

26:2H-12.100
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2020 **CHAPTER:** 135

NJSA: 12:2H-12.100 (Requires long term care facilities and hospitals to maintain minimum supply of personal protective equipment.)

BILL NO: A4282/4150 (Substituted for S2566/2677)

SPONSOR(S) Nancy J. Pinkin and others

DATE INTRODUCED: 6/18/2020

COMMITTEE: **ASSEMBLY:** Appropriations
 SENATE: Health, Human Services & Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 9/24/2020
 SENATE: 10/29/2020

DATE OF APPROVAL: 12/14/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL
(Assembly Committee Substitute for Assembly, Nos. 4282 and 4150) Yes

A4282/4150

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT) (A4282): Yes

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT) (A4150): Yes

COMMITTEE STATEMENT: ASSEMBLY (A4282 and A4150): Yes
SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2566/2677

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT) (S2566): Yes

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT) (S2677): Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE (S2566 and S2677): Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE (S2566 and S2677):

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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No

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No

RH/CL

P.L. 2020, CHAPTER 135, *approved December 14, 2020*
Assembly Committee Substitute for
Assembly, Nos. 4282 and 4150

1 **AN ACT** concerning personal protective equipment in long-term
2 care facilities and hospitals and supplementing Title 26 of the
3 Revised Statutes.

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

7
8 1. a. Each long-term care facility shall make a good faith effort
9 to maintain an adequate emergency stockpile of personal protective
10 equipment necessary to meet the facility's need for personal
11 protective equipment for:

12 (1) In the case of a facility that is part of a system that owns or
13 operates eight or more facilities, 30 days;

14 (2) In the case of a facility that is part of a system that owns or
15 operates fewer than eight facilities, 60 days; and

16 For the purposes of meeting the requirements of this subsection,
17 a facility that is not part of a system or that is part of a system that
18 owns or operates fewer than eight facilities may enter into a
19 collaborative agreement with other facilities or with one or more
20 systems, which collaborative agreement shall be deemed to render
21 the facility part of a system comprising of the health care facility
22 and any other health care facilities that are party to the collaborative
23 agreement or that are part of a system that is party to the
24 collaborative agreement. The collaborative agreement shall, at a
25 minimum, include protocols for sharing personal protective
26 equipment among facilities that are part of the system established
27 pursuant to the collaborative agreement.

28 b. Each general acute care hospital shall make a good faith
29 effort to maintain at least a 90-day emergency stockpile of personal
30 protective equipment at all times. A system comprising multiple
31 hospitals may count the total emergency stockpile of personal
32 protective equipment available at all hospitals that are part of that
33 system when determining whether a hospital is in compliance with
34 the personal protective equipment emergency stockpile
35 requirements set forth in this subsection, provided that the total
36 quantity of personal protective equipment available throughout the
37 system is equivalent to at least a 90-day emergency supply of
38 personal protective equipment for each hospital that is a part of the
39 system.

40 c. For the purposes of this act, any determination as to whether
41 a long-term care facility has made a good faith effort to maintain a

1 minimum stockpile of personal protective equipment consistent
2 with the requirements of subsection a. of this section or whether a
3 hospital has made a good faith effort to maintain a minimum
4 stockpile of personal protective equipment consistent with the
5 requirements of subsection b. of this section shall take into
6 consideration the current state of the supply chain of personal
7 protective equipment in the State, including, but not limited to, unit
8 cost, recent price increases, overall availability, and delays in
9 shipping times.

10 d. In determining the quantity of personal protective equipment
11 a long-term care facility or hospital will need to maintain in order to
12 meet the requirements of this section, the facility or hospital shall:

13 (1) take into account prevailing conditions in the State that may
14 affect the need for and availability of personal protective
15 equipment;

16 (2) take into account anticipated surges, over the next 90 days,
17 in the need for personal protective equipment at that facility or
18 hospital and at other facilities or hospitals that are part of the same
19 system as the facility or hospital; and

20 (3) utilize any burn rate calculator or other tool as the
21 Department of Health may designate for use in determining the
22 anticipated need for personal protective equipment.

