

ASSEMBLY, No. 5527

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Vainieri Huttie, Murphy and Schepisi

SYNOPSIS

Requires certain long-term care facilities to submit outbreak response plan to DOH.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/7/2019)

1 AN ACT concerning certain long-term care facilities and
2 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. As used in this section:

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

12 b. Notwithstanding any provision of law to the contrary, the
13 Department of Health shall require long-term care facilities, which
14 provide care to ventilator dependent residents, to develop and
15 submit to the department an outbreak response plan within 180 days
16 after the effective date of this act, with any material changes to the
17 plan submitted annually unless otherwise required by the
18 department, customized to the facility that is based upon national
19 standards and developed in consultation with the facility's infection
20 control committee, which plan shall include, but shall not be limited
21 to:

22 (1) a protocol for isolating and cohorting infected and at-risk
23 patients in the event of an outbreak of a life-threatening, contagious
24 disease, or of a similar health emergency at a facility, until the
25 cessation of the outbreak or emergency;

26 (2) clear policies for the notification of patients, patients'
27 families, and staff in the event of an outbreak of a life-threatening,
28 contagious disease, or of a similar health emergency at a facility;

29 (3) information on the availability of laboratory testing,
30 protocols for assessing whether facility visitors are ill, protocols to
31 require ill staff to not present at the facility for work duties, and
32 processes for implementing evidence-based outbreak response
33 measures;

34 (4) policies to meet staffing, training, and facility demands
35 during an infectious disease outbreak to successfully implement the
36 outbreak response plan;

37 (5) policies to conduct routine surveillance on residents and
38 staff to quickly identify signs of a communicable disease that could
39 develop into an outbreak;

40 (6) policies for reporting outbreaks to public health officials in
41 accordance with applicable laws and regulations; and

42 (7) employing or contracting with an individual certified by the
43 Board of Infection Control and Epidemiology, Inc., in infection
44 prevention and control, and a physician who has completed an
45 infectious disease fellowship, to successfully implement the
46 outbreak response plan.

1 c. The Department of Health shall develop and implement
2 procedures as are necessary for the submission of the long-term
3 care facility outbreak response plans required pursuant to
4 subsection b. of this section.

5 d. Notwithstanding any provision of law to the contrary, the
6 Department of Health shall, no later than 180 days after the
7 submission of the outbreak response plan pursuant to subsection b.
8 of this section, issue a certificate of need to a long-term care facility
9 which the department determines is in need of a physical expansion
10 of its facilities to permit the long-term care facility to execute the
11 outbreak response plan submitted pursuant to subsection b. of this
12 section.

13 e. Notwithstanding any provision of law to the contrary,
14 following the Department of Health's initial issuance of certificates
15 of need pursuant to subsection d. of this section, the department
16 shall triennially assess the State's need for additional space in long-
17 term care facilities and issue certificates of need to facilities in need
18 of physical expansion to permit long-term care facilities to execute
19 an outbreak response plan submitted pursuant to subsection b. of
20 this section.

21
22 2. The Department of Health shall implement the provisions of
23 this act, and pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules or regulations as
25 are necessary to effectuate the provisions of this act.

26
27 3. This act shall take effect immediately.
28
29

30 STATEMENT

31
32 This bill provides that the Department of Health (DOH) is to
33 require certain long-term care facilities to submit outbreak response
34 plans.

35 Under the bill, the DOH is to require long-term care facilities,
36 which provide care to ventilator dependent residents, to develop and
37 submit to the DOH an outbreak response plan within 180 days after
38 the effective date of this act that is developed in consultation with
39 the facility's infection control committee, which plan is to include,
40 but is not to be limited to: (1) a protocol for isolating and cohorting
41 infected and at-risk patients in the event of an outbreak of a life-
42 threatening, contagious disease, or of a similar health emergency at
43 a facility, until the cessation of the outbreak or emergency; (2) clear
44 policies for the notification of patients, patients' families, and staff
45 in the event of an outbreak of a life-threatening, contagious disease,
46 or of a similar health emergency at a facility; (3) information on the
47 availability of laboratory testing, protocols for assessing whether

1 facility visitors are ill, protocols to require ill staff to not present at
2 the facility for work duties, and processes for implementing
3 evidence-based outbreak response measures; (4) policies to meet
4 staffing, training, and facility demands during an infectious disease
5 outbreak to successfully implement the outbreak response plan; (5)
6 policies to conduct routine surveillance on residents and staff to
7 quickly identify signs of a communicable disease that could develop
8 into an outbreak; (6) policies for reporting outbreaks to public
9 health officials in accordance with applicable laws and regulations;
10 and (7) employing or contracting with an individual certified by the
11 Board of Infection Control and Epidemiology, Inc., in infection
12 prevention and control, and a physician who has completed an
13 infectious disease fellowship, to successfully implement the
14 outbreak response plan.

15 The DOH is to issue a certificate of need to a long-term care
16 facility which the department determines is in need of a physical
17 expansion of its facilities to permit the long-term care facility to
18 execute the outbreak response plan submitted pursuant to the bill's
19 provisions.

20 The bill provides that the DOH is to develop and implement
21 procedures as are necessary for the submission of the outbreak
22 response plans required under the bill.