

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.

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## 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

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## 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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