

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

JULY 13, 2026

Ms. TENNEY (for herself and Mr. LARSON of Connecticut) 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 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-

scribed in such paragraph under which such facility must—

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

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

“(iii) subject to subparagraph (B), permit each such caregiver so elected by such resident in-person access to such resident.

“(B) LIMITATIONS ON ACCESS.—

“(i) IN GENERAL.—The Secretary may permit a facility described in subparagraph (A) to limit the access to an essential caregiver elected by a resident of such facility in accordance with guidance issued by the Secretary. Such guidance may—

“(I) permit such a facility to deny such a caregiver in-person access to such resident for the first 7 days during the period during which regular 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.

“(D) ESSENTIAL CAREGIVER DEFINED.—

For purposes of this paragraph, the term ‘essential caregiver’ means, with respect to a resident of a facility described in subparagraph (A), an individual who agrees to follow all protocols for physical safety and infection control established by such facility, which shall be clearly specified in writing and be not more restrictive than such protocols (including safety standards and entry requirements) applicable to staff of such facility.”.

(2) TIMELINE FOR INVESTIGATION OF COMPLAINTS.—Section 1128I(f)(2) of the Social Security Act (42 U.S.C. 1320a–7j(f)(2)) is amended by adding at the end the following new subparagraph:

“(C) PROCESS FOR COMPLAINTS RELATING TO ESSENTIAL CAREGIVER ACCESS.—The complaint resolution process established under subparagraph (B) shall provide that, in the case of a complaint relating to a violation of the requirements of section 1819(c)(3)(F) or section 1919(c)(3)(F)—

“(i) the State survey and certification agency shall prioritize the investigation of 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.

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