

# ASSEMBLY, No. 4138

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

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**District 34 (Essex and Passaic)**

**SYNOPSIS**

Requires Division of Developmental Disabilities to develop public emergency response plan for service providers and facilities serving individuals with developmental disabilities.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/28/2020)

1 AN ACT concerning the development of a public emergency  
2 response plan for providers of services to individuals with  
3 developmental disabilities and supplementing Title 30 of the  
4 Revised Statutes.

5

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

8

9 1. a. As used in this section:

10 “Commissioner” means the Commissioner of Human Services.

11 “Assistant commissioner” means the Assistant Commissioner of  
12 the Division of Developmental Disabilities in the Department of  
13 Human Services.

14 “Department” means the Department of Human Services.

15 “Division” means the Division of Developmental Disabilities in  
16 the Department of Human Services.

17 “Patient” means a person with developmental disabilities who  
18 receives services from the division or any relevant service provider  
19 or facility.

20 “Public emergency” means an environmental, public health, or  
21 public safety emergency that is occurring in New Jersey or in one or  
22 more counties, regions, or other parts of the State, and which is  
23 officially recognized and declared as an emergency by the Governor  
24 of New Jersey or by the President of the United States.

25 “Relevant service provider or facility” means any person or  
26 entity that is licensed, certified, or otherwise authorized by the  
27 division to provide services to individuals with developmental  
28 disabilities or their families in the State.

29 “Relevant services” or “services” means services that are  
30 provided to individuals with developmental disabilities or their  
31 families.

32 b. The assistant commissioner of the division, in consultation  
33 with the commissioner, the Commissioner of Health, and the  
34 Director of the State Office of Emergency Management in the  
35 Department of Law and Public Safety, shall develop and oversee  
36 the implementation of a public emergency response plan for  
37 relevant service providers and facilities in the State. At a minimum,  
38 the public emergency response plan shall:

39 (1) establish guidelines and best practices for operations,  
40 activities, and procedures that are to be undertaken or implemented  
41 by relevant service providers and facilities during a time of public  
42 emergency, including, but not limited to, guidelines and best  
43 practices governing the general operation of relevant facilities and  
44 the actions that are to be undertaken by staff, visitors, and patients  
45 in association with the provision or receipt of services during a time  
46 of public emergency;

47 (2) identify the means, methods, and channels through which  
48 relevant service providers and facilities will be able to obtain

1 personal protective equipment (PPE), electronic communications  
2 equipment, and other resources deemed by the division to be  
3 necessary for those providers and facilities to continue to operate  
4 and provide services in a safe manner that is conducive to the  
5 health, security, and well-being of patients, staff, and visitors during  
6 the course of a public emergency; and

7 (3) address various possible public emergency scenarios and  
8 provide for the application of differing standards and best practices  
9 under paragraph (1) of this subsection and the use of differing  
10 sourcing methods pursuant to paragraph (2) of this subsection for  
11 different types of public emergency, as appropriate, while  
12 highlighting the standards, best practices, and resource sourcing  
13 methods that are applicable for the purposes of any currently  
14 declared public emergency.

15 c. The division shall:

16 (1) prepare a public emergency response plan, as required by  
17 this section, within 30 days after the enactment of this act;

18 (2) review and revise the plan: (a) on at least a biennial basis  
19 after the plan's initial preparation under paragraph (1) of this  
20 subsection; and (b) immediately upon the declaration of any new  
21 public emergency in the State; and

22 (3) provide a copy of the initial response plan developed under  
23 paragraph (1) of this subsection and a copy of any revised response  
24 plan developed under paragraph (2) of this subsection to the  
25 Commissioner of Health, the Commissioner of Human Services, the  
26 chairs of the Assembly Human Services Committee and the Senate  
27 Health, Human Services and Senior Citizens Committee, or their  
28 successor committees, and all relevant service providers and  
29 facilities, within 10 days after completion thereof.

30 d. An updated copy of the response plan prepared pursuant to  
31 subsection c. of this section shall be posted on the Internet websites  
32 of the department, the division, and the Department of Health.

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34 2. This act shall take effect immediately.

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#### STATEMENT

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39 This bill would require the Assistant Commissioner of the  
40 Division of Developmental Disabilities (DDD) in the Department of  
41 Human Services (DHS), in consultation with the Commissioners of  
42 Human Services and Health and the Director of the State Office of  
43 Emergency Management in the Department of Law and Public  
44 Safety, to develop and oversee the implementation of a public  
45 emergency response plan for service providers and facilities in the  
46 State that provide services to individuals with developmental  
47 disabilities and their families. At a minimum, the public emergency  
48 response plan is to:

1       1) establish guidelines and best practices for operations,  
2 activities, and procedures that are to be undertaken or implemented  
3 by relevant service providers and facilities during a time of public  
4 emergency, including, but not limited to, guidelines and best  
5 practices governing the general operation of relevant facilities and  
6 the actions that are to be undertaken by staff, visitors, and patients  
7 in association with the provision or receipt of services during a time  
8 of public emergency;

9       2) identify the means, methods, and channels through which  
10 relevant service providers and facilities will be able to obtain  
11 personal protective equipment (PPE), electronic communications  
12 equipment, and other resources deemed by the division to be  
13 necessary for those providers and facilities to continue to operate  
14 and provide services in a safe manner that is conducive to the  
15 health, security, and well-being of patients, staff, and visitors during  
16 the course of a public emergency; and

17       3) address various possible public emergency scenarios and  
18 provide for the application of differing standards and best practices  
19 and the use of differing resource sourcing methods, as appropriate,  
20 for different types of public emergency, while highlighting the  
21 standards, best practices, and sourcing methods that are applicable  
22 for the purposes of any currently declared public emergency.

23       The division will be required to: 1) prepare a public emergency  
24 response plan, as required by the bill, within 30 days after the date  
25 of the bill's enactment; 2) review and revise the plan on at least a  
26 biennial basis after the plan's initial preparation and immediately  
27 upon the declaration of any new public emergency in the State; and  
28 3) provide a copy of the initial response plan and any revised  
29 response plan to the Commissioners of Human Services and Health,  
30 the chairs of the Assembly Human Services Committee and the  
31 Senate Health, Human Services and Senior Citizens Committee, or  
32 their successor committees, and all relevant service providers and  
33 facilities, within 10 days after completion thereof.

34       An updated copy of the response plan is to be posted on the  
35 Internet websites of the DDD, DHS, and the Department of Health.