23 Each facility and hospital shall immediately reevaluate the
24 adequacy of its stockpile of personal protective equipment upon any
25 declaration of a state of emergency by the Governor or a public
26 health emergency pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in
27 response to an outbreak, epidemic, or pandemic involving an
28 infectious disease, and shall acquire such additional supplies of
29 personal protective equipment as it determines are necessary to
30 meet increases in the need for and use of personal protective
31 equipment during the state of emergency or public health
32 emergency.

33 e. The Department of Health may impose fines or other
34 administrative remedies against any facility or hospital that violates
35 the requirements of this section.

36 f. As used in this section:

37 "General acute care hospital" means a general acute care hospital
38 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

39 "Infectious disease" means a disease caused by a living organism
40 or other pathogen, including a fungus, bacteria, parasite, protozoan,
41 virus, or prion. An infectious disease may, or may not, be
42 transmissible from person to person, animal to person, or insect to
43 person.

44 "Long-term care facility" means a nursing home, assisted living
45 residence, comprehensive personal care home, residential health
46 care facility, or dementia care home licensed pursuant to P.L.1971,
47 c.136 (C.26:2H-1 et seq.).

1 “Personal protective equipment” means any items commonly used
2 to protect an individual from bacterial or viral infections, including,
3 but not limited to, disinfecting wipes, disposable gloves, disposable
4 gowns, face shields, N95 face masks, surgical masks, or parts thereof.

5
6 2. The Commissioner of Health may adopt rules and
7 regulations, in accordance with the “Administrative Procedure Act,”
8 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
9 the provisions of this act.

10
11 3. This act shall take effect immediately.

12

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14

15

16 Requires long-term care facilities and hospitals to maintain
17 minimum supply of personal protective equipment.

ASSEMBLY, No. 4282

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 18, 2020

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Murphy and Assemblyman Benson

SYNOPSIS

Requires nursing homes to maintain certain supply of personal protection equipment for residents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/16/2020)

1 AN ACT concerning nursing homes and personal protection
2 equipment and amending P.L.1976, c.120.

3

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

6

7 1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read
8 as follows:

9 3. Every nursing home shall have the responsibility for:

10 a. (1) Maintaining a complete record of all funds, personal
11 property and possessions of a nursing home resident from any
12 source whatsoever, which have been deposited for safekeeping with
13 the nursing home for use by the resident. This record shall contain a
14 listing of all deposits and withdrawals transacted, and these shall be
15 substantiated by receipts given to the resident or his guardian. A
16 nursing home shall provide to each resident or his guardian a
17 quarterly statement which shall account for all of such resident's
18 property on deposit at the beginning of the accounting period, all
19 deposits and withdrawals transacted during the period, and the
20 property on deposit at the end of the period. The resident or his
21 guardian shall be allowed daily access to his property on deposit
22 during specific periods established by the nursing home for such
23 transactions at a reasonable hour. A nursing home may, at its own
24 discretion, place a limitation as to dollar value and size of any
25 personal property accepted for safekeeping.

26 (2) Offering an incoming resident or the resident's guardian, in
27 accordance with current law, at the time of admission to a nursing
28 home on or after the effective date of P.L.2015, c.230, a form
29 designating the beneficiary of any remaining balance in the
30 resident's personal needs allowance account that does not exceed
31 \$1,000 upon the resident's death. In the case of a person residing in
32 a nursing home prior to the effective date of P.L.2015, c.230, the
33 nursing home shall have the responsibility for offering the resident
34 or the resident's guardian, in accordance with current law, whenever
35 possible, a form designating the beneficiary of any remaining
36 balance in the resident's personal needs allowance account that does
37 not exceed \$1,000 upon the resident's death. Funds remaining in a
38 personal needs allowance account at the time of a resident's death
39 shall be included in that resident's estate and shall, consistent with
40 N.J.S.3B:22-2, be subject to claims made by estate creditors prior to
41 distribution to a designated beneficiary.

