

ASSEMBLY, No. 4452

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 23, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires DHS, DOH, and DCF, in consultation with each other and various other interested parties, to develop public emergency response plan for licensed providers of services to individuals with disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning the development of a public emergency
2 response plan for providers of services to individuals with
3 physical, mental, or developmental disabilities and
4 supplementing Title 30 of the Revised Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

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9 1. a. As used in this section:

10 “Client” means a person with a disability who receives services
11 from the Department of Human Services, the Department of Health,
12 the Department of Children and Families, or any licensed service
13 provider.

14 “Licensed service provider” means a person or entity that is
15 licensed, certified, or otherwise authorized by the Department of
16 Human Services, the Department of Health, or the Department of
17 Children and Families to provide services in the State to persons
18 with a disability.

19 “Person with a disability” means an individual who has a
20 physical disability, infirmity, malformation, or disfigurement
21 caused by a bodily injury, birth defect, or illness, including, but not
22 be limited to, epilepsy, any degree of paralysis, amputation, lack of
23 physical coordination, blindness or visual impairment, deafness or
24 hearing impairment, deaf-blindness, inability to speak or speech
25 impairment, or physical reliance on a service animal, wheelchair, or
26 other remedial appliance or device, or who has any mental,
27 psychological, or developmental disability that results from an
28 anatomical, psychological, physiological, or neurological condition
29 preventing the normal exercise of any bodily or mental function or
30 is demonstrable, medically or psychologically, by accepted clinical
31 or laboratory diagnostic techniques.

32 “Public emergency” means an environmental, public health, or
33 public safety emergency that is occurring in New Jersey or in one or
34 more counties, regions, or other parts of the State, and which is
35 officially recognized and declared as an emergency by the Governor
36 of New Jersey or by the President of the United States.

37 b. The Department of Human Services, the Department of
38 Health, and the Department of Children and Families, working in
39 consultation with each other and with the Ombudsman for
40 Individuals with Intellectual or Developmental Disabilities and
41 Their Families, the State Office of Emergency Management in the
42 Department of Law and Public Safety, licensed service providers,
43 managed care organizations, and representatives of at least two
44 disability rights or advocacy organizations, shall develop and
45 oversee the implementation of a public emergency response plan for
46 licensed service providers in the State. At a minimum, the public
47 emergency response plan shall:

1 (1) establish guidelines and best practices for the general and
2 specific operations, activities, and procedures that are to be
3 undertaken or implemented during a public emergency by licensed
4 service providers under each department's respective jurisdiction;

5 (2) to the extent feasible, identify the means, methods, and
6 channels through which licensed service providers under each
7 department's respective jurisdiction may obtain personal protective
8 equipment (PPE) and other equipment or services that are critical to
9 the maintenance of ongoing operations during the course of a public
10 emergency;

11 (3) address various possible public emergency scenarios and
12 provide for the application of differing standards and best practices
13 under paragraph (1) of this subsection and the use of differing
14 sourcing methods pursuant to paragraph (2) of this subsection for
15 different types of public emergency, as appropriate, while
16 highlighting the standards, best practices, and resource sourcing
17 methods that are applicable for the purposes of any currently
18 declared public emergency; and

19 (4) be consistent with, and incorporate, any relevant guidance
20 that is published by the U.S. Department of Health and Human
21 Services, the federal Centers for Disease Control and Prevention,
22 and any other federal agencies that are involved in the remediation
23 of public emergencies.

24 c. The Departments of Human Services, Health, and Children
25 and Families, working in collaboration with each other and other
26 interested parties, as provided by subsection b. of this section, shall:

27 (1) prepare the public emergency response plan required by this
28 section within 60 days after the enactment of this act; and

29 (2) review and revise the plan: (a) on at least a biennial basis
30 after the plan's initial preparation under paragraph (1) of this
31 subsection; and (b) as soon as is possible following the declaration
32 of any new public emergency in the State.

33 d. The initial emergency response plan and any revised
34 emergency response plan developed under this section shall be
35 posted at a publicly accessible location on the Internet websites of
36 the Department of Human Services, the Department of Health, and
37 the Department of Children and Families.

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39 2. This act shall take effect immediately.
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42 STATEMENT

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44 This bill would require the Department of Human Services
45 (DHS), the Department of Health (DOH), and the Department of
46 Children and Families (DCF) to work cooperatively with each other
47 to develop and oversee the implementation of a public emergency
48 response plan for persons and entities that are licensed by the

1 departments to provide services to individuals with physical,
2 mental, or developmental disabilities (“licensed service providers”).
3 The departments will be required to develop the emergency
4 response plan in consultation with the Ombudsman for Individuals
5 with Intellectual or Developmental Disabilities and Their Families,
6 the State Office of Emergency Management in the Department of
7 Law and Public Safety, licensed service providers, managed care
8 organizations, and representatives of at least two disability rights or
9 advocacy organizations.

10 At a minimum, the public emergency response plan is to:

11 1) establish guidelines and best practices for the general and
12 specific operations, activities, and procedures that are to be
13 undertaken or implemented during a public emergency by licensed
14 service providers under each department’s respective jurisdiction;

15 2) to the extent feasible, identify the means, methods, and
16 channels through which licensed service providers under each
17 department’s respective jurisdiction will be able to obtain personal
18 protective equipment (PPE) and other equipment or services that are
19 critical to the maintenance of ongoing operations during the course
20 of a public emergency;

21 3) address various possible public emergency scenarios and
22 provide for the application of differing standards and best practices
23 and the use of differing resource sourcing methods, as appropriate,
24 for different types of public emergency, while highlighting the
25 standards, best practices, and sourcing methods that are applicable
26 for the purposes of any currently declared public emergency; and

27 4) be consistent with, and incorporate, any relevant guidance
28 published by the U.S. Department of Health and Human Services,
29 the federal Centers for Disease Control and Prevention, and any
30 other federal agencies that are involved in the remediation of public
31 emergencies.

32 The bill provides for the DHS, DOH, and DCF to develop the
33 public emergency response plan, as provided by the bill, within 60
34 days after the date of the bill’s enactment and to review and revise
35 the plan, thereafter, on at least a biennial basis and as soon as is
36 possible following the declaration of any new public emergency in
37 the State. The initial plan and any revised plans are to be made
38 publicly available on the DHS, DOH, and DCF websites.