



H.R.6766 and S.3492 closely mirror Texas statute and Section 35 of the Texas Bill of Rights adopted in 2021 because the family members who assisted in the development of the Texas legislation also assisted in crafting the language of the federal legislation

\*Nothing in the bill creates further restrictions for Texans. Instead, it provides the other 49 states with some of the protections that residents in Texas long-term care facilities receive

Each Resident or Resident Representative May Designate At Least One Essential Caregiver

Essential Caregivers Are Not Comparable to Staff Members

The Essential Caregiver Designation May be Amended at Any Time

Essential Caregivers Must Follow Safety and Infection Control Policies put in place by the Facility

H.R.6766 / S.3492

## BASICS FOR ESSENTIAL CAREGIVERS

Filed December 2025

An Essential Caregiver Who Fails to Comply with Policies can be Denied Visitation but Only After a Warning and Opportunity to Correct the Non-Compliant Issue or Behavior

Any Access Denial Can beAppealed and the Facility Must Prove the Legal Justification for Such Denial

Essential Caregivers Provide Whatever Degree and Type of Assistance the Resident and/or Essential Caregiver Determine is Needed - May be Emotional, Physical, Companionship, Daily Living, etc.

## MAJOR ELEMENTS OF THE BILL

Bicameral and Bipartisan Authorship

Gives Long-term care Residents In-person Access to at Least One Essential Caregiver of Their Choosing at all Times

Applies to Federal, State, and Local Emergencies

Applies to all Emergencies - Health, Safety, Weather, Natural Disaster, National Defense, Alien Invasion, Zombie Apocalypse

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ESSENTIAL CAREGIVERS ACT OF 2025

Facility May Pause Essential Caregiver Visits for 7 days, Apply for One 7 Day Extension but not to Residents Undergoing End-of-Life Care

Enforcement and Survey Authority Rests with the States' Agencies

HHS to establish a Final Rule on an Appeals Process Within Two Years but Appeals are Under the Direction of the State Survey Authority

Penalty for Non-compliance not to Exceed \$5,000 for Each Offense

\*Nothing in the bill creates any new authority for State or local officials to restrict visitation at nursing facilities.