42 b. Providing for the spiritual needs and wants of residents by
43 notifying, at a resident's request, a clergyman of the resident's
44 choice and allowing unlimited visits by such clergyman.
45 Arrangements shall be made, at the resident's expense, for

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.

1 attendance at religious services of his choice when requested. No
2 religious beliefs or practices, or any attendance at religious services,
3 shall be imposed upon any resident.

4 c. Admitting only that number of residents for which it
5 reasonably believes it can safely and adequately provide nursing
6 care. Any applicant for admission to a nursing home who is denied
7 such admission shall be given the reason for such denial in writing.

8 d. Ensuring that an applicant for admission or a resident is
9 treated without discrimination as to age, race, religion, sex or
10 national origin. However, the participation of a resident in
11 recreational activities, meals or other social functions may be
12 restricted or prohibited if recommended by a resident's attending
13 physician in writing and consented to by the resident.

14 e. Ensuring that no resident shall be subjected to physical
15 restraints except upon written orders of an attending physician for a
16 specific period of time when necessary to protect such resident from
17 injury to himself or others. Restraints shall not be employed for
18 purposes of punishment or the convenience of any nursing home
19 staff personnel. The confinement of a resident in a locked room
20 shall be prohibited.

21 f. Ensuring that drugs and other medications shall not be
22 employed for purposes of punishment, for convenience of any
23 nursing home staff personnel or in such quantities so as to interfere
24 with a resident's rehabilitation or his normal living activities.

25 g. Permitting citizens, with the consent of the resident being
26 visited, legal services programs, employees of the Office of Public
27 Defender and employees and volunteers of the Office of the
28 Ombudsman for the Institutionalized Elderly, whose purposes
29 include rendering assistance without charge to nursing home
30 residents, full and free access to the nursing home in order to visit
31 with and make personal, social and legal services available to all
32 residents and to assist and advise residents in the assertion of their
33 rights with respect to the nursing home, involved governmental
34 agencies and the judicial system.

35 (1) Such access shall be permitted by the nursing home at a
36 reasonable hour.

37 (2) Such access shall not substantially disrupt the provision of
38 nursing and other care to residents in the nursing home.

39 (3) All persons entering a nursing home pursuant to this section
40 shall promptly notify the person in charge of their presence. They
41 shall, upon request, produce identification to substantiate their
42 identity. No such person shall enter the immediate living area of
43 any resident without first identifying himself and then receiving
44 permission from the resident to enter. The rights of other residents
45 present in the room shall be respected. A resident shall have the
46 right to terminate a visit by a person having access to his living area
47 pursuant to this section at any time. Any communication

1 whatsoever between a resident and such person shall be confidential
2 in nature, unless the resident authorizes the release of such
3 communication in writing.

4 h. Ensuring compliance with all applicable State and federal
5 statutes and rules and regulations.

6 i. Ensuring that every resident, prior to or at the time of
7 admission and during his stay, shall receive a written statement of
8 the services provided by the nursing home, including those required
9 to be offered by the nursing home on an as-needed basis, and of
10 related charges, including any charges for services not covered
11 under Title XVIII and Title XIX of the Social Security Act, as
12 amended, or not covered by the nursing home's basic per diem rate.
13 This statement shall further include the payment, fee, deposit and
14 refund policy of the nursing home.

15 j. Ensuring that a prospective resident or the resident's family
16 or guardian receives a copy of the contract or agreement between
17 the nursing home and the resident prior to or upon the resident's
18 admission.

19 k. Maintaining, at all times, a supply of personal protection
20 equipment that is sufficient to sustain the health care needs of 20
21 percent of the total number of residents within the nursing home for
22 a reasonable period of time, if there is sufficient personal protection
23 equipment available, either by contribution from a third-party or for
24 purchase at a reasonable cost to the nursing home, and if the
25 purchase of such personal protection equipment is within the
26 financial means of the nursing home. A nursing home shall submit
27 a report biennially to the Department of Health detailing its
28 personal protection equipment inventory. As used in this
29 subsection, "personal protection equipment" means equipment, such
30 as gloves, masks, or gowns, which is worn by nursing home
31 residents to minimize the spread of disease.

