

119TH CONGRESS
1ST SESSION

H. R. 6766

To amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities, nursing facilities, intermediate care facilities for the intellectually disabled, and inpatient rehabilitation facilities to permit essential caregivers access during any period in which regular visitation is restricted.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2025

Ms. TENNEY (for herself, Mr. LARSON of Connecticut, Mr. FITZPATRICK, Mr. MANN, Mr. CISCOMANI, and Mr. MILLS) 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 amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities, nursing facilities, intermediate care facilities for the intellectually disabled, and inpatient rehabilitation facilities to permit essential caregivers access during any period in which regular visitation is restricted.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Essential Caregivers
3 Act of 2025”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) According to the National Center for Health
7 Statistics of the Centers for Disease Control and
8 Prevention, an estimated 1,300,000 individuals re-
9 sided in nursing homes in 2020 at the onset of the
10 COVID–19 pandemic, and nearly half of all nursing
11 home residents were living with a diagnosis of Alz-
12 heimer’s or other related dementia.

13 (2) Regulations issued pursuant to subtitle C of
14 title IV of the Omnibus Budget Reconciliation Act of
15 1987 (commonly known as the “Nursing Home Re-
16 form Act of 1987”) (Public Law 100–203) estab-
17 lished basic rights and services for residents of nurs-
18 ing homes, including “the right to a dignified exist-
19 ence, self-determination, and communication with
20 and access to persons and services inside and outside
21 the facility”.

22 (3) In March of 2020, the Centers for Medicare
23 & Medicaid Services instructed nursing facilities to
24 restrict visitation for all visitors and non-essential
25 healthcare personnel and cancel communal dining
26 and group activities. Long-term care ombudsman

1 program representatives and State surveyors were
2 among those whose access to long-term care facilities
3 was prohibited or extremely restricted despite re-
4 opening guidance released by the Centers for Medi-
5 care & Medicaid Services in May of 2020.

6 (4) Many long-term care residents declined dra-
7 matically or died prematurely from “failure to
8 thrive” in isolation.

9 (5) According to the National Consumer Voice
10 for Quality Long-Term Care, in the first year of the
11 COVID–19 pandemic, 1 in 5 healthcare workers re-
12 signed, retired, or were fired. This exacerbated the
13 longstanding problem of staff shortages that already
14 existed. Lack of staff, combined with the forced ab-
15 sence of families, many of whom provided informal
16 care and support to residents, resulted in a signifi-
17 cant decline in residents’ health and well-being. Dur-
18 ing the pandemic, pressure ulcers in nursing home
19 residents rose by 31 percent, the number of resi-
20 dents experiencing significant weight loss rose by 49
21 percent, the number of residents reporting feeling
22 down, depressed, or hopeless rose by 40 percent, and
23 the number of residents prescribed antipsychotic
24 medications rose by 77.5 percent.

1 (6) According to the Department of Health and
 2 Human Services, loneliness and isolation, such as
 3 that experienced by long-term care residents during
 4 the COVID–19 pandemic, represent profound
 5 threats to an individual’s health and well-being.

6 (7) Essential caregivers provide supplemental
 7 care for their loved one, regardless of staff short-
 8 ages, staff turnover, or emergencies. Essential care-
 9 givers support residents and advocate on their be-
 10 half.

11 **SEC. 3. RIGHT TO ESSENTIAL CAREGIVERS; ACCESS TO ES-**
 12 **SENTIAL CAREGIVERS DURING PERIODS**
 13 **WHEN VISITATION IS OTHERWISE RE-**
 14 **STRICTED.**

15 (a) MEDICARE SKILLED NURSING FACILITIES.—Sec-
 16 tion 1819(c)(3) of the Social Security Act (42 U.S.C.
 17 1395i–3(c)(3)) is amended—

18 (1) by redesignating subparagraphs (A) through
 19 (E) as clauses (i) through (v), respectively;

20 (2) by striking “A skilled nursing facility
 21 must—” and inserting the following:

22 “(A) IN GENERAL.—A skilled nursing fa-
 23 cility must—”; and

24 (3) by adding at the end the following new sub-
 25 paragraph:

1 “(B) ACCESS TO ESSENTIAL CAREGIVERS
2 DURING EMERGENCY PERIODS WHEN VISITA-
3 TION IS OTHERWISE RESTRICTED.—

4 “(i) DESIGNATION OF ESSENTIAL
5 CAREGIVER.—Each skilled nursing facility
6 must recognize the right of each resident
7 of such facility to—

8 “(I) designate and have access to
9 essential caregivers for such resident
10 at all times, including during any pe-
11 riod of emergency in which regular
12 visitation is restricted by order of a
13 Federal, State, or local authority or
14 by other operation of law; and

15 “(II) amend such designation at
16 any time.

