ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4282 and 4150

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2020

The Assembly Appropriations Committee reports favorably an Assembly committee substitute for Assembly Bill Nos. 4282 and 4150.

The committee substitute requires long-term care facilities and hospitals to make a good faith effort to maintain an emergency stockpile of personal protective equipment.

Specifically, long-term care facilities will be required to make a good faith effort to maintain a stockpile of personal protective equipment necessary to meet the facility's need for personal protective equipment for:

(1) In the case of a facility that is part of a health care system that owns or operates eight or more facilities, 30 days; and

(2) In the case of a facility that is part of a health care system that owns or operates fewer than eight facilities, 60 days.

General acute care hospitals will be required to make a good faith effort to maintain at least a 90-day emergency stockpile of personal protective equipment at all times. If the hospital is part of a system comprising more than one hospital, the total emergency stockpile of personal protective equipment maintained by each facility may be counted when determining compliance with the requirement, provided that the total quantity available across the system is equal to at least a 90-day emergency stockpile of personal protective equipment for each facility that is part of the system.

The substitute provides that, when determining whether a long-term care facility or hospital has made a good faith effort to comply will take into consideration the current state of the supply chain of personal protective equipment in the State, including, but not limited to, unit cost, recent price increases, overall availability, and delays in shipping times.

In determining the quantity of personal protective equipment a facility or hospital will need to maintain in order to meet the requirements of the substitute, the facility or hospital is to: take into account prevailing conditions in the State that may affect the need for and availability of personal protective equipment; take into account anticipated surges, over the next 90 days, in the need for personal protective equipment at that facility or hospital and at other facilities

or hospitals that are part of the same system as the facility or hospital; and utilize any burn rate calculator or other tool as the Department of Health may designate for use in determining the anticipated need for personal protective equipment.

Under the provisions of the substitute, facilities and hospitals will be required to immediately reevaluate the adequacy of their stockpile of personal protective equipment upon any declaration of a state of emergency by the Governor or a public health emergency pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in response to an outbreak, epidemic, or pandemic involving an infectious disease, and acquire additional supplies of personal protective equipment as are necessary to meet increases in the need for and use of personal protective equipment during the state of emergency or public health emergency.

The substitute defines "long-term care facility" as a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and “personal protection equipment” as any items commonly used to protect an individual from bacterial or viral infections, including, but not limited to, disinfecting wipes, disposable gloves, disposable gowns, face shields, N95 face masks, surgical masks, or parts thereof.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.