

117TH CONGRESS
1ST SESSION

S. 333

To amend title XI and title XVIII of the Social Security Act to provide funding for State strike teams, technical assistance, and infection control for resident and worker safety in skilled nursing facilities and nursing facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2021

Mr. CASEY (for himself, Mr. WARNOCK, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Mr. MENENDEZ, Mrs. SHAHEEN, Ms. SMITH, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. VAN HOLLEN, Mr. BROWN, Ms. CORTEZ MASTO, Mr. REED, Ms. HIRONO, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI and title XVIII of the Social Security Act to provide funding for State strike teams, technical assistance, and infection control for resident and worker safety in skilled nursing facilities and nursing facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COVID–19 Nursing
5 Home Protection Act of 2021”.

1 **SEC. 2. STATE STRIKE TEAMS FOR RESIDENT AND WORKER**
2 **SAFETY.**

3 (a) IN GENERAL.—Part A of title XI of the Social
4 Security Act (42 U.S.C. 1301 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 1150C. STATE STRIKE TEAMS FOR RESIDENT AND**
7 **WORKER SAFETY.**

8 “(a) IN GENERAL.—From amounts appropriated
9 under subsection (c), the Secretary shall allocate funds
10 among the States for purposes of establishing and imple-
11 menting strike teams in accordance with subsection (b).

12 “(b) USE OF FUNDS.—A State that receives funds
13 under this section shall use such funds to establish and
14 implement a strike team that will be deployed to a skilled
15 nursing facility (as defined in section 1819(a)) or nursing
16 facility (as defined in section 1919(a)) in the State with
17 diagnosed or suspected cases of COVID–19 among resi-
18 dents or staff for the purposes of assisting with COVID–
19 19 vaccinations, clinical care, infection control, or staffing.

20 “(c) FUNDING.—There are hereby appropriated to
21 the Centers for Medicare & Medicaid Services Program
22 Management Account, out of any money in the Treasury
23 not otherwise appropriated, \$750,000,000 for the fiscal
24 year ending September 30, 2021, to remain available
25 through September 30, 2022, for purposes of carrying out
26 this section.”.

1 (b) EMERGENCY DESIGNATION.—

2 (1) IN GENERAL.—The amounts provided by
3 this section are designated as an emergency require-
4 ment pursuant to section 4(g) of the Statutory Pay-
5 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

6 (2) DESIGNATION IN SENATE.—In the Senate,
7 this section is designated as an emergency require-
8 ment pursuant to section 4112(a) of H. Con. Res.
9 71 (115th Congress), the concurrent resolution on
10 the budget for fiscal year 2018.

11 **SEC. 3. PROVIDING FOR INFECTION CONTROL SUPPORT TO**
12 **SKILLED NURSING FACILITIES THROUGH**
13 **CONTRACTS WITH QUALITY IMPROVEMENT**
14 **ORGANIZATIONS.**

15 (a) IN GENERAL.—Section 1862(g) of the Social Se-
16 curity Act (42 U.S.C. 1395y(g)) is amended—

17 (1) by striking “The Secretary” and inserting
18 “(1) The Secretary”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2)(A) The Secretary shall ensure that at least
22 1 contract with a quality improvement organization
23 described in paragraph (1) entered into on or after
24 the date of the enactment of this paragraph and be-
25 fore the end of the emergency period described in

1 section 1135(g)(1)(B) (or in effect as of such date)
2 includes the requirement that such organization pro-
3 vide to skilled nursing facilities with cases of
4 COVID–19 (or facilities attempting to prevent out-
5 breaks of COVID–19) infection control support de-
6 scribed in subparagraph (B) during such period.

7 “(B) For purposes of subparagraph (A), the in-
8 fection control support described in this subpara-
9 graph is, with respect to skilled nursing facilities de-
10 scribed in such subparagraph, the development and
11 dissemination to such facilities of protocols relating
12 to the prevention or mitigation of COVID–19 at
13 such facilities and the provision of training materials
14 to such facilities relating to such prevention or miti-
15 gation.”.

16 (b) FUNDING.—The Secretary of Health and Human
17 Services shall provide for the transfer from the Federal
18 Supplementary Medical Insurance Trust Fund (as de-
19 scribed in section 1841 of the Social Security Act (42
20 U.S.C. 1395t)) and the Federal Hospital Insurance Trust
21 Fund (as described in section 1817 of such Act (42 U.S.C.
22 1395i)), in such proportions as determined appropriate by
23 the Secretary, to the Centers for Medicare & Medicaid
24 Services Program Management Account, of \$210,000,000,
25 to remain available until expended, for purposes of enter-

ing into contracts with quality improvement organizations under part B of title XI of such Act (42 U.S.C. 1320c et seq.). Of the amount transferred pursuant to the previous sentence, not less than \$110,000,000 shall be used for purposes of entering into such a contract that includes the requirement described in section 1862(g)(2)(A) of such Act (as added by subsection (a)).

SEC. 4. REQUIRING LONG TERM CARE FACILITIES TO REPORT CERTAIN INFORMATION RELATING TO COVID-19 CASES AND DEATHS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall, as soon as practicable, require that the information described in paragraph (1) of section 483.80(g) of title 42, Code of Federal Regulations, or a successor regulation, be reported by a facility (as defined for purposes of such section).

(b) DEMOGRAPHIC INFORMATION.—The Secretary shall post the following information with respect to skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))) and nursing facilities (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a))) on the Nursing Home Compare website (as described in section 1819(i) of the Social Security Act

1 (42 U.S.C. 1395i–3(i)), or a successor website, aggre-
2 gated by State:

3 (1) The age, race/ethnicity, and preferred lan-
4 guage of the residents of such skilled nursing facili-
5 ties and nursing facilities with suspected or con-
6 firmed COVID–19 infections, including residents
7 previously treated for COVID–19.

8 (2) The age, race/ethnicity, and preferred lan-
9 guage relating to total deaths and COVID–19
10 deaths among residents of such skilled nursing facili-
11 ties and nursing facilities.

12 (c) CONFIDENTIALITY.—Any information reported
13 under this section that is made available to the public shall
14 be made so available in a manner that protects the identity
15 of residents of skilled nursing facilities and nursing facili-
16 ties.

17 (d) IMPLEMENTATION.—The Secretary may imple-
18 ment the provisions of this section by program instruction
19 or otherwise.

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