

P.L. 2021, CHAPTER 292, *approved November 8, 2021*  
 Assembly, No. 4138 (*First Reprint*)

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 <sup>1</sup>["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.<sup>1</sup>

17 "Department" means the Department of Human Services.

18 <sup>1</sup>["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 State<sup>1</sup>.

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 <sup>1</sup>["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.]<sup>1</sup>

**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:

<sup>1</sup>Assembly AHU committee amendments adopted June 25, 2020.

1       b. The <sup>1</sup>~~assistant commissioner of the division~~ Department  
2 of Human Services<sup>1</sup>, in consultation with the <sup>1</sup>~~commissioner, the~~  
3 ~~Commissioner~~ Department<sup>1</sup> of Health, <sup>1</sup>~~the Ombudsman for~~  
4 Individuals with Intellectual or Developmental Disabilities and  
5 Their Families, licensed service providers,<sup>1</sup> and the <sup>1</sup>~~Director of~~  
6 ~~the~~<sup>1</sup> State Office of Emergency Management in the Department of  
7 Law and Public Safety, shall develop and oversee the  
8 implementation of a public emergency response plan for  
9 <sup>1</sup>~~relevant~~ licensed<sup>1</sup> service providers <sup>1</sup>~~and facilities~~<sup>1</sup> in the  
10 State. At a minimum, the public emergency response plan shall:

11       (1) establish guidelines and best practices for <sup>1</sup>~~the general and~~  
12 specific<sup>1</sup> operations, activities, and procedures that are to be  
13 undertaken or implemented by <sup>1</sup>~~relevant~~ licensed<sup>1</sup> service  
14 providers <sup>1</sup>~~and facilities~~<sup>1</sup> during a <sup>1</sup>~~time of~~<sup>1</sup> public  
15 emergency<sup>1</sup>, including, but not limited to, guidelines and best  
16 practices governing the general operation of relevant facilities and  
17 the actions that are to be undertaken by staff, visitors, and patients  
18 in association with the provision or receipt of services during a  
19 public emergency<sup>1</sup>;

20       (2) <sup>1</sup>~~to the extent feasible,~~<sup>1</sup> identify the means, methods, and  
21 channels through which <sup>1</sup>~~relevant~~ licensed<sup>1</sup> service providers  
22 <sup>1</sup>~~and facilities will be able to~~ may<sup>1</sup> obtain personal protective  
23 equipment (PPE) <sup>1</sup>, electronic communications equipment, and  
24 other resources deemed by the division to be necessary for those  
25 providers and facilities to continue to operate and provide services  
26 in a safe manner that is conducive to the health, security, and well-  
27 being of patients, staff, and visitors <sup>1</sup> and other equipment or  
28 services that are critical to the maintenance of ongoing operations<sup>1</sup>  
29 during the course of a public emergency; <sup>1</sup>~~and~~<sup>1</sup>

30       (3) address various possible public emergency scenarios and  
31 provide for the application of differing standards and best practices  
32 under paragraph (1) of this subsection and the use of differing  
33 sourcing methods pursuant to paragraph (2) of this subsection for  
34 different types of public emergency, as appropriate, while  
35 highlighting the standards, best practices, and resource sourcing  
36 methods that are applicable for the purposes of any currently  
37 declared public emergency <sup>1</sup>; and

38       (4) be consistent with, and incorporate, any relevant guidance  
39 that is published by the U.S. Department of Health and Human  
40 Services, the federal Centers for Disease Control and Prevention,  
41 and any other federal agencies that are involved in the remediation  
42 of public emergencies<sup>1</sup>.

43       c. The <sup>1</sup>~~division~~ department<sup>1</sup> shall:

44       (1) prepare a public emergency response plan, as required by  
45 this section, within <sup>1</sup>~~30~~ 60<sup>1</sup> days after the enactment of this act;

(2) review and revise the plan: (a) on at least a biennial basis after the plan's initial preparation under paragraph (1) of this subsection; and (b) ~~'[immediately upon]~~ as soon as is possible following<sup>1</sup> the declaration of any new public emergency in the State; and

(3) ~~'[provide a copy of]~~ post, at a publicly accessible location on the department's Internet website,<sup>1</sup> the initial response plan developed under paragraph (1) of this subsection and ~~'[a copy of]~~<sup>1</sup> any revised response plan developed under paragraph (2) of this subsection ~~'[to the Commissioner of Health, the Commissioner of Human Services, the chairs of the Assembly Human Services Committee and the Senate Health, Human Services and Senior Citizens Committee, or their successor committees, and all relevant service providers and facilities, within 10 days after completion thereof.~~

d. An updated copy of the response plan prepared pursuant to subsection c. of this section shall be posted on the Internet websites of the department, the division, and the Department of Health~~]~~<sup>1</sup>.

2. This act shall take effect immediately.

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