

117TH CONGRESS
1ST SESSION

S. 57

To increase the ability of nursing facilities to access telehealth services and obtain technologies to allow virtual visits during the public health emergency relating to an outbreak of coronavirus disease 2019 (COVID-19), and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Ms. KLOBUCHAR (for herself, Mrs. CAPITO, Mr. CASEY, Ms. ERNST, Ms. ROSEN, Ms. SMITH, Ms. STABENOW, Mr. REED, Mr. VAN HOLLEN, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase the ability of nursing facilities to access telehealth services and obtain technologies to allow virtual visits during the public health emergency relating to an outbreak of coronavirus disease 2019 (COVID-19), 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 “Advancing Connectiv-
5 ity during the Coronavirus to Ensure Support for Seniors
6 Act” or the “ACCESS Act”.

1 **TITLE I—SUPPLEMENTAL**
 2 **APPROPRIATIONS**

3 **SEC. 101. SUPPLEMENTAL APPROPRIATIONS.**

4 The following sums are hereby appropriated, out of
 5 any money in the Treasury not otherwise appropriated,
 6 for the fiscal year ending September 30, 2021, and for
 7 other purposes, namely:

8 DEPARTMENT OF HEALTH AND HUMAN
 9 SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION
 11 RURAL HEALTH

12 For an additional amount for the Telehealth Re-
 13 source Center of the Federal Office of Rural Health Policy
 14 of the Office for the Advancement of Telehealth, to pro-
 15 vide assistance with respect to technical, legal, regulatory
 16 service delivery or other related barriers to the develop-
 17 ment of telehealth technologies for skilled nursing facilities
 18 (as defined in section 1819 of the Social Security Act) and
 19 nursing facilities (as defined in section 1919 of such Act),
 20 \$50,000,000 to remain available through September 30,
 21 2022.

1 **TITLE II—INCREASED ACCESS**
2 **TO TELEHEALTH SERVICES**
3 **AND OTHER TECHNOLOGIES**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

6 (1) COVID–19 PUBLIC HEALTH EMERGENCY
7 PERIOD.—The term “COVID–19 public health emer-
8 gency period” means the portion of the emergency
9 period defined in paragraph (1)(B) of section
10 1135(g) of the Social Security Act (42 U.S.C.
11 1320b–5(g)) beginning on or after the date of the
12 enactment of this Act.

13 (2) NURSING FACILITY.—The term “nursing
14 facility” has the meaning given that term in section
15 1919(a) of the Social Security Act (42 U.S.C.
16 1396r(a)).

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services.

19 (4) SKILLED NURSING FACILITY.—The term
20 “skilled nursing facility” has the meaning given that
21 term in section 1819(a) of the Social Security Act
22 (42 U.S.C. 1395i–3(a)).

1 **SEC. 202. AUTHORITY TO AWARD GRANTS TO NURSING FA-**
2 **CILITIES FOR SUPPORTING VIRTUAL VISITS**
3 **DURING THE COVID-19 PUBLIC HEALTH**
4 **EMERGENCY.**

5 (a) IN GENERAL.—The Secretary shall award grants
6 directly to skilled nursing facilities and nursing facilities
7 in accordance with this section to support virtual visits
8 by family members and other individuals for residents of
9 such facilities during the COVID-19 public health emer-
10 gency period.

11 (b) APPLICATION REQUIREMENTS.—A facility seek-
12 ing a grant under this section shall submit an application
13 to the Secretary at such time, in such form and manner,
14 and containing such information as the Secretary shall re-
15 quire.

16 (c) USE OF FUNDS.—A facility awarded a grant
17 under this section may only use the funds for expenditures
18 attributable to obtaining and using—

19 (1) technologies to support virtual visits by
20 family members and other individuals for residents
21 of the facility; and

22 (2) any other items or services necessary to
23 carry out the purposes for the grant described in
24 subsection (a).

25 (d) FCC COORDINATION.—

1 (1) IN GENERAL.—The Federal Communica-
2 tions Commission (in this subsection referred to as
3 the “Commission”) shall coordinate with the Sec-
4 retary in implementing the grant program estab-
5 lished under this section.

6 (2) WAIVER AUTHORITY.—The Commission
7 shall waive such requirements of the Rural Health
8 Care program under subpart G of part 54 of title
9 47, Code of Federal Regulations (or any successor
10 regulation) as necessary, and for such periods as
11 necessary, to ensure all facilities awarded a grant
12 under this section are able to carry out the purposes
13 for the grant described in subsection (a).

14 (e) LIMITATIONS.—

15 (1) TERMINATION OF AUTHORITY.—The Sec-
16 retary shall not award any grants under this section
17 after the end of the COVID–19 public health emer-
18 gency period.

19 (2) SUPPLEMENT, NOT SUPPLANT.—Federal
20 funds paid to a skilled nursing facility or a nursing
21 facility pursuant to this section must be used to sup-
22 plement, but not supplant, any other Federal, State,
23 or local funds available to the facility that may be
24 used for a purpose specified in subsection (c).

1 (f) GUIDANCE.—Not later than 15 days after the
2 date of the enactment of this Act, the Secretary shall issue
3 guidance, created in consultation with appropriate skilled
4 nursing facility and nursing home resident advocate stake-
5 holders, on steps facilities awarded grants under this sec-
6 tion shall take to ensure residents of such facilities have
7 access to virtual visitation during the COVID–19 public
8 health emergency period and how such access shall be fa-
9 cilitated by such facilities. Such guidance shall include op-
10 tions for how such facilities will ensure notification of resi-
11 dents and resident representatives of such virtual visita-
12 tion access and facilitation, address how adequate support
13 will be provided to residents to facilitate virtual visitation,
14 address how facilities will ensure or enable installation and
15 access to a device purchased for the use or benefit of indi-
16 vidual or multiple facility residents, and address oper-
17 ational issues and avoid unnecessary barriers to timely de-
18 ployment of virtual visitation.

19 (g) REPORT.—Not later than 30 days after the end
20 of the COVID–19 public health emergency period, the Sec-
21 retary shall submit a report to Congress on the grants
22 awarded under this section.

23 (h) APPROPRIATION.—There are appropriated to the
24 Secretary for fiscal year 2021 from any funds in the
25 Treasury not otherwise appropriated, such sums as are

1 necessary to carry out this section, to remain through the
2 last day of the month following the month in which the
3 COVID–19 public health emergency period ends.

4 **TITLE III—MISCELLANEOUS**

5 **SEC. 301. EMERGENCY DESIGNATION.**

6 (a) IN GENERAL.—The amounts provided by this Act
7 are designated as an emergency requirement pursuant to
8 section 4(g) of the Statutory Pay-As-You-Go Act of 2010
9 (2 U.S.C. 933(g)).

10 (b) DESIGNATION IN SENATE.—In the Senate, this
11 Act is designated as an emergency requirement pursuant
12 to section 4112(a) of H. Con. Res. 71 (115th Congress),
13 the concurrent resolution on the budget for fiscal year
14 2018.

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