

[First Reprint]
SENATE, No. 2865

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:
Senator ROBERT W. SINGER
District 30 (Monmouth and Ocean)

SYNOPSIS

Establishes certain disclosure requirements for health care workers concerning other employers and health care facilities concerning infectious disease outbreaks.

CURRENT VERSION OF TEXT

As amended by the Senate on December 17, 2020.



1 AN ACT concerning certain health care workers ¹and health care
2 facilities¹ and supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Notwithstanding any other provision of law to the contrary,
8 an individual ¹**[other than a physician]**¹ who is employed by, or
9 provides services at, a general acute care hospital, psychiatric hospital,
10 nursing facility, group home, or assisted living facility shall disclose to
11 that entity:

12 (1) the name of any other general acute care hospital, psychiatric
13 hospital, nursing facility, group home, or assisted living facility at
14 which the individual is employed or provides services, which
15 disclosure shall be made no later than 30 days after the effective date
16 of this act or 30 days after the date the individual commences
17 employment with, or begins providing services at, the other general
18 acute care hospital, psychiatric hospital, nursing facility, group home,
19 or assisted living facility, whichever date is later; and

20 (2) any outbreak of an infectious disease occurring at a general
21 acute care hospital, psychiatric hospital, nursing facility, group home,
22 or assisted living facility at which the individual is employed or
23 provides services ¹of which the individual receives notice pursuant to
24 subsection c. of this section¹, which disclosure shall be made as soon
25 as practicable after the individual ¹**[knows or reasonably should**
26 **know]** is provided notice¹ of the outbreak.

27 b. ¹**[A]** (1) Except as provided in paragraph (2) of this
28 subsection, a¹ general acute care hospital, psychiatric hospital, nursing
29 facility, group home, or assisted living facility that identifies an
30 individual who fails to make a disclosure required under this section
31 ¹**[shall report the individual to the Department of Health and to the**
32 **professional licensing board having jurisdiction over the individual, if**
33 **any]** may take appropriate action to respond to the nondisclosure,
34 including taking disciplinary action against the individual, provided
35 such action is in accordance with written policies established by the
36 facility that have been furnished to individuals employed by, or
37 providing services at, the facility.

38 (2) In no case may a general acute care hospital, psychiatric
39 hospital, nursing facility, group home, assisted living facility, or any
40 other entity take administrative or disciplinary action against an
41 individual who fails to disclose an outbreak of an infectious disease
42 occurring at a general acute care hospital, psychiatric hospital, nursing
43 facility, group home, or assisted living facility at which the individual
44 is employed or provides services, if the facility at which the outbreak

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 floor amendments adopted December 17, 2020.

1 is occurring did not provide notice of the outbreak as required under
2 subsection c. of this section¹ .

3 c. ¹**【**An individual who fails to make a disclosure required under
4 this section may be liable to up to a 30-day suspension of the
5 individual’s professional licensure or certification, if any, a civil
6 penalty of up to \$1,000 for each violation, or both. A civil penalty
7 assessed under this subsection shall be collected by and in the name of
8 the Department of Health in summary proceedings before a court of
9 competent jurisdiction pursuant to the provisions of the “Penalty
10 Enforcement Law of 1999,” P.L.199, c.274 (C.2A:58-10 et seq.)**】**
11 Each general acute care hospital, psychiatric hospital, nursing facility,
12 group home, and assisted living facility shall establish protocols to
13 promptly notify individuals employed by or providing services at the
14 facility of any outbreak of an infectious disease that occurs at the
15 facility, which notice shall be provided as soon as practicable after the
16 outbreak is detected and shall include details, to the extent they are
17 available, concerning the name of disease, the known modes of
18 transmission and the transmission rate for the virus or bacterium that
19 causes the disease, and the extent of the outbreak at the facility. A
20 general acute care hospital, psychiatric hospital, nursing facility, group
21 home, or assisted living facility that fails to provide notice of an
22 outbreak of an infectious disease as required under this subsection
23 shall be subject to monetary penalties, adverse licensure action, or
24 other disciplinary actions as shall be established by rules and
25 regulations promulgated by the Commissioner of Health¹ .

26

27 ¹2. The Commissioner of Health shall adopt rules and regulations,
28 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
29 (C.52:14B-1 et seq.), as may be necessary to effectuate the provisions
30 of this act.¹

31

32 ¹**【**2.**】** ¹3. This act shall take effect 30 days after the date of
33 enactment.