

[First Reprint]

SENATE, No. 2784

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

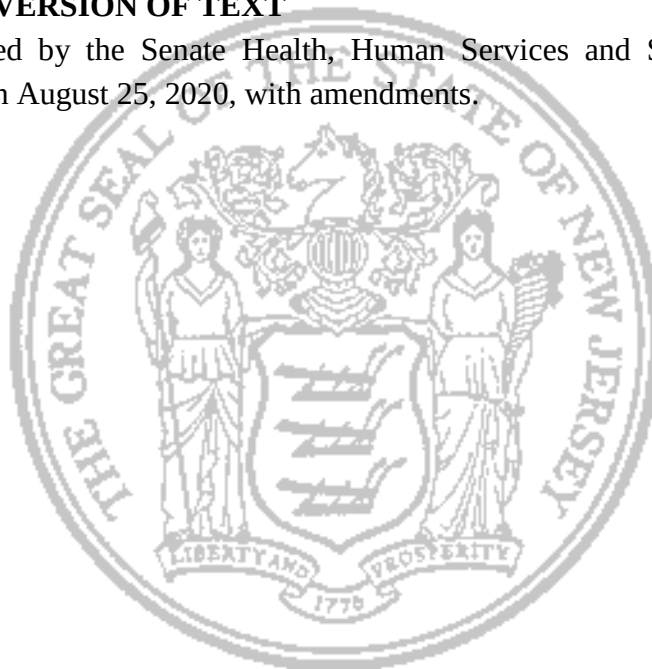
Senators Diegnan, Greenstein, Pou and Ruiz

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 Senate Health, Human Services and Senior Citizens Committee on August 25, 2020, with amendments.



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

1 AN ACT concerning 'the dedication of' personal protective equipment
 2 '[in] to' long-term care facilities facilities¹, home health agencies,
 3 and certain community-based providers' 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 'in the New
 12 Jersey Division of State Police', shall¹, during a public health
 13 emergency,¹ dedicate a percentage of the 'personal protective
 14 equipment in the' State **'[Stockpile's personal protective equipment]**
 15 stockpile' and any personal protective equipment received from the
 16 federal **'["'Strategic National Stockpile'"]'** to¹: (1)¹ long-term
 17 care facilities **'[in the State during public health emergencies]';** (2)
 18 home health agencies; and (3) community-based providers that employ
 19 direct 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 supplies'.

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

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

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

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:

¹Senate SHH committee amendments adopted August 25, 2020.

1 home health agency, and community-based provider¹, and the average
2 rate of personal protective equipment consumption **'[in] by'** long-
3 term care facilities¹, home health agencies, and community-based
4 providers;¹ and **'[to]**

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

9 d. As used in this section:

10 "Commissioner" means Commissioner of Health.

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

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

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

24 "State **'[Stockpile] stockpile'**" means the **'[State managed asset]**
25 State-managed stockpile¹ containing a limited supply of pharmaceuticals
26 and personal protective equipment dedicated for use during a public
27 health emergency.

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

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

40
41 3. This act shall take effect immediately.