



Fact Sheet: The Essential Caregivers Act of 2021

What is the Essential Caregivers Act of 2021?

The Essential Caregivers Act of 2021 (H.R. 3733) is a piece of federal legislation, currently before the House of Representatives, that would require nursing homes and other federally funded communal care settings to create a dedicated access program under the ongoing pandemic and any future health care emergencies.

During COVID-19, residents of these communities were locked down for nearly a year under a blanket federal ban on visitation in all but a few limited circumstances. While the ban was initially framed as a short-term measure to protect the people most vulnerable to the novel coronavirus, the lack of a legal framework for reopening facilities led to months and months of isolation for residents – and frustration for family members who were unable to see their loved ones. Even as effective vaccines have reopened facilities to these essential caregivers in many parts of the country, ongoing outbreaks and confusion over patchwork rules continue to isolate residents and demand concrete action.

The Essential Caregivers Act would enshrine the right to access in federal law and provide a clear blueprint for both health care providers and families to follow. The bill balances these individual rights with guardrails designed to protect other residents and health care workers while allowing essential caregivers to remain an active part of each resident's care team.

How would the program work?

Under the legislation, residents of federally funded facilities would be able to name up to two "designated caregivers" who would be able to enter the facility for up to 12 hours per day – regardless of any other restrictions on visitation as directed by federal authorities during a public health emergency.

Who can be a designated caregiver?

Designated caregivers must be people who provide emotional support and/or assistance with activities of daily living. In practice, this could be the spouses, children, parents, friends, or other loved ones of residents who reside in long-term care settings. The Essential Caregivers Act formally codifies the types of informal, unpaid supports that these loved ones have always provided in nursing homes and other facilities – everything from helping at mealtime to the simple pleasure of a conversation with a familiar face.

What if the resident does not have the legal capacity to make such a designation?

The legislation allows for the appointment of relatives, powers of attorney, and health care proxies as designated caregivers for residents who are incapable of making the election on their own.



How would facilities and families balance safety and individual rights?

Designated caregivers would have to submit to the same infection-control requirements as staff, including:

- Using personal protective equipment (PPE) as required
- Receiving the vaccine and/or a negative COVID-19 test
- Submitting to the same COVID-19 screening requirements as staff

Failure to comply with the rules of the program would result in a warning with clear instructions on how to fix the issues, while multiple violations could lead to the revocation of a specific caregiver's access rights; residents and caregivers would be able to appeal such a decision.

Similarly, facilities that wrongfully deny access would be required to submit a corrective action plan within a week, with potential civil monetary penalties (CMPs) then levied on providers that do not comply.

What is The Green House Project's stance on the bill?

The Green House Project wholeheartedly supports the Essential Caregivers Act. Family members are a vital part of residents' care teams and social networks. Denying them access to their loved ones deprives everyone of basic human rights. The Green House Project believes that this bill successfully navigates the difficult balancing act between individual rights and the safety of communal care settings at large. We urge Congress to pass this law as soon as possible, and we hope other leaders in the long-term care space follow suit.

How can I learn more or get involved?

Read the [full text of the bill here](#). If you'd like to contact your U.S. representatives and senators, [download this quick template](#) to guide your phone call, letter, or e-mail. In addition, you can also contact the [Essential Caregiver Movement](#) for more information about the legislation and navigating the visitation process as the COVID-19 pandemic continues.