AN ACT

Providing for health care facility reporting relating to COVID-19 and for duties of the Department of Health and the Department of Human Services.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Emergency Declaration Data Transparency Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Care." Services provided to meet a recipient's need for personal care or health care which requires interaction with the recipient.

"COVID-19." The novel coronavirus as identified in the Governor's proclamation of disaster emergency issued on March 6,
2020.

"Electronic system." The electronic laboratory results surveillance system developed by the Department of Health and in use by facilities licensed by the Department of Health and the Department of Human Services to report COVID-19 cases and deaths.

"Employee." An individual who is:

1. employed by a facility, or the affiliated corporate entity of a facility, or enters into a contractual relationship with the facility, recipient, a recipient's family, agent, legal representative or the affiliated corporate entity of a facility, to provide care to a recipient;
2. has unsupervised access to another individual and that individual's living quarters, resources or personal records; or
3. is a student doing an internship or clinical rotation or any other individual who has been granted access to a facility or older adult to perform a clinical service for a fee paid by the facility.

"Facility." Any of the following:

1. Any of the following entities as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act:
   - A long-term care nursing facility.
   - A hospice.
3. An assisted living residence as defined in section
Section 3. Facility reporting requirements.

A facility shall use the electronic system to report to the Department of Health or the Department of Human Services, whichever licenses the facility, the following information:

1. The number, and results, of recipients and employees who have been tested for COVID-19.
2. The number of COVID-19 related deaths among recipients and employees.
3. The total number of recipients who reside in the facility.
4. The total number of employees who are employed by the facility.

A FACILITY SHALL REPORT COVID-19 RELATED DATA TO AND IN ACCORDANCE WITH THE APPROPRIATE LICENSING DEPARTMENT AS FOLLOWS:

1. A LONG-TERM CARE NURSING FACILITY OR HOSPICE SHALL REPORT AN OUTBREAK OF A SERIOUS COMMUNICABLE DISEASE AS DEFINED IN 28 PA. CODE § 27.2 (RELATING TO SPECIFIC IDENTIFIED AND REPORTABLE DISEASES, INFECTIONS AND CONDITIONS).
2. A PERSONAL CARE HOME OR ASSISTED LIVING RESIDENCE SHALL REPORT AN OUTBREAK OF A SERIOUS COMMUNICABLE DISEASE AS DEFINED IN 28 PA. CODE § 27.2.

Section 4. Survey for isolation protocol and infection control requirements.

(a) Survey.--The Department of Health and the Department of Human Services shall create a survey for distribution to the appropriate licensed facilities under their purview to collect...
information on infection control and isolation protocols implemented at the facility.

COLLECTION OF DATA.—THE DEPARTMENT OF HEALTH SHALL SUMMARIZE THE INFECTION CONTROL MEASURES TAKEN BY EACH FACILITY TO MITIGATE THE SPREAD OF COVID-19 IN ACCORDANCE WITH THE INFECTION CONTROL AND ISOLATION PROTOCOLS AS REPORTED BY THE FACILITY TO THE APPROPRIATE LICENSING DEPARTMENT IMPLEMENTED.

(b) Publication.—The data collected in each survey UNDER THIS SECTION shall be published on the Department of Health's publicly accessible Internet website.

(c) Local health departments.—Nothing in this section shall prohibit a local health department from publishing the survey information in the form of percentages UNDER THIS SECTION on its publicly accessible Internet website.

(d) Definition.—As used in this section, the term "survey" means the survey required by 42 CFR Pt. 483 Subpt. B (relating to requirements for long term care facilities) and 28 Pa. Code (relating to health and safety).

Section 5. Data publication.

(a) Duty of department.—The Department of Health shall collect the information required to be reported under section 3 and make the following data available on the department's publicly accessible Internet website:

(1) The percentage NUMBER of recipients who have tested positive and negative, respectively, for COVID-19 in each facility.

(2) The percentage NUMBER of recipients who have died as a result of COVID-19 in each facility.

(3) The percentage NUMBER of employees who have tested positive and negative, respectively, for COVID-19 working in...
(4) The percentage number of employees working in each facility who have died as a result of COVID-19.

(b) Construction.--Nothing in this section shall prohibit a local health department from publishing the percentages in this section on its publicly accessible Internet website.

Section 6. Expiration.

This act shall expire upon termination, by executive order, proclamation or operation of law, of the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

Section 7. Effective date.

This act shall take effect immediately.