

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. 9641

To amend titles XVIII and XIX of the Social Security Act to require certain facilities to permit visits from an essential caregiver during certain periods.

IN THE HOUSE OF REPRESENTATIVES

Ms. TENNEY (for herself and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on

A BILL

To amend titles XVIII and XIX of the Social Security Act to require certain facilities to permit visits from an essential caregiver during certain periods.

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 “Essential Caregivers
5 Act of 2026”.

1 **SEC. 2. REQUIRING CERTAIN FACILITIES TO PERMIT VISITS**
2 **FROM AN ESSENTIAL CAREGIVER DURING**
3 **CERTAIN PERIODS.**

4 (a) NURSING FACILITIES AND SKILLED NURSING
5 FACILITIES.—

6 (1) IN GENERAL.—Sections 1819(c) and
7 1919(c) of the Social Security Act (42 U.S.C.
8 1395i–3(c); 1396r(c)) are each amended—

9 (A) in paragraph (3)—

10 (i) in subparagraph (D), by striking
11 “and” at the end;

12 (ii) in subparagraph (E), by striking
13 the period and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing new subparagraph:

16 “(F) implement and maintain, during any
17 period during which regular visitation at such
18 facility is suspended, the essential caregivers
19 program described in paragraph (7).”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(7) ESSENTIAL CAREGIVERS PROGRAM.—

23 “(A) IN GENERAL.—For purposes of sub-
24 paragraph (F) of paragraph (3), the essential
25 caregivers program described in this paragraph
26 is a program implemented by a facility de-

1 scribed in such paragraph under which such fa-
2 cility must—

3 “(i) allow each resident of such facil-
4 ity the ability to elect 2 essential caregivers
5 (as defined in subparagraph (D)) to have
6 in-person access to such resident at such
7 facility;

8 “(ii) allow each such resident to
9 amend such election at any time; and

10 “(iii) subject to subparagraph (B),
11 permit each such caregiver so elected by
12 such resident in-person access to such resi-
13 dent.

14 “(B) LIMITATIONS ON ACCESS.—

15 “(i) IN GENERAL.—The Secretary
16 may permit a facility described in subpara-
17 graph (A) to limit the access to an essen-
18 tial caregiver elected by a resident of such
19 facility in accordance with guidance issued
20 by the Secretary. Such guidance may—

21 “(I) permit such a facility to
22 deny such a caregiver in-person access
23 to such resident for the first 7 days
24 during the period during which reg-
25 ular visitation at such facility is sus-

1 pended (as described in paragraph
2 (3)(F)), but only if, during the period
3 during which such in-person access is
4 denied, such facility provides such
5 caregiver access to such resident
6 through an audio-visual telecommuni-
7 cations system;

8 “(II) provide reasonable accom-
9 modations to protect the rights of a
10 roommate of such resident; and

11 “(III) notwithstanding subclause
12 (I)—

13 “(aa) allow such a facility to
14 limit or deny such a caregiver in-
15 person access to such resident if
16 such caregiver displays symptoms
17 of a serious infectious disease
18 that poses a significant risk to
19 the residents of such facility, but
20 only until such time as such care-
21 giver tests negative for such dis-
22 ease;

23 “(bb) allow such a facility to
24 deny such a caregiver access to
25 such resident if such caregiver

1 fails to follow the safety protocols
2 described in subparagraph (D);
3 and

4 “(cc) allow only 1 such care-
5 giver at a time in-person access
6 to such resident.

7 “(ii) NO LIMITATION ALLOWED FOR
8 END-OF-LIFE CARE.—Notwithstanding
9 clause (i), a facility described in subpara-
10 graph (A) may not deny an essential care-
11 giver elected by a resident of such facility
12 under subparagraph (A) in-person access
13 to such resident, or limit the duration of
14 such in-person access, if such resident has
15 in effect an election under section 1812(d).

16 “(C) PRESUMPTION OF ELECTION.—For
17 purposes of subparagraph (A), in the case of a
18 resident who is unable, by reason of cognitive
19 decline or mental disability, to make an election
20 described in such subparagraph, a resident rep-
21 resentative (as defined in section 483.5 of title
22 42, Code of Federal Regulations (or a successor
23 regulation)) of such resident shall be permitted
24 to make such election for such resident.

