

# Nursing Home COVID-19 Protection and Prevention Act (S.3768)

Sponsored by: Senator Bob Casey (D-PA) and Senator Sheldon Whitehouse (D-RI)

## Why do we need the Nursing Home COVID-19 Protection and Prevention Act?

The novel coronavirus (COVID-19) poses an unprecedented threat to more than one million Americans who reside in a nursing home, intermediate care facility or psychiatric hospital. Older adults, people with disabilities and those with underlying health conditions are at a disproportionate risk of succumbing to COVID-19. While accurate counts remain unavailable, according to the latest reports, more than [32,000](#) residents and workers in congregate facilities have lost their lives to COVID-19. Extraordinary, immediate solutions are needed to protect residents and the heroic workforce putting their lives on the line in nursing homes and other facilities.

States are implementing innovative strategies to mitigate the spread of COVID-19 in congregate settings. Many states and facilities are turning to a practice recommended by the [National Governors Association](#) and the [Centers for Medicare and Medicaid Services](#) known as “cohorting”—effectively separating residents with COVID-19 from those who have not been exposed to the virus. Other states are utilizing “strike” or “surge” teams to ensure a sufficient number of aides, nurses and other providers are available to care for residents, while others are offering real-time technical assistance to facilities on infection control practices. To contain the spread of COVID-19, through strategies like cohorting and surge teams, states, nursing homes, intermediate care facilities and psychiatric hospitals need an adequate supply of testing and personal protective equipment (PPE) and increased funding to support workers with premium, hazard and overtime pay as well as paid family and sick leave benefits.

**What would the Nursing Home COVID-19 Protection and Prevention Act do?** To contain the devastating spread of COVID-19 in nursing homes and intermediate care facilities, Congress must:

- **Invest in promising practices to save lives:** The bill would provide \$20 billion in emergency funding to States, Territories and Indian Tribes to support nursing homes, intermediate care facilities and psychiatric hospitals with cohorting based on COVID-19 status, namely to support costs related to staffing, testing, PPE and other essential needs. States would provide nursing homes with technical assistance on implementing infection control protocols, minimizing transfers, facilitating discharges to home and community-based settings and adequate staffing, among other topics.
- **Safeguard residents:** Require the U.S. Department of Health and Human Services (HHS) to develop guidance to permit cohorting based on a facility’s history of compliance. HHS would also be required to issue guidance on strategies to effectively cohort based on COVID-19 status, such as on the utilization of non-traditional settings, like hotels and dormitories, and on consumer protections related to discharges and transfers, resident rights and family notification.
- **Collect COVID-19 data and require disclosure:** The bill would require HHS to collect and publish data on COVID-19 cases and deaths in nursing homes, intermediate care facilities and psychiatric hospitals and to issue a report analyzing the characteristics of facilities with COVID-19 outbreaks and deaths. The bill also establishes essential and ongoing oversight, including monthly briefings for Congress and an Office of the Inspector General (OIG) report on the Administration’s response to the spread of COVID-19 in nursing homes, intermediate care facilities and psychiatric hospitals nationwide.

**Cosponsors:** Senators Schumer (D-NY), Jones (D-AL), Warren (D-MA), Baldwin (D-WI), Markey (D-MA), Shaheen (D-NH), Menendez (D-NJ), Reed (D-RI), Van Hollen (D-MD), Blumenthal (D-CT), Hirono (D-HI), Cortez Masto (D-NV), Rosen (D-NV) and Peters (D-MI).

**Supporters:** More than **25 national and state organizations** representing older adults, people with disabilities, workers and health care providers, among others, support the bill, including:

1. AARP
2. Alliance for Aging Research
3. Alzheimer's Association
4. Alzheimer's Impact Movement
5. American Association on Health and Disability
6. American Psychological Association
7. American Society on Aging
8. AMDA: The Society for Post-Acute and Long-Term Care Medicine
9. Arc of Greater Pittsburgh
10. Center for Advocacy for the Rights & Interests of the Elderly (CARIE)
11. Center for Public Representation
12. Disability Pride Philadelphia Inc.
13. Disability Rights Education & Defense Fund
14. Justice in Aging
15. Lakeshore Foundation
16. LeadingAge
17. National Association of Councils on Developmental Disabilities
18. National Academy of Elder Law Attorneys
19. National Association of RSVP Directors
20. National Association of State Head Injury Administrators
21. National Commodity Supplemental Food Program Association
22. National Consumer Voice for Quality Long-Term Care
23. National Down Syndrome Congress
24. SEIU
25. Social Security Works
26. United Cerebral Palsy