

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2566 and 2677

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED SEPTEMBER 14, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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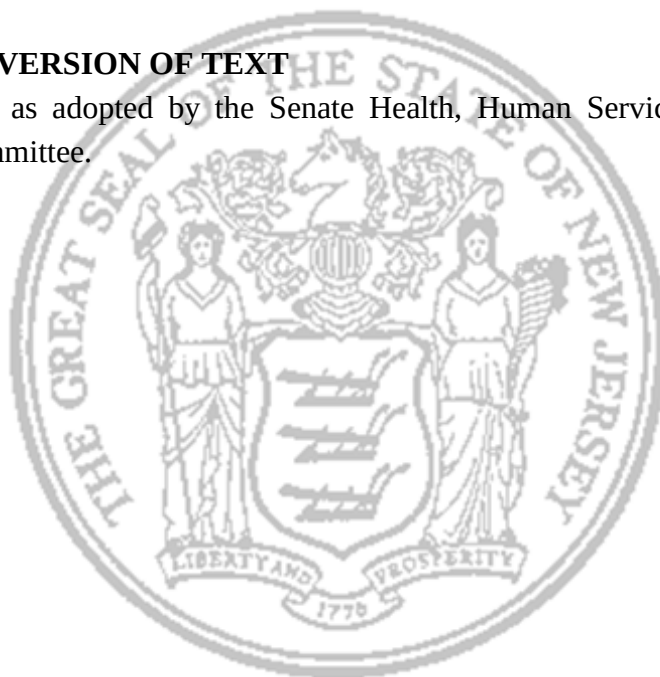
Senators Lagana, Pou and Greenstein

SYNOPSIS

Requires long-term care facilities to maintain minimum supply of personal protective equipment.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Health, Human Services and Senior Citizens Committee.



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

1 **AN ACT** concerning personal protective equipment in long-term
2 care facilities and supplementing Title 26 of the Revised
3 Statutes.

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

7
8 1. a. Each long-term care facility shall maintain an adequate
9 emergency stockpile of personal protective equipment necessary to
10 meet the facility's need for personal protective equipment for:

11 (1) In the case of a facility that is part of a system that owns or
12 operates eight or more facilities, 30 days;

13 (2) In the case of a facility that is part of a system that owns or
14 operates fewer than eight facilities, 60 days; and

15 For the purposes of meeting the requirements of this subsection,
16 a facility that is not part of a system or that is part of a system that
17 owns or operates fewer than eight facilities may enter into a
18 collaborative agreement with other facilities or with one or more
19 systems, which collaborative agreement shall be deemed to render
20 the facility part of a system comprising of the health care facility
21 and any other health care facilities that are party to the collaborative
22 agreement or that are part of a system that is party to the
23 collaborative agreement. The collaborative agreement shall, at a
24 minimum, include protocols for sharing personal protective
25 equipment among facilities that are part of the system established
26 pursuant to the collaborative agreement.

27 b. In determining the quantity of personal protective equipment
28 a facility will need to maintain in order to meet the requirements of
29 this section, the facility shall:

30 (1) take into account prevailing conditions in the State that may
31 affect the need for and availability of personal protective
32 equipment;

33 (2) take into account anticipated surges, over the next 90 days,
34 in the need for personal protective equipment at that facility and at
35 other facilities that are part of the same system as the facility; and

36 (3) utilize any burn rate calculator or other tool as the
37 Department of Health may designate for use in determining the
38 anticipated need for personal protective equipment.

39 The facility shall immediately reevaluate the adequacy of its
40 stockpile of personal protective equipment upon any declaration of
41 a public health emergency pursuant to P.L.2005, c.222 (C.26:13-1
42 et seq.) in response to an outbreak, epidemic, or pandemic involving
43 an infectious disease, and shall acquire such additional supplies of
44 personal protective equipment as it determines are necessary to
45 meet increases in the need for and use of personal protective
46 equipment during the public health emergency.

- 1 c. The Department of Health may impose fines or other
2 administrative remedies against any facility that violates the
3 requirements of this section.
- 4 d. As used in this section:
- 5 "Long-term care facility" means a nursing home, assisted living
6 residence, comprehensive personal care home, residential health
7 care facility, or dementia care home licensed pursuant to P.L.1971,
8 c.136 (C.26:2H-1 et seq.).
- 9 "Personal protective equipment" means any items commonly used
10 to protect an individual from bacterial or viral infections, including,
11 but not limited to, disinfecting wipes, disposable gloves, disposable
12 gowns, face shields, N95 face masks, surgical masks, or parts thereof.
13
- 14 2. The Commissioner of Health may adopt rules and
15 regulations, in accordance with the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
17 the provisions of this act.
18
- 19 3. This act shall take effect immediately.