

[First Reprint]

ASSEMBLY, No. 4138

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 11, 2020

Sponsored by:

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Assemblyman Chiaravalloti, Assemblywomen Tucker, Quijano, Speight, Lopez, Downey, Swain, Assemblyman Tully, Senators Pou and Diegnan

SYNOPSIS

Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities.

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on June 25, 2020, with amendments.

(Sponsorship Updated As Of: 6/3/2021)

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 ¹["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 "Client" means an individual with a developmental disability
15 who receives services from the department or any licensed service
16 provider.¹

17 "Department" means the Department of Human Services.

18 ¹["Division" means the Division of Developmental Disabilities
19 in the Department of Human Services.

20 "Patient" means a person with developmental disabilities who
21 receives services from the department or any service provider or
22 facility]

23 "Licensed service provider" means a person or entity that is
24 licensed, certified, or otherwise authorized by the department to
25 provide services to individuals with developmental disabilities in
26 the State¹.

27 "Public emergency" means an environmental, public health, or
28 public safety emergency that is occurring in New Jersey or in one or
29 more counties, regions, or other parts of the State, and which is
30 officially recognized and declared as an emergency by the Governor
31 of New Jersey or by the President of the United States.

32 ¹["Relevant service provider or facility" means any person or
33 entity that is licensed, certified, or otherwise authorized by the
34 division to provide services to individuals with developmental
35 disabilities or their families in the State.

36 "Relevant services" or "services" means services that are
37 provided to individuals with developmental disabilities or their
38 families.]¹

39 b. The ¹[assistant commissioner of the division] Department
40 of Human Services¹, in consultation with the ¹[commissioner, the
41 Commissioner] Department¹ of Health, ¹the Ombudsman for
42 Individuals with Intellectual or Developmental Disabilities and
43 Their Families, licensed service providers,¹ and the ¹[Director of
44 the]¹ State Office of Emergency Management in the Department of

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 AHU committee amendments adopted June 25, 2020.

1 Law and Public Safety, shall develop and oversee the
2 implementation of a public emergency response plan for
3 **‘[relevant] licensed’** service providers **‘[and facilities]’** in the
4 State. At a minimum, the public emergency response plan shall:

5 (1) establish guidelines and best practices for **‘the general and**
6 **specific’** operations, activities, and procedures that are to be
7 undertaken or implemented by **‘[relevant] licensed’** service
8 providers **‘[and facilities]’** during a **‘[time of]’** public
9 emergency¹, including, but not limited to, guidelines and best
10 practices governing the general operation of relevant facilities and
11 the actions that are to be undertaken by staff, visitors, and patients
12 in association with the provision or receipt of services during a
13 public emergency¹;

14 (2) **‘to the extent feasible,’** identify the means, methods, and
15 channels through which **‘[relevant] licensed’** service providers
16 **‘[and facilities will be able to] may’** obtain personal protective
17 equipment (PPE) **‘[**, electronic communications equipment, and
18 other resources deemed by the division to be necessary for those
19 providers and facilities to continue to operate and provide services
20 in a safe manner that is conducive to the health, security, and well-
21 being of patients, staff, and visitors¹ **and other equipment or**
22 **services that are critical to the maintenance of ongoing operations’**
23 during the course of a public emergency; **‘[and]’**

24 (3) address various possible public emergency scenarios and
25 provide for the application of differing standards and best practices
26 under paragraph (1) of this subsection and the use of differing
27 sourcing methods pursuant to paragraph (2) of this subsection for
28 different types of public emergency, as appropriate, while
29 highlighting the standards, best practices, and resource sourcing
30 methods that are applicable for the purposes of any currently
31 declared public emergency ¹; and

32 (4) **be consistent with, and incorporate, any relevant guidance**
33 **that is published by the U.S. Department of Health and Human**
34 **Services, the federal Centers for Disease Control and Prevention,**
35 **and any other federal agencies that are involved in the remediation**
36 **of public emergencies’**.

37 c. The **‘[division] department’** shall:

38 (1) prepare a public emergency response plan, as required by
39 this section, within **‘[30] 60’** days after the enactment of this act;

40 (2) review and revise the plan: (a) on at least a biennial basis
41 after the plan’s initial preparation under paragraph (1) of this
42 subsection; and (b) **‘[immediately upon] as soon as is possible**
43 **following’** the declaration of any new public emergency in the
44 State; and

45 (3) **‘[provide a copy of] post, at a publicly accessible location**
46 **on the department’s Internet website,’** the initial response plan

- 1 developed under paragraph (1) of this subsection and ¹【a copy of】¹
2 any revised response plan developed under paragraph (2) of this
3 subsection ¹【to the Commissioner of Health, the Commissioner of
4 Human Services, the chairs of the Assembly Human Services
5 Committee and the Senate Health, Human Services and Senior
6 Citizens Committee, or their successor committees, and all relevant
7 service providers and facilities, within 10 days after completion
8 thereof.
- 9 d. An updated copy of the response plan prepared pursuant to
10 subsection c. of this section shall be posted on the Internet websites
11 of the department, the division, and the Department of Health】¹.
12
- 13 2. This act shall take effect immediately.