURSING FACILITY.—The term
22 “skilled nursing facility” has the meaning given such
23 term in section 1819(a) of the Social Security Act
24 (42 U.S.C. 1395i–3(a)).

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