

# STATEMENT TO

## **SENATE, No. 2865**

with Senate Floor Amendments  
(Proposed by Senator SINGER)

ADOPTED: DECEMBER 17, 2020

These Senate floor amendments make the disclosure requirements for health care workers established under the bill applicable to physicians, who were excluded from the requirement in the bill as introduced.

The amendments remove monetary and licensure penalties that would have been assessed against health care workers who fail to make a disclosure required under the bill, and instead provide that a health care facility may take appropriate action in response to a nondisclosure, including taking disciplinary action against the health care worker, provided the action is in accordance with a written policy established by the facility that is made available to individuals employed by or providing services at the facility.

The amendments require each general acute care hospital, psychiatric hospital, nursing facility, group home, and assisted living facility to establish protocols to promptly notify individuals employed by or providing services at the facility of an outbreak of an infectious disease that occurs at the facility. The notice is to be provided as soon as practicable after the outbreak is detected and is to include details, to the extent they are available, concerning the name of disease, the known modes of transmission and the transmission rate for the virus or bacterium that causes the disease, and the extent of the outbreak at the facility. A facility that fails to provide notice of an outbreak will be subject to monetary penalties, adverse licensure actions, or other disciplinary actions as may be established by rules and regulations promulgated by the Commissioner of Health.

The amendments revise the requirement for health care workers to notify employers of an outbreak of an infectious disease occurring at another facility where the worker is employed or provides services. As amended, the requirement will only apply to outbreaks for which the worker receives notice as required under the bill, and the bill specifically provides that no facility or other entity may take any disciplinary action against a health care worker for failure to disclose an outbreak if the facility at which the outbreak is occurring did not provide notice of the outbreak to its workers.

The amendments add a provision for the Commissioner of Health to promulgate rules and regulations as may be necessary to implement the provisions of the bill.

A report produced by Manatt Health that analyzed the factors that contributed to the large numbers of coronavirus disease 2019 (COVID-19) cases and deaths that occurred in nursing facilities in the

early months of the COVID-19 pandemic identified health care workers travelling among facilities as one key factor that exacerbated the spread of the disease. One of the recommendations included in the report was that nursing facilities improve their infection control policies and infrastructure to prevent against future outbreaks.

It is the sponsor's intent that the disclosure requirements established under the bill be used to assist health care facilities in preparing for, and responding more effectively to, outbreaks of infectious diseases that have the potential to spread between facilities through health care workers employed at more than one facility. It is the sponsor's belief that these measures will help protect both health care workers and patients, many of whom may be medically vulnerable, from contracting the viruses and bacteria that cause influenza, pertussis, pneumonia, COVID-19, and other potentially deadly diseases.