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ASSEMBLY, No. 4485

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

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SYNOPSIS

Dedicates personal protective equipment to long-term care facilities, home health agencies, and certain community-based providers during public health emergency.

CURRENT VERSION OF TEXT

As reported by the Assembly Aging and Senior Services Committee on August 24, 2020, with amendments.

(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning ¹the dedication of¹ personal protective equipment
 2 ¹**[in]** ¹to¹ long-term care facilities facilities¹, home health agencies,
 3 and certain community-based providers¹ during a public health
 4 emergency and supplementing chapter 13 of Title 26 of the Revised
 5 Statutes.

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

9
 10 1. a. The Commissioner of Health, in consultation with the
 11 Director of the State Office of Emergency Management ¹in the New
 12 Jersey Division of State Police¹, shall ¹, during a public emergency,¹
 13 dedicate a percentage of the ¹personal protective equipment in the¹
 14 State ¹**[Stockpile's personal protective equipment]** stockpile¹ and any
 15 personal protective equipment received from the federal
 16 ¹**[“]Strategic National Stockpile[”]**¹ to¹: ¹(1)¹ long-term care
 17 facilities ¹**[in the State during public health emergencies];** ¹(2) home
 18 health agencies; and (3) community-based providers that employ direct
 19 support professionals in group homes. The amount of personal
 20 protective equipment that is dedicated to long-term care facilities,
 21 home health agencies, and community-based providers under this
 22 section shall be sufficient to meet the needs of those facilities,
 23 agencies, and providers to the greatest extent possible, given the
 24 available stockpiled supplies¹.

25 b. Following a declaration of a public health emergency by the
 26 Governor, pursuant to ¹section 3 of¹ P.L.2005, c.222¹**[, s.3]**
 27 **(C.26:13-3)**¹, the commissioner, in consultation with the Director of
 28 the State Office of Emergency Management, shall determine the
 29 specific percentage ¹**[allocation]**¹ of personal protective equipment
 30 ¹**[for]** ¹to be allocated to¹ long-term care facilities¹, home health
 31 agencies, and community-based providers under this section¹, based
 32 on the nature of the public health emergency, the total number of
 33 ¹**[patients]** current long-term care facility residents, home health
 34 agency consumers, and residents of community-based group homes¹,
 35 and the average rate of personal protective equipment consumption
 36 ¹**[in]** ¹by¹ long-term care facilities¹, home health agencies, and
 37 community-based providers¹.

38 c. The commissioner shall coordinate with local health
 39 departments and the ¹county coordinators for the¹ New Jersey Office
 40 of Emergency Management ¹**[County Coordinators]**¹ to¹:

41 ¹(1)¹ collect information on the total number of ¹**[patients]** current
 42 long-term care facility residents, home health agency consumers, and
 43 residents of community-based group homes¹, the current inventory of
 44 personal protective equipment ¹in the State stockpile, as well as the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASE committee amendments adopted August 24, 2020.

1 inventory currently available at each long-term care facility, home
2 health agency, and community-based provider¹, and the average rate
3 of personal protective equipment consumption ¹**["in] by**¹ long-term
4 care facilities¹, home health agencies, and community-based
5 providers;¹ and ¹**["to]**

6 (2)¹ distribute personal protective equipment to the long-term care
7 facilities¹, home health agencies, and community-based providers¹,
8 based on ¹**["a facility's] each entity's**¹ need and ¹**the**¹ available
9 ¹**stockpiled**¹ supplies.

10 d. As used in this section:

11 "Commissioner" means Commissioner of Health.

12 ¹**"Home health agency"** means a home health care provider that is
13 certified to participate either as a home health agency under Title
14 XVIII of the Social Security Act, 42 U.S.C.1395 et seq., or as a
15 proprietary agency licensed by the Commissioner of Health.¹

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

20 "Personal protective equipment" means any items commonly used to
21 protect an individual from bacterial or viral infections, including, but not
22 ¹**["necessarily"]**¹ limited to, disinfecting wipes, disposable gloves,
23 disposable gowns, face shields, ¹**["facemasks, portable respirators,**
24 **medical equipment,] N95 face masks**¹, or parts thereof.

25 "State ¹**["Stockpile] stockpile**¹" means the ¹**["State managed asset]**
26 **State-managed stockpile**¹ containing a limited supply of pharmaceuticals
27 and personal protective equipment dedicated for use during a public
28 health emergency.

29 "Strategic National Stockpile" means the United States' national
30 repository of antibiotics, vaccines, chemical antidotes, antitoxins and
31 other critical medical equipment and supplies¹**[" In], which, in**¹ the event
32 of a national emergency involving bioterrorism or a natural pandemic,
33 ¹**["the Strategic National Stockpile"]**¹ has the capability to supplement and
34 re-supply local health authorities that may be overwhelmed by the crisis.

35
36 2. The Commissioner of Health shall adopt rules and regulations
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.), to effectuate the purposes of ¹**["P.L. , c. ,**
39 **(C.) (pending before this Legislature as this bill)] this act**¹.

40
41 3. This act shall take effect immediately.