32 (cf: P.L.2015, c.230, s.3)

33

34 2. The Commissioner of Health may adopt rules and
35 regulations, in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
37 the provisions of this act.

38

39 3. This act shall take effect immediately 180 days after the date
40 of enactment.

41

42

43

STATEMENT

44

45 This bill requires nursing homes to maintain a certain supply of
46 personal protection equipment for residents.

47 Under the bill, a nursing home is to maintain, at all times, a
48 supply of personal protection equipment that is sufficient to sustain

1 the health care needs of 20 percent of the total number of residents
2 within the nursing home for a reasonable period of time, if there is
3 sufficient personal protection equipment available, either by
4 contribution from a third-party or for purchase at a reasonable cost
5 to the nursing home, and if the purchase of such personal protection
6 equipment is within the financial means of the nursing home.

7 The bill provides that a nursing home is to submit a report
8 biennially to the Department of Health detailing its personal
9 protection equipment inventory. The bill defines “personal
10 protection equipment” to mean equipment, such as gloves, masks,
11 or gowns, which is worn by nursing home residents to minimize the
12 spread of disease.

ASSEMBLY, No. 4150

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 14, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

**Assemblywoman Vainieri Huttle, Assemblymen Giblin, Johnson,
Danielsen and Assemblywomen Dunn**

SYNOPSIS

Requires hospitals and long-term care facilities to maintain 90-day supply of personal protection equipment during coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/17/2020)

1 AN ACT concerning personal protection equipment during the
2 coronavirus 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. As used in this section:

8 "Long-term care facility" means a nursing home, assisted living
9 residence, comprehensive personal care home, residential health
10 care facility, or dementia care home licensed pursuant to P.L.1971,
11 c.136 (C.26:2H-1 et seq.).

12 "Personal protection equipment" means equipment, such as
13 gloves, masks, and aprons or gowns, which is worn by hospital staff
14 to minimize the spread of disease.

15 b. Acute care general hospitals licensed pursuant to P.L.1971,
16 c.136 (C.26:2H-1 et seq.) and long-term care facilities shall
17 maintain, at all times, a supply of personal protection equipment
18 that is sufficient to sustain the health care needs of the hospital or
19 the long-term care facility for a period of 90 days, if there is
20 sufficient personal protection equipment available, either by
21 contribution from a third-party or for purchase at a reasonable cost
22 to the hospital or long-term care facility, if the purchase of such
23 personal protection equipment is within the financial means of the
24 hospital or long-term care facility.

25

26 2. This act shall take effect immediately and shall expire upon
27 the end of both the state of emergency and the public health
28 emergency declared in response to the coronavirus disease 2019.

29

30

31

STATEMENT

32

33 This bill requires hospitals and long-term care facilities to
34 maintain a 90-day supply of personal protection equipment during
35 the coronavirus disease 2019 pandemic.

36 Under the bill, acute care general hospitals and long-term care
37 facilities are to maintain, at all times, a supply of personal
38 protection equipment that is sufficient to sustain the health care
39 needs of the hospital or long-term care facility for a period of 90
40 days, if there is sufficient personal protection equipment available,
41 either by contribution from a third-party or for purchase at a
42 reasonable cost to the hospital or long-term care facility, if the
43 purchase of such personal protection equipment is within the
44 financial means of the hospital or long-term care facility.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4282 and 4150

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2020

The Assembly Appropriations Committee reports favorably an Assembly committee substitute for Assembly Bill Nos. 4282 and 4150.

The committee substitute requires long-term care facilities and hospitals to make a good faith effort to maintain an emergency stockpile of personal protective equipment.

Specifically, long-term care facilities will be required to make a good faith effort to maintain a stockpile of personal protective equipment necessary to meet the facility's need for personal protective equipment for:

- (1) In the case of a facility that is part of a health care system that owns or operates eight or more facilities, 30 days; and
- (2) In the case of a facility that is part of a health care system that owns or operates fewer than eight facilities, 60 days.

