

[First Reprint]

SENATE, No. 2384

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

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District 14 (Mercer and Middlesex)

Senator NIA H. GILL

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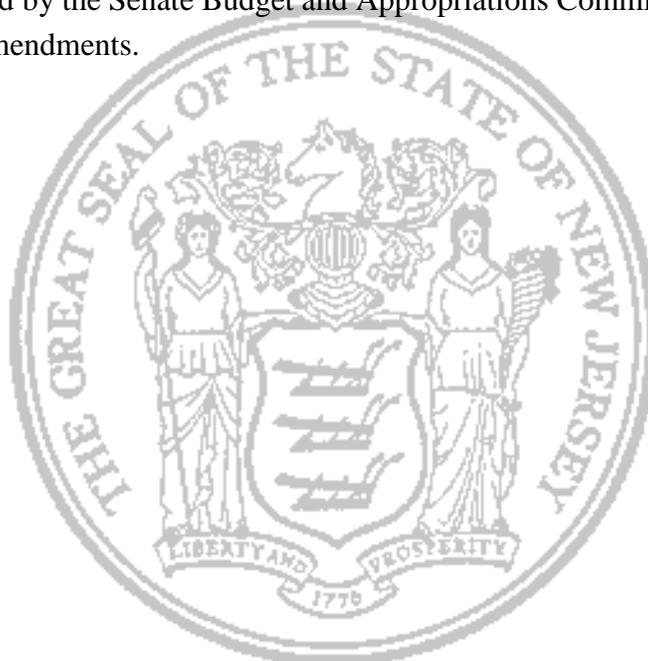
Senators Addiego, O'Scanlon and Diegnan

SYNOPSIS

Requires health care facilities to report certain coronavirus disease 2019 (COVID-19) data related to health care workers and certain first responders.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on July 28, 2020, with amendments.



(Sponsorship Updated As Of: 7/28/2020)

1 AN ACT concerning data reporting related to the coronavirus
2 disease 2019 pandemic.

3

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

6

7 1. a. (1) The Commissioner of Health shall require general
8 acute care hospitals, special hospitals, ambulatory care facilities,
9 ambulatory surgical centers, ¹assisted living facilities, home health
10 agencies,¹ and nursing homes licensed pursuant to P.L.1971, c.136
11 (C.26:2H-1 et seq.) ¹, as well as hospice programs licensed pursuant
12 to P.L.1997, c.78 (C.26:2H-79 et seq.),¹ to report to the Department
13 of Health data on the number of health care professionals, ancillary
14 health care workers, and emergency medical services personnel
15 affiliated with the facility who ¹**[:]**¹ tested positive for the
16 coronavirus disease 2019 ¹**[:]**¹ and who¹ died from the coronavirus
17 disease 2019 ¹**[:]**¹; and were admitted for treatment for the
18 coronavirus disease 2019 ¹**]**¹.

19 (2) ¹The information required pursuant to this subsection shall
20 be filed in a form and manner, and at such frequencies, as shall be
21 required by the department. To ensure the integrity and accuracy of
22 the information reported pursuant to this subsection, the department
23 shall seek to identify and minimize duplicative reporting from
24 multiple facilities concerning the same individual in the event that
25 the individual is employed by, or affiliated with, more than one
26 facility that is subject to the reporting requirements set forth in this
27 section.

28 (3) The department shall issue guidance concerning the specific
29 health care professionals, ancillary health care workers, and
30 emergency medical services personnel for whom reporting shall be
31 required pursuant to this subsection.

32 (4) The department may require the reporting of any additional
33 information as shall be appropriate to maximize the utility of the
34 information reported pursuant to this subsection, including, but not
35 limited to, requiring specific information be reported concerning the
36 professional licensure or certification or specific job title or
37 category of the individual who is the subject of the report.

38 (5)¹ The commissioner shall compile the data reported pursuant
39 to this subsection ¹in the manner the commissioner determines to be
40 the most effective and utilitarian means of compiling and analyzing
41 the data, which may, but shall not be required to, include compiling

EXPLANATION – Matter enclosed in bold-faced brackets **[:]** 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 SBA committee amendments adopted July 28, 2020.

