

Support The Essential Caregivers Act (H.R. 3733)

What is H.R. 3733, the Essential Caregivers Act?

H.R. 3733 is legislation that gives residents of nursing homes the right to access essential caregivers (ECs) during any public health emergency. An essential caregiver is a person, designated by the resident, who can enter the facility, even when visitation is shut down during a public health emergency, to provide support, assistance, and companionship to the resident. Very often, this person is a family member. Each resident can select up to two essential caregivers. These visits will be guaranteed as long as the essential caregiver follows all the safety and infection protocols required of staff so they do not pose any increased risk to resident safety. Essential caregivers who refuse to follow the same protocols will be denied entry.

Why is Resident Access to Essential Caregivers a Concern?

The pandemic was determined to be a nationwide public health emergency. While nursing home residents have the right to unrestricted visitation, part of the Centers for Medicare and Medicaid Services' (CMS) response to the public health emergency was to prohibit nursing home visitation due to safety concerns. This shut out family and others who support and assist residents. For months, residents had no in-person access to visitors, with a small exception for residents experiencing serious decline or emotional distress. Even now, as restrictions are being eased, visitation remains limited in many nursing homes. The impact on residents of shutting down or significantly curtailing visitation has been devastating.

Why is the Essential Care Act Important for Nursing Home Residents?

The Act is critical to resident well-being because it:

Ensures residents receive critical support and assistance

Many residents rely on family and friends who serve as ECs to provide vital assistance and care. ECs help residents with daily tasks, such as eating, drinking, turning over in bed, dressing in clean clothes, toileting, and grooming. This is especially important when facilities are short-staffed, as they have been throughout the COVID-19 pandemic. ECs also provide emotional support and companionship. Without regular and adequate access to ECs during the pandemic, residents have suffered serious physical and mental decline. At the end of last year, it was estimated that for every two nursing home residents who died of COVID-19, another resident died of non-COVID-19 related causes, including neglect and isolation.¹

Permits those serving as ECs to monitor residents' care

In addition to providing hands-on assistance, family members who are ECs help ensure resident well-being and safety by being physically present in facilities to oversee their care. This allows ECs to monitor the delivery of services to their loved ones and detect and report any concerns so they can be addressed. The absence of visitors to do this over the past year and a half has meant that many residents' needs went unmet. As a result, numerous residents did not receive even the most basic level of care.²

¹ <https://apnews.com/article/nursing-homes-neglect-death-surge-3b74a2202140c5a6b5cf05cdf0ea4f32>

² https://theconsumervoice.org/uploads/files/issues/Devastating_Effect_of_Lockdowns_on_Residents_of_LTC_Facilities.pdf

Guarantees daily visits of sufficient length to benefit/support residents even during a public health emergency

Throughout the COVID-19 pandemic, the guidance provided by CMS allowed for enormous facility discretion. Facilities have been permitted to restrict visitation however and whenever they choose. Sixteen months into the pandemic and with the majority of residents fully vaccinated, there are still facilities that limit visits to 15 minutes and only allow visitation during working hours or only a few days a week.³ Even “compassionate care” visits for residents experiencing significant decline and/or distress are erroneously and unnecessarily limited, despite CMS’s directive that such visits should be permitted at all times and in all situations.

The Essential Caregivers Act addresses the suffering residents experienced due to the ban on visitation. It allows essential caregivers to visit for 12 hours per day, explains the protocol they must follow, and lays out exactly how and why they can be excluded. It helps ensure that residents receive the visits, care, and assistance they need in future public health emergencies.

What Can Members of Congress Do?

COVID-19 has shown us that banning all visitation can be as dangerous as the disease the ban is trying to prevent. The Essential Caregivers Act is a commonsense, balanced way to ensure that residents remain safe during a public health emergency, yet do not suffer the same devastating consequences from the visitation ban that they have over the past year.

We urge you to:

- Co-sponsor H.R. 3733, The Essential Caregivers Act.
- Support H.R. 3733, The Essential Caregivers Act.

SAY YES TO H.R. 3733



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The National Consumer Voice for Quality Long-Term Care was founded in 1975 to advocate for quality care and quality of life for consumers in all long-term care settings.

Resident Harm and Suffering During COVID-19 Visitation Ban

Over the past year and a half during COVID-19, residents have suffered greatly from the impact of the CMS visitation ban. Many families have reported that their loved ones:

- Lost significant amounts of weight – 40 to 50 pounds.
- Were hospitalized for dehydration.
- Lost their ability to walk, stand, and sit up.
- Developed pressure ulcers.
- Became incontinent.
- Became depressed, despondent, and in some cases, unresponsive.
- Became suicidal.
- Were not bathed for months at a time.
- Did not have their teeth brushed, dentures cleaned or nails clipped with any regularity.⁴

Even after some of the visitation restrictions have been lifted, families still report that their loved ones continue to decline.⁵

³ https://theconsumervoice.org/uploads/files/issues/Current_Visitation_and_Quality_of_Life_for_Residents.pdf

⁴ https://theconsumervoice.org/uploads/files/issues/Limitations_on_Visitation_Continue_to_Harm_Nursing_Home_Residents.pdf

⁵ https://theconsumervoice.org/uploads/files/issues/Limitations_on_Visitation_Continue_to_Harm_Nursing_Home_Residents.pdf