

117TH CONGRESS
1ST SESSION

H. R. 596

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

JANUARY 28, 2021

Ms. SCHAKOWSKY (for herself, Mr. DOGGETT, Ms. DELAURO, Mr. DEFazio, Mr. GRIJALVA, Mr. KHANNA, Mr. RASKIN, Ms. PINGREE, Mr. WELCH, Mr. POCAN, Mr. BISHOP of Georgia, Ms. NORTON, Ms. MCCOLLUM, Ms. JAYAPAL, and Ms. CHU) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Advancing
3 Connectivity during the Coronavirus to Ensure Support
4 for Seniors Act” or the “ACCESS Act”.

5 **TITLE I—SUPPLEMENTAL**
6 **APPROPRIATIONS**

7 **SEC. 101. SUPPLEMENTAL APPROPRIATIONS.**

8 The following sums are hereby appropriated, out of
9 any money in the Treasury not otherwise appropriated,
10 for the fiscal year ending September 30, 2021, and for
11 other purposes, namely:

12 DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES
14 HEALTH RESOURCES AND SERVICES ADMINISTRATION
15 RURAL HEALTH

16 For an additional amount for the Telehealth Re-
17 source Center of the Federal Office of Rural Health Policy
18 of the Office for the Advancement of Telehealth, to pro-
19 vide assistance with respect to technical, legal, regulatory
20 service delivery or other related barriers to the develop-
21 ment of telehealth technologies for skilled nursing facilities
22 (as defined in section 1819 of the Social Security Act) and
23 nursing facilities (as defined in section 1919 of such Act),
24 \$50,000,000 to remain available through September 30,
25 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)).

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

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

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

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

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

3 (2) any other items or services (including staff-
4 ing costs) necessary to carry out such visits.

5 (e) LIMITATIONS.—

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

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

16 (f) GUIDANCE.—Not later than 15 days after the
17 date of the enactment of this Act, the Secretary shall,
18 after consultation with appropriate skilled nursing facility
19 and nursing home resident advocate stakeholders, issue
20 guidance on steps facilities awarded grants under this sec-
21 tion shall take to ensure residents of such facilities have
22 access to virtual visitation during the COVID–19 public
23 health emergency period and how such access shall be fa-
24 cilitated by such facilities. Such guidance shall include op-
25 tions for how such facilities will ensure notification of resi-

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

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

13 (h) APPROPRIATION.—There are appropriated to the
14 Secretary for fiscal year 2021, from any funds in the
15 Treasury not otherwise appropriated, such sums as are
16 necessary to carry out this section, to remain available
17 through the last day of the month following the month
18 in which the COVID–19 public health emergency period
19 ends.

20 **TITLE III—MISCELLANEOUS**

21 **SEC. 301. EMERGENCY DESIGNATION.**

22 (a) IN GENERAL.—The amounts provided by this Act
23 are designated as an emergency requirement pursuant to
24 section 4(g) of the Statutory Pay-As-You-Go Act of 2010
25 (2 U.S.C. 933(g)).

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

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