

Assisted Living Facility Coronavirus Reporting Act

Senator Warren (D-MA), House Oversight and Reform Committee Chairwoman Maloney (D-NY), and Senator Markey (D-MA)

Section 1.—Short Title

- Lists the title of the bill as the “Assisted Living Facility Coronavirus Reporting Act.”

Section 2.—Definitions

- Defines an “assisted living facility” as:
 - An adult care facility that is licensed and regulated by the State in which the facility is located, makes supportive services available to residents in carrying out activities of daily living, and provides dwelling units for residents;
 - An adult care facility that is licensed and regulated by the State in which the facility is located and is subject to the identification, investigation, and resolution of complaints by a State Long-Term Care Ombudsman; or
 - An adult care facility receiving federal funds through a State Medicaid program, including through home and community-based services waiver.

Section 3.—State Reporting Requirements for Assisted Living Facilities and COVID-19

- Requires states, as a condition for receiving COVID-19 funding from the federal government, to:
 - Within 30 days of passage of this bill, report the following information to the Centers for Disease Control and Prevention (CDC) on behalf of each assisted living facility in the State (disaggregated by race, ethnicity, primary language, sex, sexual orientation, gender identity, age, and disability status):
 - The number of suspected and confirmed active cases of COVID-19 among residents and staff in the facility;
 - The number of residents of the facility that have died or been hospitalized as a result of COVID-19;
 - The number of COVID-19 diagnostic tests performed weekly on residents and staff of the facility, including the number and percentage of those tests that come back positive;
 - The average time between testing a resident and receiving the results of the test;
 - The personal protective equipment, hand hygiene supplies, ventilators, and medical supplies in the facility;
 - The total number of resident beds at, residents living in, and staff employed by the facility; and

- Any other information specified by the Secretary of the Department of Health and Human Services (HHS).
- Within 30 days of passage of this bill, report any of the data above that is available from assisted living facilities during the period of January 1, 2020, and the passage of this bill (disaggregated by race, ethnicity, primary language, sex, sexual orientation, gender identity, age, and disability status, that is available).
- Within 30 days of passage of this bill, require assisted living facilities to report to the CDC, the Centers for Medicare and Medicaid Services, residents, and families, within 24 hours of the occurrence of a COVID-19 case or outbreak in the facility.
- Requires these reporting requirements to sunset at the end of the COVID-19 pandemic.
- Requires HHS, within 15 days of passage of this Act, to issue guidance to states on how to report the information required by this section in a format that can be easily compared to the information reported to the Department on nursing homes under 42 CFR 483.30(g) (as amended by CMS-55341-IFC).
- Requires HHS to publicly post the information reported under this section, weekly, on its website.
- Allows States to request a 30-day grace period from HHS to ensure that infrastructure is in place to facilitate the reporting of information required under this section.

Section 4.—Application of Nursing Facility Requirements to Assisted Living Facilities

- Requires the HHS Secretary to apply, to the extent practicable, any future COVID-19 reporting requirements placed on nursing homes to assisted living facilities.

Section 5.—GAO Report

- Requires the Government Accountability Office, within 2 years of the passage of this bill, to submit to Congress a report including:
 - What is known about how required reporting of COVID-19 data on residents in nursing homes during the pandemic was used to prevent or control COVID-19 cases or deaths, and how this compares to the experience of other congregate care facilities without required reporting of this data; and
 - Any lessons learned from required reporting of COVID-19 cases or deaths in nursing homes that could be applied to other congregate care facilities during the COVID-19 pandemic, if it continues, and similar public health emergencies in the future.