General acute care hospitals will be required to make a good faith effort to maintain at least a 90-day emergency stockpile of personal protective equipment at all times. If the hospital is part of a system comprising more than one hospital, the total emergency stockpile of personal protective equipment maintained by each facility may be counted when determining compliance with the requirement, provided that the total quantity available across the system is equal to at least a 90-day emergency stockpile of personal protective equipment for each facility that is part of the system.

The substitute provides that, when determining whether a long-term care facility or hospital has made a good faith effort to comply will take into consideration the current state of the supply chain of personal protective equipment in the State, including, but not limited to, unit cost, recent price increases, overall availability, and delays in shipping times.

In determining the quantity of personal protective equipment a facility or hospital will need to maintain in order to meet the requirements of the substitute, the facility or hospital is to: take into account prevailing conditions in the State that may affect the need for and availability of personal protective equipment; take into account anticipated surges, over the next 90 days, in the need for personal protective equipment at that facility or hospital and at other facilities

or hospitals that are part of the same system as the facility or hospital; and utilize any burn rate calculator or other tool as the Department of Health may designate for use in determining the anticipated need for personal protective equipment.

Under the provisions of the substitute, facilities and hospitals will be required to immediately reevaluate the adequacy of their stockpile of personal protective equipment upon any declaration of a state of emergency by the Governor or a public health emergency pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in response to an outbreak, epidemic, or pandemic involving an infectious disease, and acquire additional supplies of personal protective equipment as are necessary to meet increases in the need for and use of personal protective equipment during the state of emergency or public health emergency.

The substitute defines "long-term care facility" as a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and "personal protection equipment" as any items commonly used to protect an individual from bacterial or viral infections, including, but not limited to, disinfecting wipes, disposable gloves, disposable gowns, face shields, N95 face masks, surgical masks, or parts thereof.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 2566

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 11, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Requires nursing homes to maintain certain supply of personal protection equipment for residents.

CURRENT VERSION OF TEXT

As introduced.



S2566 DIEGNAN, GOPAL

2

1 AN ACT concerning nursing homes and personal protection
2 equipment and amending P.L.1976, c.120.

3

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

6

7 1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read
8 as follows:

9 3. Every nursing home shall have the responsibility for:

10 a. (1) Maintaining a complete record of all funds, personal
11 property and possessions of a nursing home resident from any
12 source whatsoever, which have been deposited for safekeeping with
13 the nursing home for use by the resident. This record shall contain a
14 listing of all deposits and withdrawals transacted, and these shall be
15 substantiated by receipts given to the resident or his guardian. A
16 nursing home shall provide to each resident or his guardian a
17 quarterly statement which shall account for all of such resident's
18 property on deposit at the beginning of the accounting period, all
19 deposits and withdrawals transacted during the period, and the
20 property on deposit at the end of the period. The resident or his
21 guardian shall be allowed daily access to his property on deposit
22 during specific periods established by the nursing home for such
23 transactions at a reasonable hour. A nursing home may, at its own
24 discretion, place a limitation as to dollar value and size of any
25 personal property accepted for safekeeping.

26 (2) Offering an incoming resident or the resident's guardian, in
27 accordance with current law, at the time of admission to a nursing
28 home on or after the effective date of P.L.2015, c.230, a form
29 designating the beneficiary of any remaining balance in the
30 resident's personal needs allowance account that does not exceed
31 \$1,000 upon the resident's death. In the case of a person residing in
32 a nursing home prior to the effective date of P.L.2015, c.230, the
33 nursing home shall have the responsibility for offering the resident
34 or the resident's guardian, in accordance with current law, whenever
35 possible, a form designating the beneficiary of any remaining
36 balance in the resident's personal needs allowance account that does
37 not exceed \$1,000 upon the resident's death. Funds remaining in a
38 personal needs allowance account at the time of a resident's death
39 shall be included in that resident's estate and shall, consistent with
40 N.J.S.3B:22-2, be subject to claims made by estate creditors prior to
41 distribution to a designated beneficiary.

