

H1B

U.S. H.R. 3733: The Essential Caregivers Act

What is the Essential Caregivers Act?

- H.R. 3733 allows essential caregivers access to long-term facilities to provide care and support to a facility resident during future declared public health emergencies.

Why do we need the Essential Caregivers Act?

- For over a year, residents in long-term care facilities were separated from their loved ones – far too many lost their will to survive, and many others suffered untold emotional, psychological, and physical pain as a result of this separation.
- This bill will ensure that in any future public health emergency under Section 319 of the Public Health Service Act, designated Essential Caregivers will always be able to access their loved ones in a manner consistent with all applicable health and safety protocols.
- It is vital that we as a society recognize the critical role that family members and caregivers play in the support and wellbeing of residents in long-term care facilities.

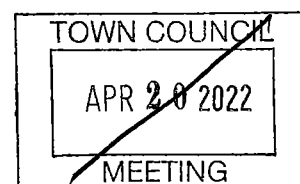
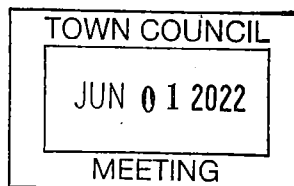
What is an Essential Caregiver?

- An Essential Caregiver is defined in this bill as an individual who provides direct care consisting of activities of daily living, emotional support, or companionship to a resident.

Don't protections already exist for residents? Why do we need a new law?

- Under current law, residents in long-term care facilities have the right to receive an unlimited number of visitors and caregivers for an unrestricted amount of time.
- However, the COVID pandemic exposed a loophole in federal law and civil rights protections that allowed these rights to be waived indefinitely during a public health emergency. The result was millions of long-term care residents having their rights taken away overnight.
- This bill safeguards residents' civil rights under federal law, while taking into account public health concerns. For example, it limits access to designated caregivers (as opposed to all visitors), allows residents to designate only two caregivers, and restricts their access period from 24 hours to 12 hours during a public health emergency.

What are the safety protocols caregivers have to follow?



- The safety and wellbeing of residents and staff in long-term facilities is always a priority. That is why this bill requires Essential Caregivers to follow the exact same safety protocols as facility staff, which must be clearly articulated to all parties in writing.
- Eligibility to participate as an Essential Caregiver is contingent upon an individual's strict compliance with all facility safety and health standards.
- Rather than a one-size-fits all approach to health and safety that may fail to take into account specific and varied conditions from one facility to another, this legislation ensures facilities have the ability to set their own standards that caregivers must follow.