17 “(ii) PRESUMPTION OF DESIGNA-
18 TION.—For purposes of clause (i), in the
19 case of a resident who is unable, by reason
20 of cognitive or mental disability, to make
21 an election described in such clause, the
22 resident representative (as defined in sec-
23 tion 483.5 of title 42, Code of Federal
24 Regulations) of such resident may make
25 such designation for such resident.

1 “(iii) ACCESS TO ESSENTIAL CARE-
2 GIVERS DURING EMERGENCY PERIODS
3 WHEN VISITATION IS OTHERWISE RE-
4 STRICTED.—During a period of emergency
5 in which regular visitation is restricted by
6 order of a Federal, State, or local author-
7 ity or by other operation of law, including
8 any period in which a waiver or modifica-
9 tion of requirements pursuant to section
10 1135 is in effect, a skilled nursing facility
11 must—

12 “(I) not deny in-person access to
13 a resident by an essential caregiver of
14 the resident except as provided in this
15 subparagraph;

16 “(II) allow at least 1 essential
17 caregiver to have access to and pro-
18 vide assistance to such resident at
19 such facility every day and at any
20 time;

21 “(III) enforce the agreement de-
22 scribed in clause (vii)(II) with respect
23 to an essential caregiver; and

24 “(IV) provide reasonable accom-
25 modations to protect the rights of a

1 roommate co-living with a resident
2 who has an essential caregiver.

3 “(iv) RESTRICTIONS ON ACCESS.—

4 “(I) IN GENERAL.—During a pe-
5 riod of emergency in which regular
6 visitation is restricted by order of a
7 Federal, State, or local authority or
8 by other operation of law, including
9 any period in which a waiver or modi-
10 fication of requirements pursuant to
11 section 1135 is in effect, a skilled
12 nursing facility—

13 “(aa) may, subject to item
14 (bb), deny access to a resident by
15 an essential caregiver of the resi-
16 dent for—

17 “(AA) an initial period
18 of not longer than 7 days;
19 and

20 “(BB) one additional
21 period of not longer than 7
22 days (in addition to the ini-
23 tial period described in
24 subitem (AA)) if the depart-
25 ment of health or other ap-

1 plicable agency of the State
2 in which the facility is lo-
3 cated approves the denial of
4 access for such additional
5 period; and

6 “(bb) must allow access to a
7 resident who is in end-of-life care
8 or a resident in decline or dis-
9 tress, as defined by the Sec-
10 retary.

11 “(II) RULE OF APPLICATION.—

12 For purposes of subclause (I), a pe-
13 riod of emergency in which regular
14 visitation is restricted by order of a
15 Federal, State, or local authority or
16 by other operation of law shall begin
17 on the date that such order or other
18 operation of law takes effect and shall
19 end on the date that such order or
20 other operation of law expires or is
21 otherwise terminated. During any
22 such period, the maximum number of
23 days for which a skilled nursing facil-
24 ity may deny access to a resident by
25 an essential caregiver of the resident

1 is 7 total days (or, subject to the ap-
2 proval of the department of health or
3 other applicable agency of the State in
4 which the facility is located, 14 total
5 days).

6 “(v) COMPLIANCE AND NOTIFICA-
7 TION.—

8 “(I) AUTHORITY.—No essential
9 caregiver who upholds the agreement
10 described in clause (vii)(II) shall be
11 denied access to the skilled nursing
12 facility of the resident involved.

13 “(II) NOTIFICATION.—If an es-
14 sential caregiver fails to comply with
15 an agreement with a skilled nursing
16 facility described in clause (vii)(II),
17 the facility must first provide a warn-
18 ing to the essential caregiver and resi-
19 dent in writing citing specific issues of
20 non-compliance and providing clear
21 guidance for corrective measures.

22 “(III) ENFORCEMENT.—If an es-
23 sential caregiver or resident, after re-
24 ceiving a notification of noncompli-
25 ance described in subclause (II), fails

1 to take corrective action, the essential
2 caregiver may subsequently be denied
3 access to the resident. In such cases,
4 the facility shall provide to such care-
5 giver and such resident (or health
6 care proxy of such resident), not later
7 than 24 hours after such denial of ac-
8 cess occurs, a written explanation as
9 to why such caregiver was denied ac-
10 cess to such resident. Such expla-
11 nation must include the resident's and
12 caregiver's options for appeal under
13 the processes established under clause
14 (vi).