42 b. Providing for the spiritual needs and wants of residents by
43 notifying, at a resident's request, a clergyman of the resident's
44 choice and allowing unlimited visits by such clergyman.
45 Arrangements shall be made, at the resident's expense, for

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.

1 attendance at religious services of his choice when requested. No
2 religious beliefs or practices, or any attendance at religious services,
3 shall be imposed upon any resident.

4 c. Admitting only that number of residents for which it
5 reasonably believes it can safely and adequately provide nursing
6 care. Any applicant for admission to a nursing home who is denied
7 such admission shall be given the reason for such denial in writing.

8 d. Ensuring that an applicant for admission or a resident is
9 treated without discrimination as to age, race, religion, sex or
10 national origin. However, the participation of a resident in
11 recreational activities, meals or other social functions may be
12 restricted or prohibited if recommended by a resident's attending
13 physician in writing and consented to by the resident.

14 e. Ensuring that no resident shall be subjected to physical
15 restraints except upon written orders of an attending physician for a
16 specific period of time when necessary to protect such resident from
17 injury to himself or others. Restraints shall not be employed for
18 purposes of punishment or the convenience of any nursing home
19 staff personnel. The confinement of a resident in a locked room
20 shall be prohibited.

21 f. Ensuring that drugs and other medications shall not be
22 employed for purposes of punishment, for convenience of any
23 nursing home staff personnel or in such quantities so as to interfere
24 with a resident's rehabilitation or his normal living activities.

25 g. Permitting citizens, with the consent of the resident being
26 visited, legal services programs, employees of the Office of Public
27 Defender and employees and volunteers of the Office of the
28 Ombudsman for the Institutionalized Elderly, whose purposes
29 include rendering assistance without charge to nursing home
30 residents, full and free access to the nursing home in order to visit
31 with and make personal, social and legal services available to all
32 residents and to assist and advise residents in the assertion of their
33 rights with respect to the nursing home, involved governmental
34 agencies and the judicial system.

35 (1) Such access shall be permitted by the nursing home at a
36 reasonable hour.

37 (2) Such access shall not substantially disrupt the provision of
38 nursing and other care to residents in the nursing home.

39 (3) All persons entering a nursing home pursuant to this section
40 shall promptly notify the person in charge of their presence. They
41 shall, upon request, produce identification to substantiate their
42 identity. No such person shall enter the immediate living area of
43 any resident without first identifying himself and then receiving
44 permission from the resident to enter. The rights of other residents
45 present in the room shall be respected. A resident shall have the
46 right to terminate a visit by a person having access to his living area
47 pursuant to this section at any time. Any communication

1 whatsoever between a resident and such person shall be confidential
2 in nature, unless the resident authorizes the release of such
3 communication in writing.

4 h. Ensuring compliance with all applicable State and federal
5 statutes and rules and regulations.

6 i. Ensuring that every resident, prior to or at the time of
7 admission and during his stay, shall receive a written statement of
8 the services provided by the nursing home, including those required
9 to be offered by the nursing home on an as-needed basis, and of
10 related charges, including any charges for services not covered
11 under Title XVIII and Title XIX of the Social Security Act, as
12 amended, or not covered by the nursing home's basic per diem rate.
13 This statement shall further include the payment, fee, deposit and
14 refund policy of the nursing home.

15 j. Ensuring that a prospective resident or the resident's family
16 or guardian receives a copy of the contract or agreement between
17 the nursing home and the resident prior to or upon the resident's
18 admission.

19 k. Maintaining, at all times, a supply of personal protection
20 equipment that is sufficient to sustain the health care needs of 20
21 percent of the total number of residents within the nursing home for
22 a reasonable period of time, if there is sufficient personal protection
23 equipment available, either by contribution from a third-party or for
24 purchase at a reasonable cost to the nursing home, and if the
25 purchase of such personal protection equipment is within the
26 financial means of the nursing home. A nursing home shall submit
27 a report biennially to the Department of Health detailing its
28 personal protection equipment inventory. As used in this
29 subsection, "personal protection equipment" means equipment, such
30 as gloves, masks, or gowns, which is worn by nursing home
31 residents to minimize the spread of disease.