1 “(D) ESSENTIAL CAREGIVER DEFINED.—

2 For purposes of this paragraph, the term ‘es-
3 sential caregiver’ means, with respect to a resi-
4 dent of a facility described in subparagraph
5 (A), an individual who agrees to follow all pro-
6 tocols for physical safety and infection control
7 established by such facility, which shall be
8 clearly specified in writing and be not more re-
9 strictive than such protocols (including safety
10 standards and entry requirements) applicable to
11 staff of such facility.”.

12 (2) TIMELINE FOR INVESTIGATION OF COM-
13 PLAINTS.—Section 1128I(f)(2) of the Social Secu-
14 rity Act (42 U.S.C. 1320a–7j(f)(2)) is amended by
15 adding at the end the following new subparagraph:

16 “(C) PROCESS FOR COMPLAINTS RELATING
17 TO ESSENTIAL CAREGIVER ACCESS.—The com-
18 plaint resolution process established under sub-
19 paragraph (B) shall provide that, in the case of
20 a complaint relating to a violation of the re-
21 quirements of section 1819(c)(3)(F) or section
22 1919(c)(3)(F)—

23 “(i) the State survey and certification
24 agency shall prioritize the investigation of
25 such complaint; and

1 “(ii) the deadline for notifying the
2 complainant of the outcome of the inves-
3 tigation is not later than 3 days after such
4 complaint is received.”.

5 (b) LONG-TERM CARE HOSPITALS.—Section
6 1861(ccc)(4) of the Social Security Act (42 U.S.C.
7 1395x(ccc)(4)) is amended—

8 (1) in subparagraph (B), by striking “and” at
9 the end;

10 (2) in subparagraph (C), by striking the period
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(D) the institution implements and main-
15 tains, during any period during which regular
16 visitation at such institution is suspended, the
17 essential caregivers program described in sec-
18 tion 1819(c)(7) in the same manner as if such
19 institution were a skilled nursing facility.”.

20 (c) INPATIENT REHABILITATION FACILITIES.—Sec-
21 tion 1866(a)(1) of the Social Security Act (42 U.S.C.
22 1395cc(a)(1)) is amended—

23 (1) in subparagraph (X), by striking “and” at
24 the end;

1 (2) in subparagraph (Y), by striking the period
2 at the end and inserting “; and”; and

3 (3) by inserting after subparagraph (Y) the fol-
4 lowing new subparagraph:

5 “(Z) in the case of an inpatient rehabilitation
6 facility, to implement and maintain, during any pe-
7 riod during which regular visitation at such facility
8 is suspended, the essential caregivers program de-
9 scribed in section 1819(c)(7) in the same manner as
10 if such facility were a skilled nursing facility.”.

11 (d) INTERMEDIATE CARE FACILITIES FOR INDIVID-
12 UALS WITH INTELLECTUAL DISABILITIES.—Section
13 1905(d) of the Social Security Act (42 U.S.C. 1396d(d))
14 is amended—

15 (1) in paragraph (2), by striking “and” at the
16 end;

17 (2) in paragraph (3), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(4) the institution implements and maintains,
22 during any period during which regular visitation at
23 such institution is suspended, the essential care-
24 givers program described in section 1919(c)(7) in

1 the same manner as if such institution were a nurs-
2 ing facility.”.

3 (e) NONAPPLICABILITY OF WAIVERS.—Subpara-
4 graphs (A) and (B) of section 1135(b)(1) of the Social
5 Security Act (42 U.S.C. 1320b–5(b)(1)) are each amended
6 by inserting “(other than the requirements of sections
7 1819(c)(3)(F), 1861(ccc)(4)(D), 1866(a)(1)(Z),
8 1905(d)(4), and 1919(c)(3)(F))” after “requirements”.

9 (f) REGULATIONS.—The Secretary of Health and
10 Human Services shall promulgate regulations to carry out
11 the amendments made by this section not later than 18
12 months after the date of the enactment of this section.

13 (g) EFFECTIVE DATE.—The amendments made by
14 this section shall apply beginning 1 year after the date
15 of the enactment of this section.