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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, PACE programs, and certain community-based providers during public health emergency.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 24, 2020.

(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning ¹the dedication of¹ personal protective
 2 equipment ¹[in] to¹ long-term care facilities ³[facilities]³ ¹,
 3 home health agencies, ²hospice care providers, health care
 4 service firms, ²³PACE programs,³ and certain community-based
 5 providers¹ during a public health emergency and supplementing
 6 chapter 13 of Title 26 of 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; ²³(5) PACE programs; ³ and ²[(3)] ³[(5)]² (6)³
 26 community-based providers that employ ²or place² direct support
 27 professionals in group homes. The amount of personal protective
 28 equipment that is dedicated to long-term care facilities, home health
 29 agencies, ²hospice care programs, health care service firms,²
 30 ³PACE programs,³ and community-based providers under this
 31 section shall be sufficient to meet the needs of those facilities,
 32 agencies, ³programs,³ and providers to the greatest extent possible,
 33 given the available stockpiled supplies¹.

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

²Assembly floor amendments adopted August 27, 2020.

³Assembly floor amendments adopted September 24, 2020.

1 public health emergency, the total number of ¹**patients** current
 2 long-term care facility residents, home health agency ²and health
 3 care service firm ²consumers, ²hospice care patients, ² ³enrollees of
 4 PACE programs, ³ and residents of community-based group homes ¹,
 5 ²Statewide demand for personal protective equipment, ² and the
 6 average rate of personal protective equipment consumption ¹**in**
 7 by ¹long-term care facilities ¹, home health agencies, ²hospice care
 8 programs, health care service firms, ² ³PACE programs, ³ and
 9 community-based providers ¹ ², which rate of consumption may be
 10 adjusted to account for nominal consumption rates and surges in
 11 consumption rates during the public health emergency ².

12 c. The commissioner shall coordinate with ²**local health**
 13 **departments and** the State Office of Emergency Management, ² the
 14 county coordinators for the ¹ ²**New Jersey** State ² Office of
 15 Emergency Management ², and the Long-Term Care Emergency
 16 Operations Center established pursuant to section 1 of P.L. _____,
 17 c. (C. _____) (pending before the Legislature as Senate Bill No.
 18 2790 and Assembly Bill No. 4476 of 2020-2021) ² ¹**County**
 19 **Coordinators** ¹ to ¹:

20 (1) ¹ ²**collect information on** determine ² the total number of
 21 ¹**patients** current long-term care facility residents, home health
 22 agency ²and health care service firm ² consumers, ²hospice care
 23 patients ² ³enrollees in PACE programs, ³ and residents of
 24 community-based group homes ¹, the current inventory of personal
 25 protective equipment ¹in the State stockpile, ²if any, ² as well as the
 26 inventory that is currently available at each long-term care facility,
 27 home health agency, ²hospice care program, health care service
 28 firm, ² ³PACE program, ³ and community-based provider ¹, and the
 29 average rate of personal protective equipment consumption ¹**in**
 30 by ¹long-term care facilities ¹, home health agencies, ²hospice care
 31 providers, health care service firms ² ³, PACE programs, ³ and
 32 community-based providers; ¹ and ¹**to**

33 (2) ¹ ²in coordination with county coordinators for the State
 34 Office of Emergency Management or other entities as may be
 35 appropriate and available for this purpose, ² distribute personal
 36 protective equipment to the long-term care facilities ¹, home health
 37 agencies, ²hospice care providers, health care service firms, ²
 38 ³PACE programs, ³ and community-based providers ¹, based on ¹**a**
 39 facility's each entity's ¹ need and ¹the ¹ available ¹stockpiled
 40 supplies.

41 d. As used in this section:

42 “Commissioner” means Commissioner of Health.

43 ¹“Home health agency” means a home health care provider that
 44 is certified to participate either as a home health agency under Title

1 XVIII of the Social Security Act, 42 U.S.C.1395 et seq., or as a
2 proprietary agency licensed by the Commissioner of Health.¹

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

7 ³"PACE program" means the "Program of All-Inclusive Care for
8 the Elderly," operated by a public, private, nonprofit, or proprietary
9 entity, as permitted by federal law.³

10 "Personal protective equipment" means any items commonly
11 used to protect an individual from bacterial or viral infections,
12 including, but not ¹**["necessarily"]** limited to, disinfecting wipes,
13 disposable gloves, disposable gowns, face shields, ¹**["facemasks,**
14 **portable respirators, medical equipment"]** N95 face masks¹,
15 ²surgical masks,² or parts thereof.

16 ²**["State ¹**["Stockpile"]** stockpile**¹" means ¹**["State managed asset]**
17 State-managed stockpile¹ containing a limited supply of
18 pharmaceuticals and personal protective equipment dedicated for
19 use during a public health emergency.]²

20 "Strategic National Stockpile" means the United States' national
21 repository of antibiotics, vaccines, chemical antidotes, antitoxins¹,¹
22 ²personal protective equipment, critical medical equipment² and
23 other ²**["critical"]**² medical equipment and supplies¹**["In], which, in**¹
24 the event of a national emergency involving bioterrorism or a
25 natural pandemic, ¹**["the Strategic National Stockpile"]**¹ has the
26 capability to supplement and re-supply local health authorities that
27 may be overwhelmed by the crisis.

28
29 2. The Commissioner of Health shall adopt rules and
30 regulations pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
32 ¹**["P.L. , c. , (C.) (pending before this Legislature as this**
33 **bill)]** this act¹.
34

35 3. This act shall take effect immediately.