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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, hospice care providers, health care service firms, and certain community-based providers during public health emergency.

CURRENT VERSION OF TEXT

As amended by the General Assembly on August 27, 2020.

(Sponsorship Updated As Of: 9/14/2020)

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

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

10
 11 1. a. The Commissioner of Health, in consultation with the
 12 Director of the State Office of Emergency Management ¹in the New
 13 Jersey Division of State Police¹ , shall ¹, during a public health
 14 emergency,¹ dedicate a percentage of ²[the] any² ¹personal
 15 protective equipment ²[in] as² the¹ State ¹[Stockpile's personal
 16 protective equipment] ²or a department, division, agency, office, or
 17 other entity of State government may elect to² stockpile¹ ²in
 18 response to the public health emergency or for any other reason²
 19 and ², consistent with any federal rules, guidance, and directives as
 20 may apply to the distribution of the personal protective equipment,²
 21 any personal protective equipment received from the federal
 22 ¹["¹Strategic National Stockpile¹"]¹ to¹: (1)¹ long-term care
 23 facilities ¹[in the State during public health emergencies]¹; (2)
 24 home health agencies; ²(3) hospice care providers; (4) health care
 25 service firms;² and ²[(3)] (5)² community-based providers that
 26 employ ²or place² direct support professionals in group homes. The
 27 amount of personal protective equipment that is dedicated to long-
 28 term care facilities, home health agencies, ²hospice care programs,
 29 health care service firms,² and community-based providers under
 30 this section shall be sufficient to meet the needs of those facilities,
 31 agencies, and providers to the greatest extent possible, given the
 32 available stockpiled supplies¹ .

33 b. Following a declaration of a public health emergency by the
 34 Governor, pursuant to ¹section 3 of¹ P.L.2005, c.222¹ [s.3]
 35 (C.26:13-3)¹, the commissioner, in consultation with the Director of
 36 the State Office of Emergency Management, shall ²develop a
 37 formula or other methodology to² determine the specific percentage
 38 ¹[allocation]¹ of personal protective equipment ¹[for] to be
 39 allocated to¹ long-term care facilities¹, home health agencies,
 40 ²hospice care providers, health care service firms,² and community-
 41 based providers under this section¹, ²[based on] which formula
 42 shall account for² the nature of the public health emergency, the
 43 total number of ¹[patients] current long-term care facility residents,

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.

²Assembly floor amendments adopted August 27, 2020.

1 home health agency² and health care service firm² consumers,
2 ²hospice care patients,² and residents of community-based group
3 homes¹, ²Statewide demand for personal protective equipment,² and
4 the average rate of personal protective equipment consumption
5 ¹[in] by¹ long-term care facilities¹, home health agencies,² hospice
6 care programs, health care service firms,² and community-based
7 providers^{1 2}, which rate of consumption may be adjusted to account
8 for nominal consumption rates and surges in consumption rates
9 during the public health emergency² .

10 c. The commissioner shall coordinate with ²[local health
11 departments and] the State Office of Emergency Management,² the
12 ¹county coordinators for the¹ ²[New Jersey] State² Office of
13 Emergency Management², and the Long-Term Care Emergency
14 Operations Center established pursuant to section 1 of P.L. _____,
15 c. (C. _____) (pending before the Legislature as Senate Bill No.
16 2790 and Assembly Bill No. 4476 of 2020-2021)² ¹[County
17 Coordinators]¹ to ¹;

18 (1)¹ ²[collect information on] determine² the total number of
19 ¹[patients] current long-term care facility residents, home health
20 agency² and health care service firm² consumers,² hospice care
21 patients² and residents of community-based group homes¹ , the
22 current inventory of personal protective equipment¹ in the State
23 stockpile,² if any,² as well as the inventory that is currently
24 available at each long-term care facility, home health agency,
25 ²hospice care program, health care service firm,² and community-
26 based provider¹, and the average rate of personal protective
27 equipment consumption¹ [in] by¹ long-term care facilities¹, home
28 health agencies,² hospice care providers, health care service firms²
29 and community-based providers;¹ and¹ [to]

30 (2)¹ ²in coordination with county coordinators for the State
31 Office of Emergency Management or other entities as may be
32 appropriate and available for this purpose,² distribute personal
33 protective equipment to the long-term care facilities¹, home health
34 agencies,² hospice care providers, health care service firms,² and
35 community-based providers¹, based on¹ [a facility's] each entity's¹
36 need and¹ the¹ available¹ stockpiled¹ supplies.

37 d. As used in this section:

38 "Commissioner" means Commissioner of Health.

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

43 "Long-term care facility" means a nursing home, assisted living
44 residence, comprehensive personal care home, residential health

1 care facility, or dementia care home licensed pursuant to P.L.1971,
2 c.136 (C.26:2H-1 et seq.).

3 “Personal protective equipment” means any items commonly used
4 to protect an individual from bacterial or viral infections, including,
5 but not ¹【necessarily】¹ limited to, disinfecting wipes, disposable
6 gloves, disposable gowns, face shields, ¹【facemasks, portable
7 respirators, medical equipment】 N95 face masks¹, surgical masks,²
8 or parts thereof.

9 ²【“State ¹【Stockpile】 stockpile¹” means ¹【State managed asset】
10 State-managed stockpile¹ containing a limited supply of
11 pharmaceuticals and personal protective equipment dedicated for use
12 during a public health emergency.】²

13 “Strategic National Stockpile” means the United States' national
14 repository of antibiotics, vaccines, chemical antidotes, antitoxins^{1,1}
15 ²personal protective equipment, critical medical equipment² and other
16 ²【critical】² medical equipment and supplies¹【. In】, which, in¹ the
17 event of a national emergency involving bioterrorism or a natural
18 pandemic, ¹【the Strategic National Stockpile】¹ has the capability to
19 supplement and re-supply local health authorities that may be
20 overwhelmed by the crisis.

21
22 2. The Commissioner of Health shall adopt rules and regulations
23 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
24 (C.52:14B-1 et seq.), to effectuate the purposes of ¹【P.L. , c. ,
25 (C.) (pending before this Legislature as this bill)】 this act¹.

26
27 3. This act shall take effect immediately.