

THE ASSISTED LIVING FACILITY CORONAVIRUS REPORTING ACT

Senator Warren (D-MA), Chairwoman Maloney (D-NY), and Senator Markey (D-MA)

THE PROBLEM

The 2019 novel coronavirus (COVID-19) pandemic is impacting people and families across the United States, but seniors have been particularly hard hit. Long-term care facilities, which house hundreds of thousands of seniors, have emerged as epicenters of the COVID-19 pandemic. Over [2 million](#) Americans live in long-term care facilities, including 1.3 million in nursing homes, 800,000 in assisted living facilities, and 75,000 intermediate care facilities. Roughly [3 million](#) people work as skilled caregivers in these facilities.

Nursing facilities and skilled nursing facilities are heavily regulated by the Centers for Medicare and Medicaid Services (CMS), and CMS recently issued [interim final rules](#) requiring nursing homes to report specific information to the federal government on COVID-19 cases, testing, and deaths. However, despite also serving clinically vulnerable populations, assisted living facilities are subject to very limited federal regulation—even if they receive federal funding. In May 2020, Senator Warren, House Oversight and Reform Committee Chairwoman Maloney, and Senator Markey [launched an investigation](#) into assisted living facility operators to better understand what actions they are taking to protect residents from COVID-19 outbreaks.

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In light of their investigation, and to ensure that assisted living facilities adequately protect residents from COVID-19, Senator Warren, Chairwoman Maloney, and Senator Markey are introducing the **Assisted Living Facility Coronavirus Reporting Act**. The bill would:

- **Require states to report to the CDC, for each assisted living facility in the state, both historic and weekly COVID-19 data, broken down by demographic information** (race, ethnicity, primary language, sex, sexual orientation, gender identity, age, and disability status). This COVID-19 data includes information on cases, testing, hospitalizations, and deaths among residents and staff. It also includes information regarding stocks of personal protective equipment and other medical supplies. The federal government will be required to post this information publicly.
- **Require assisted living facilities to notify federal, state, and local health officials, as well as residents and their loved ones by the next day the occurrence of confirmed COVID-19 cases in the facility.** Facilities will also be required to report the new onset of respiratory symptoms among three or more residents or staff members within 72 hours of each other.
- **Require the Department of Health and Human Services to apply all future COVID-19 reporting requirements for nursing homes to assisted living facilities, to the extent practicable.**
- **Require the Government Accountability Office to issue a report, within 2 years, providing recommendations for improving data reporting by congregate care facilities during the COVID-19 pandemic and future public health emergencies.**