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 COVID-19 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,
"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 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:

   (i) A long-term care nursing facility.

   (ii) A hospice.

(2) A personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(3) An assisted living residence as defined in section 1001 of the Human Services Code.

"Recipient." An individual who receives care, services or treatment in or from a facility.

Section 3. Facility reporting requirements.

(a) General rule.--A facility shall report COVID-19 related
data to and in accordance with the appropriate licensing department in the same manner the facility currently reports specific identified and reportable diseases, infections and conditions, 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.

(b) COVID-19 data.--For the purposes of this section, COVID-19 related data shall include the number of positive COVID-19 cases and the number of deaths as a result of COVID-19 among employees and recipients.

Section 4. Isolation protocol and infection control requirements.

(a) 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 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 information under this section on its publicly accessible Internet website.
Section 5. Data publication.

(a) Duty of department.--Except as provided under subsection (b), 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 number of recipients who have tested positive for COVID-19 in each facility.

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

(3) The number of employees who have tested positive for COVID-19 working in each facility.

(4) The number of employees working in each facility who have died as a result of COVID-19.

(b) Facilities with low case numbers.--If a facility reports less than five positive cases or deaths related to COVID-19 under section 3, the Department of Health shall not be required to list the numbers as provided under subsection (a) and may only indicate that the facility has less than five reported cases or deaths related to COVID-19 on its publicly accessible Internet website.

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

Section 6. Construction.

Nothing in this act shall be construed to interfere with the mandatory investigatory requirements of a coroner under section 1218-B(a)(7) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.
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.