

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2437 Session of 2020

INTRODUCED BY STEPHENS, JOZWIAK, MIZGORSKI, YOUNGBLOOD, MACKENZIE, MILLARD, READSHAW, MOUL, DeLUCA, GREEN, CIRESI, THOMAS, SIMS AND TOMLINSON, APRIL 27, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 9, 2020

AN ACT

1 Providing for health care facility reporting relating to COVID-
2 19 and for duties of the Department of Health and the
3 Department of Human Services.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

1 2020.

2 "Employee." An individual who is:

3 (1) employed by a facility, or the affiliated corporate
4 entity of a facility, or enters into a contractual
5 relationship with the facility, recipient, a recipient's
6 family, agent, legal representative or the affiliated
7 corporate entity of a facility, to provide care to a
8 recipient;

9 (2) has unsupervised access to another individual and
10 that individual's living quarters, resources or personal
11 records; or

12 (3) is a student doing an internship or clinical
13 rotation or any other individual who has been granted access
14 to a facility ~~or older adult~~ to perform a clinical service <--
15 for a fee paid by the facility.

16 "Facility." Any of the following:

17 (1) Any of the following entities as defined in section
18 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as
19 the Health Care Facilities Act:

20 (i) A long-term care nursing facility.

21 (ii) A hospice.

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

25 (3) An assisted living residence as defined in section
26 1001 of the Human Services Code.

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

29 Section 3. Facility reporting requirements.

30 (A) GENERAL RULE.--A facility shall report COVID-19 related <--

1 data to and in accordance with the appropriate licensing
2 department IN THE SAME MANNER THE FACILITY CURRENTLY REPORTS <--
3 SPECIFIC IDENTIFIED AND REPORTABLE DISEASES, INFECTIONS AND
4 CONDITIONS, as follows:

5 (1) A long-term care nursing facility or hospice shall
6 report an outbreak of a serious communicable disease as
7 defined in 28 Pa. Code § 27.2 (relating to specific
8 identified and reportable diseases, infections and
9 conditions).

10 (2) A personal care home or assisted living residence
11 shall report an outbreak of a serious communicable disease as
12 defined in 28 Pa. Code § 27.2.

13 (B) COVID-19 DATA.--FOR THE PURPOSES OF THIS SECTION, COVID- <--
14 19 RELATED DATA SHALL INCLUDE THE NUMBER OF POSITIVE COVID-19
15 CASES AND THE NUMBER OF DEATHS AS A RESULT OF COVID-19 AMONG
16 EMPLOYEES AND RECIPIENTS.

17 Section 4. Isolation protocol and infection control
18 requirements.

19 (a) Collection of data.--The Department of Health shall
20 summarize the infection control measures taken by each facility
21 to mitigate the spread of COVID-19 in accordance with the
22 infection control and isolation protocols as reported by the
23 facility to the appropriate licensing department implemented.

24 (b) Publication.--The data collected under this section
25 shall be published on the Department of Health's publicly
26 accessible Internet website.

27 (c) Local health departments.--Nothing in this section shall
28 prohibit a local health department from publishing the
29 information under this section on its publicly accessible
30 Internet website.

1 Section 5. Data publication.

2 (a) Duty of department.--~~The~~ EXCEPT AS PROVIDED UNDER <--
3 SUBSECTION (B), THE Department of Health shall collect the
4 information required to be reported under section 3 and make the
5 following data available on the department's publicly accessible
6 Internet website:

7 (1) The number of recipients who have tested positive
8 for COVID-19 in each facility.

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

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

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

15 (B) FACILITIES WITH LOW CASE NUMBERS.--IF A FACILITY REPORTS <--
16 LESS THAN FIVE POSITIVE CASES OR DEATHS RELATED TO COVID-19
17 UNDER SECTION 3, THE DEPARTMENT OF HEALTH SHALL NOT BE REQUIRED
18 TO LIST THE NUMBERS AS PROVIDED UNDER SUBSECTION (A) AND MAY
19 ONLY INDICATE THAT THE FACILITY HAS LESS THAN FIVE REPORTED
20 CASES OR DEATHS RELATED TO COVID-19 ON ITS PUBLICLY ACCESSIBLE
21 INTERNET WEBSITE.

22 ~~(b)~~ (C) Construction.--Nothing in this section shall <--
23 prohibit a local health department from publishing the data in
24 this section on its publicly accessible Internet website.

25 SECTION 6. CONSTRUCTION. <--

26 NOTHING IN THIS ACT SHALL BE CONSTRUED TO INTERFERE WITH THE
27 MANDATORY INVESTIGATORY REQUIREMENTS OF A CORONER UNDER SECTION
28 1218-B(A) (7) OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
29 KNOWN AS THE COUNTY CODE.

30 Section ~~6~~ 7. Expiration. <--

1 This act shall expire upon termination, by executive order,
2 proclamation or operation of law, of the declaration of disaster
3 emergency issued by the Governor on March 6, 2020, published at
4 50 Pa.B. 1644 (March 21, 2020).

5 Section 7 8. Effective date.

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6 This act shall take effect immediately.