15 “(vi) OPTIONS FOR RESIDENTS AND
16 CAREGIVERS TO APPEAL DENIALS OF AC-
17 CESS.—

18 “(I) IN GENERAL.—Not later
19 than 2 years after the date of enact-
20 ment of this subparagraph, the Sec-
21 retary shall issue a final rule estab-
22 lishing a process for residents and
23 caregivers to appeal denials of access
24 to the State survey agency.

1 “(II) APPEALS PROCESS.—The
2 State survey agency shall—

3 “(aa) receive appeals from
4 residents and essential caregivers
5 challenging a decision by a
6 skilled nursing facility to deny
7 access under clause (v); and

8 “(bb) begin investigating
9 such appeals not later than 2
10 business days after receiving such
11 appeals.

12 “(III) BURDEN OF PROOF.—
13 During an appeal received under the
14 appeals process established under sub-
15 clause (I), if a skilled nursing facility
16 defends a decision to deny access to
17 an essential caregiver under clause (v)
18 on the basis that the essential care-
19 giver violated the agreement described
20 in clause (vii)(II), the skilled nursing
21 facility shall have the burden of proof
22 in demonstrating that the essential
23 caregiver violated such agreement.

24 “(IV) RESOLUTION OF AP-
25 PEALS.—

1 “(aa) DETERMINATION.—
2 With respect to an appeal re-
3 ceived under the appeals process
4 established under subclause (I),
5 the State survey agency shall
6 make a determination as to
7 whether a skilled nursing facility
8 violated a requirement or prohibi-
9 tion of this subparagraph within
10 48 hours of commencing its in-
11 vestigation.

12 “(bb) VIOLATIONS.—If the
13 agency determines that a facility
14 has violated such a requirement
15 or prohibition, the agency shall—

16 “(AA) require the facil-
17 ity to allow immediate ac-
18 cess to the essential care-
19 giver in question;

20 “(BB) require the facil-
21 ity to establish a corrective
22 action plan to prevent the
23 recurrence of such violation
24 within a 7-day period of re-

1 ceiving notice from the agen-
2 cy; and

3 “(CC) impose a civil
4 money penalty in an amount
5 to be determined by the
6 agency (not to exceed
7 \$5,000) if such facility fails
8 to implement the corrective
9 action plan within the 7-day
10 period specified in subitem
11 (BB).

12 “(vii) DEFINITION OF ESSENTIAL
13 CAREGIVER.—For purposes of this sub-
14 paragraph, the term ‘essential caregiver’
15 means, with respect to a resident of a
16 skilled nursing facility, an individual
17 who—

18 “(I) is designated by or on behalf
19 of the resident pursuant to clause (i)
20 or clause (ii); and

21 “(II) agrees to follow all safety
22 protocols established by such facility,
23 which shall be clearly specified in
24 writing and may be no more restric-
25 tive than the safety protocols (includ-

1 ing safety standards and entry re-
 2 quirements) applicable to staff of such
 3 facility.”.

4 (b) MEDICAID NURSING FACILITIES.—Section
 5 1919(c)(3) of the Social Security Act (42 U.S.C.
 6 1396r(c)(3)) is amended—

7 (1) by redesignating subparagraphs (A) through
 8 (E) as clauses (i) through (v), respectively;

9 (2) by striking “A nursing facility must—” and
 10 inserting the following:

11 “(A) IN GENERAL.—A nursing facility
 12 must—”; and

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

15 “(B) ACCESS TO ESSENTIAL CAREGIVERS
 16 DURING EMERGENCY PERIODS WHEN VISITA-
 17 TION IS OTHERWISE RESTRICTED.—

18 “(i) DESIGNATION OF ESSENTIAL
 19 CAREGIVER.—Each nursing facility must
 20 recognize the right of each resident of such
 21 facility to—

22 “(I) designate and have access to
 23 essential caregivers for such resident
 24 at all times, including during any pe-
 25 riod of emergency in which regular

1 visitation is restricted by order of a
2 Federal, State, or local authority or
3 by other operation of law; and

4 “(II) amend such designation at
5 any time.

6 “(ii) PRESUMPTION OF DESIGNA-
7 TION.—For purposes of clause (i), in the
8 case of a resident who is unable, by reason
9 of cognitive or mental disability, to make
10 an election described in such clause, the
11 resident representative (as defined in sec-
12 tion 483.5 of title 42, Code of Federal
13 Regulations) of such resident may be per-
14 mitted to make such designation for such
15 resident.

