

116TH CONGRESS
2D SESSION

S. 4846

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 SENATE OF THE UNITED STATES

OCTOBER 22 (legislative day, OCTOBER 19), 2020

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Finance

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, a crisis plan to manage
19 the outbreak of COVID-19 and other public health emer-
20 gencies within such facilities. Such plan shall outline pro-
21 cedures relating to infection control, staffing, personal
22 protective equipment, outside medical providers and hos-
23 pitalizations, and communication with family members.

24 (c) PPE REQUIREMENTS FOR SUCH FACILITIES.—

25 (1) IN GENERAL.—The Secretary of Health and
26 Human Services shall ensure that skilled nursing fa-

1 cilities, nursing facilities, and assisted living facilities
 2 establish, not later than 120 days after the date of
 3 the enactment of this Act, a plan to maintain access
 4 to a minimum amount of personal protective equip-
 5 ment described in paragraph (2) to manage the out-
 6 break of COVID–19 and other public health emer-
 7 gencies within such facilities.

8 (2) MINIMUM AMOUNT OF PPE DESCRIBED.—

9 For purposes of paragraph (1), a minimum amount
 10 of personal protective equipment described in this
 11 paragraph is the amount of such equipment for use
 12 by the staff and residents of such facilities for a 30-
 13 day period.

14 (d) DEFINITIONS.—In this Act:

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

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

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