

Support The Essential Caregivers Act of 2025

What is The Essential Caregivers Act?

The Essential Caregivers Act, introduced by Senators Richard Blumenthal (D-CT) and John Cornyn (R-TX), and by Representatives Claudia Tenney (R-NY) and John B. Larson (D-CT) ensures residents of long-term care have access to essential caregivers at all times, including during any emergency where regular visitation may be restricted. The Act is the result of the devastating impact facility lockdowns had during the early months of the COVID-19 pandemic. Locked away from their family members, many residents suffered and died from neglect and isolation.

What are Essential Caregivers?

Essential caregivers are individuals, designated by or on behalf of a resident, who can provide support, assistance, and/or companionship to residents.

How Does the Essential Caregiver Act Work?

The Act springs into effect whenever any governmental authority places restrictions on visitation due to an emergency or any other reason. Critical provisions include:

- All residents may have at least one essential caregiver who can have access at all times, during any period of an emergency in which regular visitation is restricted.
- An initial 7-day period (and potential 14-day period with approval of the applicable authorities) at the start of any emergency where essential caregivers can be prevented from entering facilities. However, there are exceptions for residents at the end of life, or in decline or distress, who can receive essential caregivers at any and all times.
- Requiring facilities to have written safety protocols for essential caregivers that may be no more restrictive than the safety protocols applicable to facility staff.
- Requiring facilities to provide reasonable accommodations to protect the rights of roommates of residents with essential caregivers.
- A written warning to the essential caregiver for failure to comply with protocols and an appeal process if access is subsequently denied.

Why is Resident Access to Essential Caregivers Critical?

Essential caregivers can ensure residents' well-being and safety by being physically present in facilities to oversee their care, monitor the delivery of services, and report any concerns.

Importantly, individuals who are essential caregivers also provide emotional support, companionship, and communication assistance. They ensure residents receive help with many daily tasks such as eating, drinking, dressing, toileting, and grooming, sometimes providing this assistance themselves. Despite facilities being required to provide these services, due to understaffing, many residents rely on family and friends to provide this vital assistance and care.

Under current federal law, residents have the right to unlimited visitation by persons of their choosing. In March 2020, however, in response to the COVID-19 pandemic, the Centers for Medicare and Medicaid Services (CMS) instructed nursing facilities to restrict access for all visitors.

For nearly a year, residents were subjected to unprecedented restrictions and had virtually no in-person access to families and friends, with a small exception for residents experiencing serious decline or emotional distress.

Nursing home staff conveyed the dire physical, mental, and emotional toll on residents, recounting how residents were isolated during that period. They reported that the ongoing isolation contributed to depression and premature death among residents and that staff experienced a tremendous emotional toll after functioning as the resident's sole source of human interaction.¹

The Essential Caregivers Act reinforces the rights of residents to immediate access to those providing critical supports that ensure the resident's health and wellbeing.

We urge you to support the Essential Caregivers Act!

Resident Harm and Suffering During COVID-19 Visitation Ban

Throughout the pandemic, residents suffered greatly from the impact of the visitation ban. Families reported that their loved ones:

- Lost significant amounts of weight.
- 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.²



The National
CONSUMER VOICE

for Quality Long-Term Care

theconsumervoice.org | info@theconsumervoice.org

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

¹ <https://oig.hhs.gov/documents/evaluation/9808/OEI-02-20-00492.pdf>

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