ASSEMBLY, No. 5254

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:
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District 37 (Bergen)
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SYNOPSIS

Requires hospitals to collect and report demographic data on people with disabilities who are tested or treated for COVID-19 during declared public health emergency.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/12/2021)

AN ACT concerning certain hospital data and amending P.L.2020, c.28.

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

1. Section 1 of P.L.2020, c.28 is amended to read as follows:

1. a. As used in this act:

"Disability" has the same meaning as in section 5 of P.L.1945, c.169 (C.10:5-5).

[a.**]** b. The Commissioner of Health shall require hospitals licensed pursuant to Title 26 of the Revised Statutes to report to the Department of Health demographic data, including the age, ethnicity, gender, disability status as indicated by the person, or the person's health care proxy or guardian, appointed pursuant to section 13 of P.L.2005, c.370 (C.3B:12-25), including any indicated disability, and race of persons in this State who have tested positive for the coronavirus disease 2019 or who have died from the coronavirus disease 2019, as well as the number of persons who attempt to get treatment for the coronavirus disease 2019, the number of persons who are admitted for treatment for the coronavirus disease 2019, and the number of persons who attempt to get tested for the coronavirus disease 2019 and were turned away, until the end of the State's declared public health emergency related to the coronavirus disease 2019. Commencing on the effective date of P.L. , c. (pending before the Legislature as this bill), each licensed hospital shall collect from each person presenting at the hospital for testing or treatment related to coronavirus disease 2019, or the person's health care proxy or guardian, appointed pursuant to section 13 of P.L.2005, c.370 (C.3B:12-25), information concerning the person's disability status and any indicated disability. To the extent that a hospital reported demographic data pursuant to this subsection prior to the effective date of P.L. , c. (pending before the Legislature as this bill) that did not include data concerning disability status and any indicated disability, the hospital shall provide updated data for that period that includes, to the extent available, data on disability status and any indicated disability. The commissioner shall compile the reported Statewide data by county and municipality.

[b.**]** c. The Department of Health shall publish on its Internet website the demographic data received pursuant to subsection b. of this section and shall share these data with the assistant commissioner for the Division of Developmental Disabilities, the executive director of the Division of Disability Services within the Department of Human Services, and any other department or

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.

agency of the State that the Commissioner of Health deems necessary. The department shall update its Internet website on a daily basis by publishing the latest demographic data received by the Commissioner of Health until the end of the State's declared public health emergency related to the coronavirus disease 2019.

[c.**]** d. The Commissioner of Health shall prepare and submit a report compiling the data reported pursuant to this section to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(cf: P.L.2020, c.28, s.1)

2. This act shall take effect immediately and shall expire as provided in section 2 of P.L.2020, c.28.

STATEMENT

This bill would amend the demographic information that licensed hospitals collect from people seeking testing or treatment for coronavirus disease 2019 (COVID-19), as required under P.L.2020, c.28, to include a person's disability status and any disability information that the person, or the person's health care proxy or appointed guardian, may choose to disclose. The bill employs the same expansive definition of "disability" as is used in New Jersey's "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

Some people with disabilities may be at higher risk of infection with, or severe illness from, COVID-19 due to an underlying medical condition. According to the Centers for Disease Control and Prevention (CDC), adults with disabilities are three times more likely than adults without a disability to have certain medical conditions, such as diabetes or heart disease, that present a higher risk of severe illness from COVID-19. There is substantive anecdotal evidence that, in New Jersey, people living with disabilities have been particularly affected by COVID-19. It is the intent of the bill's sponsor to ensure that New Jersey's hospitals collect, and the Departments of Health and Human Services publicly disseminate, accurate data on COVID-19 infection rates and rates of severe COVID-19 illness among the State's vulnerable residents.