

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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 HOUSE OF REPRESENTATIVES

Ms. SCHAKOWSKY introduced the following bill; which was referred to the Committee on _____

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
5 Connectivity during the Coronavirus to Ensure Support
6 for Seniors 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, 2020, 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 2021.

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) MEDICAID PROGRAM.—The term “Medicaid
14 program” means, with respect to a State, the State
15 program under title XIX of the Social Security Act
16 (42 U.S.C. 1396 et seq.) (including any waiver or
17 demonstration under such title or under section
18 1115 of such Act (42 U.S.C. 1315) relating to such
19 title).

20 (3) MEDICARE.—The term “Medicare” means
21 the program of health insurance for the aged and
22 disabled established under title XVIII of the Social
23 Security Act.

24 (4) NURSING FACILITY.—The term “nursing
25 facility” has the meaning given that term in section

1 1919(a) of the Social Security Act (42 U.S.C.
2 1396r(a)).

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

5 (6) SKILLED NURSING FACILITY.—The term
6 “skilled nursing facility” has the meaning given that
7 term in section 1819(a) of the Social Security Act
8 (42 U.S.C. 1395i–3(a)).

9 (7) STATE.—The term “State” has the mean-
10 ing given such term for purposes of title XIX of the
11 Social Security Act (42 U.S.C. 1396 et seq.).

12 **SEC. 202. IDENTIFICATION OF BARRIERS TO NURSING FA-**
13 **CILITIES ACCESSING TELEHEALTH SERVICES**
14 **UNDER MEDICARE AND MEDICAID DURING**
15 **THE COVID–19 PUBLIC HEALTH EMERGENCY.**

16 (a) CONGRESSIONAL BRIEFING.—Not later than 15
17 days after the date of enactment of this Act, the Secretary
18 shall brief the congressional committees specified in sub-
19 section (c) on options for immediately increasing access
20 during the COVID–19 public health emergency period to
21 telehealth services for which payment is available under
22 Medicare for skilled nursing facilities and under Medicaid
23 for nursing facilities. The briefing shall also include—

24 (1) information regarding the extent to which
25 access to telehealth services is required for any fa-

1 facilities that are temporarily designated during the
2 COVID–19 public health emergency period as par-
3 ticipating providers under Medicare, Medicaid, or
4 both, for purposes of furnishing skilled nursing serv-
5 ices or nursing facility services to individuals who
6 are eligible for such services under Medicare or Med-
7 icaid; and

8 (2) recommendations for such administrative
9 and legislative actions, including with respect to
10 funding, as the Secretary determines are necessary.

11 (b) REPORT.—The Secretary shall submit a report to
12 the congressional committees specified in subsection (c)
13 after the briefing required under subsection (a) occurs
14 that includes a summary of the briefing, any new or addi-
15 tional information requested during such briefing, and
16 such other information as the Secretary determines appro-
17 priate.

18 (c) CONGRESSIONAL COMMITTEES SPECIFIED.—The
19 congressional committees specified in this subsection are
20 the following:

21 (1) The Committees on Energy and Commerce
22 and Ways and Means of the House of Representa-
23 tives.

24 (2) The Committees on Finance, Health, Edu-
25 cation, Labor, and Pensions, Commerce, Science,

1 and Transportation, and the Special Committee on
2 Aging of the Senate.

3 **SEC. 203. AUTHORITY TO AWARD GRANTS TO NURSING FA-**
4 **CILITIES FOR SUPPORTING VIRTUAL VISITS**
5 **DURING THE COVID-19 PUBLIC HEALTH**
6 **EMERGENCY.**

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

13 (b) COORDINATION.—The Secretary shall coordinate
14 with the Federal Communications Commission to ensure
15 that all facilities awarded a grant under this section are
16 able to carry out the purposes described in subsection (d),
17 including through the provision of telecommunications and
18 broadband services necessary to support virtual visits de-
19 scribed in subsection (a).

20 (c) APPLICATION REQUIREMENTS.—A facility seek-
21 ing a grant under this section shall submit an application
22 to the Secretary at such time, in such form and manner,
23 and containing such information as the Secretary shall re-
24 quire.

1 (d) USE OF FUNDS.—A facility awarded a grant
2 under this section may only use the funds for expenditures
3 attributable to obtaining and using—

4 (1) technologies to support virtual visits de-
5 scribed in subsection (a); and

6 (2) any other items or services necessary to
7 carry out such visits.

8 (e) LIMITATIONS.—

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

13 (2) SUPPLEMENT, NOT SUPPLANT.—Federal
14 funds paid to a skilled nursing facility or a nursing
15 facility pursuant to this section must be used to sup-
16 plement, but not supplant, any other Federal, State,
17 or local funds available to the facility that may be
18 used for a purpose specified in subsection (d).

19 (f) GUIDANCE.—Not later than 15 days after the
20 date of the enactment of this Act, the Secretary shall issue
21 guidance on steps facilities awarded grants under this sec-
22 tion shall take to ensure residents of such facilities have
23 access to virtual visitation during the COVID–19 public
24 health emergency period and how such access shall be fa-
25 cilitated by such facilities. Such guidance shall include op-

1 tions for how such facilities will ensure notification of resi-
2 dents and resident representatives of such virtual visita-
3 tion access and facilitation, address how adequate support
4 will be provided to residents to facilitate virtual visitation,
5 address how facilities will ensure or enable installation and
6 access to a device purchased for the use or benefit of indi-
7 vidual or multiple facility residents, and address oper-
8 ational issues and avoid unnecessary barriers to timely de-
9 ployment of virtual visitation.

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

14 (h) APPROPRIATION.—There are appropriated to the
15 Secretary for fiscal year 2020, from any funds in the
16 Treasury not otherwise appropriated, such sums as are
17 necessary to carry out this section, to remain available
18 through the last day of the month following the month
19 in which the COVID–19 public health emergency period
20 ends.

21 **TITLE III—MISCELLANEOUS**

22 **SEC. 301. EMERGENCY DESIGNATION.**

23 (a) IN GENERAL.—The amounts provided by this Act
24 are designated as an emergency requirement pursuant to

1 section 4(g) of the Statutory Pay-As-You-Go Act of 2010
2 (2 U.S.C. 933(g)).

3 (b) DESIGNATION IN SENATE.—In the Senate, this
4 Act is designated as an emergency requirement pursuant
5 to section 4112(a) of H. Con. Res. 71 (115th Congress),
6 the concurrent resolution on the budget for fiscal year
7 2018.