16 “(iii) ACCESS TO ESSENTIAL CARE-
17 GIVERS DURING EMERGENCY PERIODS
18 WHEN VISITATION IS OTHERWISE RE-
19 STRICTED.—During a period of emergency
20 in which regular visitation is restricted by
21 order of a Federal, State, or local author-
22 ity or by other operation of law, including
23 any period in which a waiver or modifica-
24 tion of requirements pursuant to section
25 1135 is in effect, a nursing facility must—

1 “(I) not deny in-person access to
2 a resident by an essential caregiver of
3 the resident except as provided in this
4 subparagraph;

5 “(II) allow at least 1 essential
6 caregiver to have access to and pro-
7 vide assistance to such resident at
8 such facility every day and at any
9 time;

10 “(III) enforce the agreement de-
11 scribed in clause (vii)(II) with respect
12 to an essential caregiver; and

13 “(IV) provide reasonable accom-
14 modations to protect the rights of a
15 roommate co-living with a resident
16 who has an essential caregiver.

17 “(iv) RESTRICTIONS ON ACCESS.—

18 “(I) IN GENERAL.—During a pe-
19 riod of emergency in which regular
20 visitation is restricted by order of a
21 Federal, State, or local authority or
22 by other operation of law, including
23 any period in which a waiver or modi-
24 fication of requirements pursuant to

1 section 1135 is in effect, a nursing fa-
2 cility—

3 “(aa) may, subject to item
4 (bb), deny access to a resident by
5 an essential caregiver of the resi-
6 dent for—

7 “(AA) an initial period
8 of not longer than 7 days;
9 and

10 “(BB) one additional
11 period of not longer than 7
12 days (in addition to the ini-
13 tial period described in
14 subitem (AA)) if the depart-
15 ment of health or other ap-
16 plicable agency of the State
17 in which the facility is lo-
18 cated approves the denial of
19 access for such additional
20 period; and

21 “(bb) must allow access to a
22 resident who is in end-of-life care
23 or a resident in decline or dis-
24 tress, as defined by the Sec-
25 retary.

1 “(II) RULE OF APPLICATION.—

2 For purposes of subclause (I), a pe-
3 riod of emergency in which regular
4 visitation is restricted by order of a
5 Federal, State, or local authority or
6 by other operation of law shall begin
7 on the date that such order or other
8 operation of law takes effect and shall
9 end on the date that such order or
10 other operation of law expires or is
11 otherwise terminated. During any
12 such period, the maximum number of
13 days for which a nursing facility may
14 deny access to a resident by an essen-
15 tial caregiver of the resident is 7 total
16 days (or, subject to the approval of
17 the department of health or other ap-
18 plicable agency of the State in which
19 the facility is located, 14 total days).

20 “(v) COMPLIANCE AND NOTIFICA-
21 TION.—

22 “(I) AUTHORITY.—No essential
23 caregiver who upholds the agreement
24 described in clause (vii)(II) shall be

1 denied access to the nursing facility of
2 the resident involved.

3 “(II) NOTIFICATION.—If an es-
4 sential caregiver fails to comply with
5 an agreement with a nursing facility
6 described in clause (vii)(II), the facil-
7 ity must first provide a warning to the
8 essential caregiver and resident in
9 writing citing specific issues of non-
10 compliance and providing clear guid-
11 ance for corrective measures.

12 “(III) ENFORCEMENT.—If an es-
13 sential caregiver or resident, after re-
14 ceiving a notification of noncompli-
15 ance described in subclause (II), fails
16 to take corrective action, the essential
17 caregiver may subsequently be denied
18 access to the resident. In such cases,
19 the facility shall provide to such care-
20 giver and such resident (or health
21 care proxy of such resident), not later
22 than 24 hours after such denial of ac-
23 cess occurs, a written explanation as
24 to why such caregiver was denied ac-
25 cess to such resident. Such expla-

1 nation must include the resident's and
2 caregiver's options for appeal under
3 the processes established under clause
4 (vi).

5 “(vi) OPTIONS FOR RESIDENTS AND
6 CAREGIVERS TO APPEAL DENIALS OF AC-
7 CESS.—

8 “(I) IN GENERAL.—Not later
9 than 2 years after the date of enact-
10 ment of this subparagraph, the Sec-
11 retary shall issue a final rule estab-
12 lishing a process for residents and
13 caregivers to appeal denials of access
14 to the State survey agency.

15 “(II) APPEALS PROCESS.—The
16 State survey agency shall—

17 “(aa) receive appeals from
18 residents and essential caregivers
19 challenging a decision by a nurs-
20 ing facility to deny access under
21 clause (v); and

22 “(bb) begin investigating
23 such appeals not later than 2
24 business days after receiving such
25 appeals.