1 the data¹ by facility type and by professional license or certification
2 type, if any, or by job title or category.

3 b. The department shall publish on its Internet website the
4 occupational data received pursuant to subsection a. of this
5 section. The department shall update its Internet website ¹["on a
6 daily basis"]¹ by publishing the latest data received by the
7 department pursuant to subsection a. of this section ¹as those data
8 become available¹. To the extent possible, the data reported by the
9 department pursuant to this subsection may be merged and cross-
10 referenced with the data published by the department pursuant to
11 subsection b. of section 1 of P.L.2020, c.28.

12 ¹c. Nothing in this section shall be construed to require
13 disclosure of any private health information or personal identifying
14 information in violation of any State or federal law, including the
15 federal "Health Insurance Portability and Accountability Act of
16 1996," Pub.L.104-191 and any regulations promulgated thereunder
17 by the Secretary of the U.S. Department of Health and Human
18 Services.¹

19
20 ¹2. a. The Commissioner of Health shall require general acute
21 care hospitals, special hospitals, ambulatory care facilities,
22 ambulatory surgical centers, assisted living facilities, home health
23 agencies, and nursing homes licensed pursuant to P.L.1971, c.136
24 (C.26:2H-1 et seq.), as well as hospice programs licensed pursuant
25 to P.L.1997, c.78 (C.26:2H-79 et seq.), to adopt standards,
26 procedures, and protocols that incorporate current guidance issued
27 by the Department of Health and by the federal Centers for Disease
28 Control and Prevention to evaluate and mitigate the risk of exposure
29 to, and spread of, coronavirus disease 2019 (COVID-19) in
30 healthcare settings.

31 b. No later than 60 days after the end of both the state of
32 emergency and the public health emergency declared in response to
33 the COVID-19 pandemic, general acute care hospitals, special
34 hospitals, ambulatory care facilities, ambulatory surgical centers,
35 assisted living facilities, home health agencies, nursing homes, and
36 hospice programs shall complete an analysis of COVID-19
37 exposures identified throughout their workforces during each month
38 in which the state of emergency and public health emergency in
39 response to COVID-19 were in effect, along with the measures
40 taken by the facility to respond to or mitigate the risk of exposure,
41 and shall submit a report of that analysis to the Department of
42 Health concerning recommended best practices and protocols to
43 mitigate the risk of exposure and spread of communicable disease
44 among health care facility staff and personnel during a

1 communicable disease outbreak, epidemic, or pandemic. Reports
2 submitted to the department pursuant to this subsection, and any
3 supporting data submitted with or in relation to a report, shall be
4 held as confidential and shall only be used by the department in the
5 development of strategies, plans, protocols, and best practices to
6 improve the State's response in the event of future communicable
7 disease outbreaks, as well as for the purposes of preparing the
8 report required pursuant to subsection c. of this section. To this
9 end, reports and supporting data submitted pursuant to this
10 subsection shall not be subject to public disclosure, shall not be
11 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
12 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.), and shall not be
13 used in any adverse licensure action or administrative disciplinary
14 action against the facility submitting the report or data.

15 c. No later than 120 days after the end of both the state of
16 emergency and the public health emergency declared in response to
17 the COVID-19 pandemic, the commissioner shall submit a report to
18 the Governor and, pursuant to section 2 of P.L.1991, c.164
19 (C.52:14-19.1), to the Legislature, outlining the aggregated data and
20 findings reported by general acute care hospitals, special hospitals,
21 ambulatory care facilities, ambulatory surgical centers, assisted
22 living facilities, home health agencies, nursing homes, and hospice
23 programs pursuant to subsection b. of this section and outlining the
24 commissioner's findings and recommendations for legislation or
25 other action to mitigate the risk of exposure and spread of
26 communicable disease among health care facility staff and
27 personnel during a communicable disease outbreak, epidemic, or
28 pandemic.¹

29

30 ¹**[2.] 3.**¹ This act shall take effect immediately and shall expire
31 one ¹**[month] year**¹ after the end of both the state of emergency and
32 the public health emergency declared in response to the coronavirus
33 disease 2019 pandemic.