32 (cf: P.L.2015, c.230, s.3)

33

34 2. The Commissioner of Health may adopt rules and
35 regulations, in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
37 the provisions of this act.

38

39 3. This act shall take effect immediately 180 days after the date
40 of enactment.

41

42

43

STATEMENT

44

45 This bill requires nursing homes to maintain a certain supply of
46 personal protection equipment for residents.

47 Under the bill, a nursing home is to maintain, at all times, a
48 supply of personal protection equipment that is sufficient to sustain

S2566 DIEGNAN, GOPAL

5

1 the health care needs of 20 percent of the total number of residents
2 within the nursing home for a reasonable period of time, if there is
3 sufficient personal protection equipment available, either by
4 contribution from a third-party or for purchase at a reasonable cost
5 to the nursing home, and if the purchase of such personal protection
6 equipment is within the financial means of the nursing home.

7 The bill provides that a nursing home is to submit a report
8 biennially to the Department of Health detailing its personal
9 protection equipment inventory. The bill defines “personal
10 protection equipment” to mean equipment, such as gloves, masks,
11 or gowns, which is worn by nursing home residents to minimize the
12 spread of disease.

SENATE, No. 2677

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Requires hospitals and long-term care facilities to maintain 90-day supply of personal protection equipment during coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning personal protection equipment during the
2 coronavirus 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. As used in this section:

8 "Long-term care facility" means a nursing home, assisted living
9 residence, comprehensive personal care home, residential health
10 care facility, or dementia care home licensed pursuant to P.L.1971,
11 c.136 (C.26:2H-1 et seq.).

12 "Personal protection equipment" means equipment, such as
13 gloves, masks, and aprons or gowns, which is worn by hospital staff
14 to minimize the spread of disease.

15 b. Acute care general hospitals licensed pursuant to P.L.1971,
16 c.136 (C.26:2H-1 et seq.) and long-term care facilities shall
17 maintain, at all times, a supply of personal protection equipment
18 that is sufficient to sustain the health care needs of the hospital or
19 the long-term care facility for a period of 90 days, if there is
20 sufficient personal protection equipment available, either by
21 contribution from a third-party or for purchase at a reasonable cost
22 to the hospital or long-term care facility, if the purchase of such
23 personal protection equipment is within the financial means of the
24 hospital or long-term care facility.

25

26 2. This act shall take effect immediately and shall expire upon
27 the end of both the state of emergency and the public health
28 emergency declared in response to the coronavirus disease 2019.

29

30

31

STATEMENT

32

33 This bill requires hospitals and long-term care facilities to
34 maintain a 90-day supply of personal protection equipment during
35 the coronavirus disease 2019 pandemic.

36 Under the bill, acute care general hospitals and long-term care
37 facilities are to maintain, at all times, a supply of personal
38 protection equipment that is sufficient to sustain the health care
39 needs of the hospital or long-term care facility for a period of 90
40 days, if there is sufficient personal protection equipment available,
41 either by contribution from a third-party or for purchase at a
42 reasonable cost to the hospital or long-term care facility, if the
43 purchase of such personal protection equipment is within the
44 financial means of the hospital or long-term care facility.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2566 and 2677

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2566 and Senate Bill No. 2677.

The committee substitute requires long-term care facilities to maintain an adequate emergency stockpile of personal protective equipment necessary to meet the facility's need for personal protective equipment for:

(1) In the case of a facility that is part of a health care system that owns or operates eight or more facilities, 30 days; and

(2) In the case of a facility that is part of a health care system that owns or operates fewer than eight facilities, 60 days.

In determining the quantity of personal protective equipment a facility will need to maintain in order to meet the requirements of the substitute, the facility is to: take into account prevailing conditions in the State that may affect the need for and availability of personal protective equipment; take into account anticipated surges, over the next 90 days, in the need for personal protective equipment at that facility and at other facilities that are part of the same system as the facility; and utilize any burn rate calculator or other tool as the Department of Health may designate for use in determining the anticipated need for personal protective equipment.