1 “(III) BURDEN OF PROOF.—

2 During an appeal received under the
3 appeals process established under sub-
4 clause (I), if a nursing facility defends
5 a decision to deny access to an essen-
6 tial caregiver under clause (v) on the
7 basis that the essential caregiver vio-
8 lated the agreement described in
9 clause (vii)(II), the nursing facility
10 shall have the burden of proof in dem-
11 onstrating that the essential caregiver
12 violated such agreement.

13 “(IV) RESOLUTION OF AP-
14 PEALS.—

15 “(aa) DETERMINATION.—

16 With respect to an appeal re-
17 ceived under the appeals process
18 established under subclause (I),
19 the State survey agency shall
20 make a determination as to
21 whether a nursing facility vio-
22 lated a requirement or prohibi-
23 tion of this subparagraph within
24 48 hours of commencing its in-
25 vestigation.

1 “(bb) VIOLATIONS.—If the
2 agency determines that a facility
3 has violated such a requirement
4 or prohibition, the agency shall—

5 “(AA) require the facil-
6 ity to allow immediate ac-
7 cess to the essential care-
8 giver in question;

9 “(BB) require the facil-
10 ity to establish a corrective
11 action plan to prevent the
12 recurrence of such violation
13 within a 7-day period of re-
14 ceiving notice from the agen-
15 cy; and

16 “(CC) impose a civil
17 money penalty in an amount
18 to be determined by the
19 agency (not to exceed
20 \$5,000) if such facility fails
21 to implement the corrective
22 action plan within the 7-day
23 period specified in subitem
24 (BB).

“(vii) DEFINITION OF ESSENTIAL CAREGIVER.—For purposes of this subparagraph, the term ‘essential caregiver’ means, with respect to a resident of a nursing facility, an individual who—

“(I) is designated by or on behalf of the resident pursuant to clause (i) or clause (ii); and

“(II) agrees to follow all safety protocols established by such facility, which shall be clearly specified in writing and may be no more restrictive than the safety protocols (including safety standards and entry requirements) applicable to staff of such facility.”.

(c) INTERMEDIATE CARE FACILITIES FOR THE INTELLECTUALLY DISABLED.—Section 1905(d) of the Social Security Act (42 U.S.C. 1396d(d)) is amended—

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

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

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

1 “(4) the institution complies with the require-
2 ments relating to the designation of, and access to
3 residents by, essential caregivers described in section
4 1919(c)(3)(B) in the same manner as if such insti-
5 tution were a nursing facility.”.

6 (d) INPATIENT REHABILITATION FACILITIES.—Sec-
7 tion 1866(a)(1) of the Social Security Act (42 U.S.C.
8 1395cc(a)(1)) is amended—

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

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

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

15 “(Z) in the case of an inpatient rehabilitation
16 facility that is located on the same campus (as de-
17 fined by the Secretary) as a skilled nursing facility,
18 nursing facility (as defined in section 1919(a)), or
19 intermediate care facility for the intellectually dis-
20 abled (as described in section 1905(d)), to comply
21 with the requirements relating to the designation of,
22 and access to residents by, essential caregivers de-
23 scribed in section 1819(c)(3)(B) in the same manner
24 as if such institution were a skilled nursing facil-
25 ity.”.

1 (e) REGULATIONS.—The Secretary of Health and
2 Human Services shall, after consultation with stakeholders
3 (including residents, family members, long-term care om-
4 budsmen, other advocates of nursing home residents, and
5 nursing home providers), promulgate regulations to carry
6 out this Act and the amendments made by this Act.

7 (f) RULES OF CONSTRUCTION.—

8 (1) NO NEW AUTHORITY FOR STATE AND
9 LOCAL OFFICIALS TO RESTRICT VISITATION AT
10 NURSING FACILITIES.—Nothing in this section or
11 the amendments made by this section shall be con-
12 strued as creating any new authority for State or
13 local officials to restrict visitation at nursing facili-
14 ties.

15 (2) NO NEW AUTHORITY FOR NURSING FACILI-
16 TIES TO UNILATERALLY RESTRICT VISITATION.—
17 Nothing in this section or the amendments made by
18 this section shall be construed as creating any new
19 authority for a skilled nursing facility or nursing fa-
20 cility (as such terms are defined in sections 1819
21 and 1919 of the Social Security Act, respectively (42
22 U.S.C. 1395i–3, 1396r)) to restrict visitation.

23 (g) EFFECTIVE DATE.—The amendments made by
24 this Act shall take effect on the date that is 2 years after
25 the date of enactment of this Act, and shall apply with

1 respect to periods beginning on or after such date in which
2 regular visitation at nursing facilities is restricted by order
3 of a Federal, State, or local authority or by other oper-
4 ation of law.

○