

ASSEMBLY, No. 4485

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 6 (Burlington and Camden)

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District 35 (Bergen and Passaic)

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District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

**Assemblywomen Speight, Dunn, Schepisi, B.DeCroce, McKnight,
Reynolds-Jackson, DiMaso and Assemblyman Johnson**

SYNOPSIS

Dedicates personal protective equipment to long-term care facilities during public health emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2020)

1 AN ACT concerning personal protective equipment in long-term
2 care facilities during a public health emergency and
3 supplementing chapter 13 of Title 26 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. The Commissioner of Health, in consultation with the
9 Director of the State Office of Emergency Management, shall
10 dedicate a percentage of the State Stockpile's personal protective
11 equipment and any personal protective equipment received from the
12 federal "Strategic National Stockpile" to long-term care facilities in
13 the State during public health emergencies.

14 b. Following a declaration of a public health emergency by the
15 Governor, pursuant to P.L.2005, c.222, s.3, the commissioner, in
16 consultation with the Director of the State Office of Emergency
17 Management, shall determine the specific percentage allocation of
18 personal protective equipment for long-term care facilities, based
19 on the nature of the public health emergency, the total number of
20 patients, and the average rate of personal protective equipment
21 consumption in long-term care facilities.

22 c. The commissioner shall coordinate with local health
23 departments and the New Jersey Office of Emergency Management
24 County Coordinators to collect information on the total number of
25 patients, the current inventory of personal protective equipment,
26 and the average rate of personal protective equipment consumption
27 in long-term care facilities and to distribute personal protective
28 equipment to the long-term care facilities, based on a facility's need
29 and available supplies.

30 d. As used in this section:

31 "Commissioner" means Commissioner of Health.

32 "Long-term care facility" means a nursing home, assisted living
33 residence, comprehensive personal care home, residential health
34 care facility, or dementia care home licensed pursuant to P.L.1971,
35 c.136 (C.26:2H-1 et seq.).

36 "Personal protective equipment" means any items commonly used
37 to protect an individual from bacterial or viral infections, including,
38 but not necessarily limited to, disinfecting wipes, disposable gloves,
39 disposable gowns, face shields, facemasks, portable respirators,
40 medical equipment, or parts thereof.

41 "State Stockpile" means the State managed asset containing a
42 limited supply of pharmaceuticals and personal protective equipment
43 dedicated for use during a public health emergency.

44 "Strategic National Stockpile" means the United States' national
45 repository of antibiotics, vaccines, chemical antidotes, antitoxins and
46 other critical medical equipment and supplies. In the event of a
47 national emergency involving bioterrorism or a natural pandemic, the
48 Strategic National Stockpile has the capability to supplement and re-
49 supply local health authorities that may be overwhelmed by the crisis.

1 2. The Commissioner of Health shall adopt rules and regulations
2 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
3 (C.52:14B-1 et seq.), to effectuate the purposes of P.L. , c. ,
4 (C.) (pending before this Legislature as this bill).

5

6 3. This act shall take effect immediately.

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STATEMENT

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11 This bill requires the Commissioner of Health, in consultation
12 with the Director of the State Office of Emergency Management, to
13 dedicate a percentage of the State’s stockpiled personal protective
14 equipment to long-term care facilities in the State during public
15 health emergencies. This bill helps ensure that long-term care
16 facilities have access to personal protective equipment during
17 public health emergencies. Long-term care facilities face unique
18 challenges during public health emergencies, as they often care for
19 vulnerable patient populations and operate facilities with layouts
20 that make it difficult to quarantine patients. During the COVID-19
21 pandemic of 2020, long-term care facilities accounted for a
22 disproportionate amount of COVID-19 related deaths. Many
23 facilities suffered from a lack of personal protective equipment, but
24 the cost of personal protective equipment places an additional
25 burden on an already financially constrained long-term care facility
26 industry.

27 The commissioner, in consultation with the Director of the State
28 Office of Emergency Management, will determine the specific
29 percentage allocation of personal protective equipment for long-
30 term care facilities, based on the nature of the public health
31 emergency, the total number of patients, and the average rate of
32 personal protective equipment consumption in long-term care
33 facilities. The commissioner will also coordinate with local health
34 departments and the New Jersey Office of Emergency Management
35 County Coordinators to collect information on the total number of
36 patients, the current inventory of personal protective equipment,
37 and the average rate of personal protective equipment consumption
38 in long-term care facilities and to distribute personal protective
39 equipment to the long-term care facilities, based on a facility’s need
40 and available supplies.