Under the provisions of the substitute, facilities will be required to immediately reevaluate the adequacy of their stockpile of personal protective equipment upon any declaration of a public health emergency pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in response to an outbreak, epidemic, or pandemic involving an infectious disease, and acquire additional supplies of personal protective equipment as are necessary to meet increases in the need for and use of personal protective equipment during the public health emergency.

The substitute defines "long-term care facility" as a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and "personal protection equipment" as any items commonly used to protect an

individual from bacterial or viral infections, including, but not limited to, disinfecting wipes, disposable gloves, disposable gowns, face shields, N95 face masks, surgical masks, or parts thereof.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

Senate, Nos. S2566 and S2677

with Senate Floor Amendments
(Proposed by Senator Diegnan)

ADOPTED: OCTOBER 29, 2020

These Senate amendments make the requirement to maintain a minimum supply of personal protective equipment (PPE) applicable to hospitals, as well as to long-term care facilities. Specifically, the amendments provide that hospitals are to maintain at least a 90-day supply of PPE. When calculating this supply, the hospital will be permitted to count supplies of PPE available at other hospitals that are part of the same system, provided that the total supply available across the system is equivalent to at least a 90-day supply of PPE for each hospital that is part of the system.

The Senate amendments revise the requirement for long-term care facilities and hospitals to maintain a specific minimum supply of PPE to provide that the facilities and hospitals are to make a good faith effort to maintain the minimum supplies. The amendments provide that, any determination as to whether a facility or hospital has made a good faith effort to maintain the minimum supply of PPE is to include consideration of the current supply chain of PPE in the State.

The Senate amendments require long-term care facilities and hospitals to reevaluate their supplies of PPE when a state of emergency involving an infectious disease is declared, as well as when a public health emergency involving an infectious disease is declared.

The Senate amendments add definitions for “general acute care hospital” and “infectious disease.”

The Senate amendments revise the title and synopsis of the bill to reflect the changes being made by the amendments.

The Senate amendments make certain technical changes to fix a punctuation error and a typographical error.

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Governor Murphy Takes Action on Legislation

12/14/2020

TRENTON - Today, Governor Murphy signed the following bills into law:

S-848/A-2140 (Pou, Gopal, Tully/Vainieri Huttle, Freiman) - Revises requirements for health care service firms to report financial information to Division of Consumer Affairs.

S-2465/A-4143 (Sweeney/Conaway, Giblin, Jimenez) - "New Jersey Health Care Transparency Act."

A-543/S-2582 (Jimenez, Giblin, Vainieri Huttle/Gopal, Pou) - Revises psychologist training requirements.

A-4282/S-2566 (Pinkin, Karabinchak, Benson, Vainieri Huttle, DeCroce/Diegnan, Gopal, Vitale) - Requires long term care facilities and hospitals to maintain minimum supply of personal protective equipment.

A-4442/S-2755 (Downey, Benson, Houghtaling/Gopal, Bucco) - Authorizes individuals who have passed road test to use driving permit to operate motor vehicle for 60 days during COVID-19 public health emergency.

Governor Murphy conditionally vetoed the following bills:

S-2354/A-3920 (Greenstein, Oroho/Bramnick, Freiman, Speight) - Prohibits cancellation or nonrenewal of certain insurance policies and insurance premium finance agreements for a period of at least 60 days under certain circumstances after declaration of public health emergency, or state of emergency, or both.

[Copy of Statement](#)

S-2708/A-4446 (Sweeney, Codey/Benson, Vainieri Huttle, Verrelli) - Requires certain provisions in State contracts for delivery of publicly financed mental health, behavioral health, and addiction services.

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bill:

S-1957/A-3756 (Greenstein, Oroho/DePhillips, Zwicker, Speight) - Supports activities of New Jersey Manufacturing Extension Program, Inc.

[Copy of Statement](#)