



Biden-Harris Plan to Make Nursing Homes and Long-term Care Facilities Safe

More than 200,000 Americans have lost their lives because of COVID-19. The pandemic has had a devastating impact on older Americans and people with disabilities and the workers who care for them, particularly those living in nursing homes and other long-term care facilities. As of mid-September, there had been [77,000 COVID-19 deaths](#) linked to long-term care facilities since March — about [40% of all virus-related deaths reported nationwide](#).

It did not have to be this bad. President Trump lied to the American people about the danger posed by the virus, and his [failed leadership](#) throughout the COVID-19 pandemic — and leading up to it— has devastated residents, their families and the staff dedicated to care for them. Throughout his presidency, Trump has undone protections for patient safety put in place by the Obama-Biden Administration and proposed more damaging rollbacks of regulations intended to prevent harm and death. A Biden-Harris Administration will enact policies and oversight that ensure nursing home residents and staff are safe.

The Trump Administration Has Failed To Protect those Living and Working in Nursing Homes

President Trump has no plan to address the crisis in nursing homes and other long-term care facilities. Indeed, under President Trump’s watch, quality standards, effective enforcement, and accountability at nursing homes and long-term care facilities have all eroded. The Obama-Biden Administration made tangible [progress](#) in addressing long-standing issues with nursing home care, but the Trump Administration reversed course, putting residents’ lives in more danger all for the sake of limiting “regulatory burden” and helping big business. Specifically, the Trump Administration has:

- Provided [insufficient](#) testing, N95 respirators, and other personal protective equipment (PPE) support to nursing home staff during the pandemic.
- Called for [the elimination](#) of the requirement for infection control specialists to work in nursing homes and protect patients on at least a part-time basis.
- [Reduced](#) training requirements for staff designed to ensure resident safety and [failed](#) to ensure robust surveys and data collection designed to provide transparency to residents, their families, and inform federal oversight activities.
- Decreased the dollar amounts of [fines](#) and [proposed](#) less frequent nursing home quality and safety inspections lessening oversight and accountability for patient safety.
- [Reversed](#) the Obama-Biden Administration’s ban on forced arbitration agreements that limit residents’ ability to seek recourse in the case of harm or death resulting from facility negligence.
- [Supported efforts](#) of Congressional Republicans to shield corporations from liability for their negligence in the context of COVID-19 relief.
- Failed to ensure COVID-19 relief funding for nursing homes is used for PPE, testing and other essential needs, saying there were “[no strings attached](#)” to the funding.



The Trump Administration has also made it harder for older Americans and those with disabilities to receive home- and community-based services — which could help reduce the number of people in congregant settings and reduce risk of exposure to COVID-19. The Administration has not made this a priority in its budget request and [has extended states' deadlines](#) to meet federal requirements with respect to increasing access to care in home- and community-based settings for Medicaid recipients.

A Biden-Harris Administration Will Protect Residents and Workers in Nursing Homes and Long-term Care Facilities

Joe Biden will protect residents of nursing homes and long-term care facilities. He is committed to providing older Americans and people with disabilities with a safe and dignified community to live in during the COVID-19 pandemic and beyond. He will listen to medical professionals, scientists, public health experts, and stakeholders who represent nursing home residents and their families to reverse the damage the Trump Administration has done.

The Biden-Harris plan entails the following crucial steps:

Promote safety and care

- Ensure effective point-of-care testing and contact tracing is available at every facility and ensure updated public health guidance is followed with respect to the frequency of testing for residents and staff.
- Require an infectious disease specialist in every regulated setting.
- Ensure that all workers and residents in long-term care facilities have the optimal PPE by fully invoking the Defense Production Act to increase production of PPE, including N95 respirators where needed, and having a transparent and effective medical supply chain so this equipment is distributed to frontline essential workers and at risk populations expeditiously.
- Ensure adequate staffing and staff training to serve the needs of residents at each facility, including in-person training on the proper use, donning and doffing of PPE. A [new study](#) in 8 states found that there is a correlation between levels of nursing staff and high COVID-19 cases in nursing homes.
- Treat long-term care workers with respect and dignity, ensure they have a choice to organize a union and collectively bargain free from management interference, and give them the pay, paid leave, career ladders, and other benefits they deserve.
- Direct the Occupational Safety and Health Administration to promulgate and enforce an Emergency Temporary Standard to ensure safe workplaces.

Ensure appropriate oversight of facilities to protect patient safety and wellbeing

- In the event facilities are closed to visitors, require facilities to conduct regular open sessions with residents and family members to explain the current situation and take



questions and allow the [State Long-term Care Ombudsman](#) entry even during visitation restrictions

- Increase the frequency and scope of surveys and data collection in order to ensure that residents and their families have sufficient information to make decisions about their care and to enhance oversight by CMS.
- Enhance protections against [inappropriate discharge](#) to avoid abrupt evictions that harm vulnerable residents with nowhere to go.
- Conduct adequate numbers of surveys and restore levels of penalties needed to obtain compliance with quality standards.

Provide oversight for how taxpayer and resident funds are spent and provide avenues for bringing complaints

- Reject limitations of liability that make it impossible to ensure individuals harmed or killed due to nursing home negligence can hold providers accountable by pursuing legal remedies.
- Reinstate the Obama-Biden Administration's ban on forced arbitration agreements, that limit residents' ability to seek recourse in the case of harm or death resulting from facility negligence.
- Require OIG audits of nursing home cost reports and ownership data through the Provider Enrollment Chain and Ownership System (PECOS).
- Reauthorize the Elder Justice Act, which includes important provisions and protections related to preventing abuse and exploitation of elderly Americans.

Increase access to home and community-based services for the number of older Americans and people with disabilities able to receive home and community-based services (HCBS).

As they work to protect those living in nursing homes and long-term care facilities, a Biden-Harris Administration will also work to end the institutional bias in the Medicaid program by expanding access to home and community based services, affirm the commitment to people with disabilities and seniors to be able to self-direct services, work with Congress to secure permanent reauthorization of and invest in the Money Follows the Person (MFP) program, and fully implement the HCBS Final Rule. Their [Plan for Mobilizing American Talent and Heart to Create a 21st Century Caregiving and Education Workforce](#) will expand access to a broad array of long-term services and supports in local settings, including eliminating the waiting list for HCBS under Medicaid and establishing a state innovation fund for creative, cost effective direct care services.