

[First Reprint]

ASSEMBLY, No. 5527

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

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**Assemblywomen Vainieri Huttie, Murphy, Schepisi, Timberlake,
McKnight, Assemblyman Houghtaling, Assemblywoman Downey,
Senators Codey, Ruiz and Greenstein**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Health and Senior Services Committee on June 6, 2019, with amendments.

(Sponsorship Updated As Of: 6/28/2019)

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 ¹“Cohorting” means the practice of grouping patients who are or
9 are not colonized or infected with the same organism to confine
10 their care to one area and prevent contact with other patients.

11 “Isolating” means the process of separating sick, contagious
12 persons from those who are not sick.¹

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

17 b. Notwithstanding any provision of law to the contrary, the
18 Department of Health shall require long-term care facilities ¹**that**
19 **provide care to ventilator-dependent residents**¹ to develop and
20 submit to the department an outbreak response plan within 180 days
21 after the effective date of this act, which plan shall be customized to
22 the facility, based upon national standards and developed in
23 consultation with the facility’s infection control committee. At a
24 minimum, each facility’s plan shall include, but shall not be limited
25 to:

26 (1) a protocol for isolating and cohorting infected and at-risk
27 patients in the event of an outbreak of a ¹**life-threatening,**¹
28 **contagious disease**¹, or of a similar health emergency at a
29 facility,¹ until the cessation of the outbreak ¹**or emergency**¹;

30 (2) clear policies for the notification of ¹**patients, patients’**
31 **residents, residents’**¹ families, ¹visitors,¹ and staff in the event of an
32 outbreak of a ¹**life-threatening,**¹ contagious disease¹, or of a
33 similar health emergency¹ at a facility;

34 (3) information on the availability of laboratory testing,
35 protocols for assessing whether facility visitors are ill, protocols to
36 require ill staff to not present at the facility for work duties, and
37 processes for implementing evidence-based outbreak response
38 measures;

39 (4) policies to meet staffing, training, and facility demands
40 during an infectious disease outbreak to successfully implement the
41 outbreak response plan, including either employing on a full-time or
42 part-time basis, or contracting with on a consultative basis:

43 (a) an individual certified by the ¹**National Board of Infection**
44 **Control in infection prevention and control**¹ Certification Board of
45 Infection Control and Epidemiology¹; and

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:

¹Assembly AHE committee amendments adopted June 6, 2019.

1 (b) a physician who has completed an infectious disease
2 fellowship;

3 (5) policies to conduct routine ¹**['surveillance on']** monitoring
4 of¹ residents and staff to quickly identify signs of a communicable
5 disease that could develop into an outbreak; and

6 (6) policies for reporting outbreaks to public health officials in
7 accordance with applicable laws and regulations.

8 c. Each long term care facility shall notify the department ¹**['']**¹
9 on an annual basis ¹**['unless otherwise required by the department,']**
10 thereafter¹ of any material changes or updates to its outbreak
11 response plan. ¹The department shall, within 180 days of the
12 submission of the outbreak plan, review the plan and ensure that all
13 criteria are satisfied as set forth in this act.¹

14 d. The Department of Health shall develop and implement
15 procedures as are necessary for the submission of the long-term
16 care facility outbreak response plans required pursuant to this
17 section.

18 ¹**['e. Notwithstanding any provision of law to the contrary, the**
19 **Department of Health shall, no later than 180 days after the**
20 **submission of the outbreak response plan pursuant to subsection b.**
21 **of this section, issue a certificate of need to a long-term care facility**
22 **which the department determines is in need of a physical expansion**
23 **of its facilities to permit the long-term care facility to execute the**
24 **outbreak response plan submitted pursuant to subsection b. of this**
25 **section.**

26 f. Notwithstanding any provision of law to the contrary,
27 following the Department of Health's initial issuance of certificates
28 of need pursuant to this section, the department shall triennially
29 assess the State's need for additional space in long-term care
30 facilities and issue certificates of need to facilities in need of
31 physical expansion to permit long-term care facilities to execute an
32 outbreak response plan submitted pursuant to this section.¹

33 ¹**['g.] e.**¹ (1) The Department of Health shall require a long-term
34 care facility ¹**['**, which provides care to ventilator-dependent
35 residents,¹ to assign to the facility's infection control committee ¹,
36 on a full-time or part-time basis, or on a consultative basis¹:

37 (a) an ¹**['employee']** individual¹ who is a physician that has
38 completed an infectious disease fellowship; ¹and¹

39 (b) ¹**['and']**¹ an ¹**['employee']** individual¹ designated as the
40 infection control coordinator, who has education, training,
41 completed course work, or experience in infection control or
42 epidemiology, including certification in infection control by the
43 ¹**['National Board of Infection Control']** Certification Board of
44 Infection Control and Epidemiology¹. The infection control
45 committee shall meet on ¹at least¹ a quarterly basis and both

1 ¹~~【employees】~~ individuals¹ assigned to the committee pursuant to
2 this subsection shall attend at least half of the meetings held by the
3 infection control committee.

4 ¹~~【h.】~~ f.¹ If necessary, the Department of Health is authorized to
5 ¹~~【temporality】~~ temporarily¹ remove licensing requirements to
6 permit long-term care facilities to utilize ancillary space, such as
7 space normally reserved for dining or staff purposes, to assist in the
8 effort to cohort residents in the event of an outbreak.

9
10 2. The Department of Health shall implement the provisions of
11 this act, and pursuant to the "Administrative Procedure Act,"
12 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules or regulations as
13 are necessary to effectuate the provisions of this act.

14
15 3. This act shall take effect immediately.