

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1189 Session of 2020

INTRODUCED BY K. WARD, KILLION, ARNOLD, MENSCH, VOGEL, TOMLINSON, BARTOLOTTA, MARTIN, YAW, PITTMAN, HUTCHINSON, BAKER, STEFANO AND SCAVELLO, JUNE 9, 2020

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 21, 2020

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled "An act providing for the prevention and control of
3 communicable and non-communicable diseases including venereal
4 diseases, fixing responsibility for disease prevention and
5 control, requiring reports of diseases, and authorizing
6 treatment of venereal diseases, and providing for premarital
7 and prenatal blood tests; amending, revising and
8 consolidating the laws relating thereto; and repealing
9 certain acts," further providing for definitions and for
10 control measures.

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

13 ~~Section 1. Section 2 of the act of April 23, 1956 (1955~~ <--
14 ~~P.L.1510, No.500), known as the Disease Prevention and Control~~
15 ~~Law of 1955, is amended by adding a subsection to read:~~

16 SECTION 1. SECTION 2 (E) OF THE ACT OF APRIL 23, 1956 (1955 <--
17 P.L.1510, NO.500), KNOWN AS THE DISEASE PREVENTION AND CONTROL
18 LAW OF 1955, IS AMENDED AND THE SECTION IS AMENDED BY ADDING A
19 SUBSECTION TO READ:

20 Section 2. Definitions.--

21 The following terms, whenever used in this act, have the

1 meanings indicated in this section, except where the context
2 indicates a clearly different meaning:

3 * * *

4 (d.2) Facility. Any of the following:

5 (1) An assisted living residence as defined under section
6 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the
7 "Human Services Code."

8 (2) A personal care home as defined under section 1001 of
9 the "Human Services Code."

10 (3) A long-term care nursing facility as defined under
11 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
12 known as the "Health Care Facilities Act."

13 (E) ISOLATION. THE SEPARATION FOR THE PERIOD OF <--
14 COMMUNICABILITY OF INFECTED PERSONS OR ANIMALS FROM OTHER
15 PERSONS OR ANIMALS IN SUCH PLACES AND UNDER SUCH CONDITIONS AS
16 WILL PREVENT THE DIRECT OR INDIRECT TRANSMISSION OF THE
17 INFECTIOUS AGENT FROM INFECTED PERSONS OR ANIMALS TO OTHER
18 PERSONS OR ANIMALS WHO ARE SUSCEPTIBLE OR WHO MAY SPREAD THE
19 DISEASE TO OTHERS. THE TERM INCLUDES COHORTING ONLY INDIVIDUALS
20 WHO HAVE BEEN CONFIRMED POSITIVE FOR THE SAME COMMUNICABLE
21 DISEASE THROUGH A LABORATORY TEST.

22 * * *

23 Section 2. Section 5 of the act is amended to read:

24 Section 5. Control Measures.--

25 (a) Upon the receipt by a local board or department of
26 health or by the department, as the case may be, of a report of
27 a disease which is subject to isolation, quarantine, or any
28 other control measure, the local board or department of health
29 or the department shall carry out the appropriate control
30 measures in such manner and in such place as is provided by rule

1 or regulation.

2 (b) Upon a proclamation of disaster emergency issued by the
3 Governor due to a communicable disease, and continuing until
4 sixty days after the expiration or termination of the
5 proclamation of disaster emergency by executive order,
6 proclamation or operation of law, the secretary must:

7 ~~(1) Ensure no individual who is less than thirty days from~~ <--
8 ~~testing positive for a communicable disease or who is less than~~
9 ~~thirty days from being asymptomatic of a communicable disease~~
10 ~~shall be admitted to a facility without being placed in~~
11 ~~isolation within the facility with dedicated personnel assigned~~
12 ~~only to the area of isolation during the period of time in which~~
13 ~~the personnel is working.~~

14 ~~(2) Ensure facilities are adequately equipped to follow and~~
15 ~~implement all recommendations and guidelines issued by the~~
16 ~~Centers for Disease Control and Prevention and the Centers for~~
17 ~~Medicare and Medicaid Services for the prevention and control of~~
18 ~~a communicable disease within facilities.~~

19 (1) ENSURE THAT NO INDIVIDUAL WHO IS LESS THAN FOURTEEN DAYS <--
20 FROM TESTING POSITIVE FOR THE COMMUNICABLE DISEASE SUBJECT TO
21 THE DISASTER EMERGENCY OR WHO IS LESS THAN FOURTEEN DAYS FROM
22 BEING ASYMPTOMATIC OF THE COMMUNICABLE DISEASE SUBJECT TO THE
23 DISASTER EMERGENCY SHALL BE ADMITTED AS A RESIDENT TO A FACILITY
24 WITHOUT BEING PLACED IN ISOLATION WITHIN THE FACILITY WITH
25 DEDICATED PERSONNEL ASSIGNED ONLY TO THE AREA OF ISOLATION
26 DURING THE PERIOD OF TIME IN WHICH THE PERSONNEL IS WORKING. THE
27 FOLLOWING SHALL APPLY:

28 (I) NOTHING UNDER THIS SUBSECTION SHALL BE CONSTRUED TO
29 ALLOW THE SECRETARY TO FORCE THE ADMISSION OF AN INDIVIDUAL
30 WITHOUT THE CONSIDERATION OF AND IN CONFLICT WITH A FACILITY'S

1 ADMISSIONS POLICY AND THE ABILITY OF A FACILITY TO CARE FOR THE
2 INDIVIDUAL SEEKING ADMISSION.

3 (II) THE ADMISSIONS POLICY OF A FACILITY SHALL BE CONSISTENT
4 WITH ANY RELEVANT GUIDELINES FOR THE PREVENTION AND CONTROL OF A
5 COMMUNICABLE DISEASE SUBJECT TO THE DISASTER EMERGENCY ISSUED BY
6 THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE CENTERS
7 FOR MEDICARE AND MEDICAID SERVICES.

8 (2) ENSURE THAT FACILITIES ARE ADEQUATELY EQUIPPED TO FOLLOW
9 AND IMPLEMENT RECOMMENDATIONS AND GUIDELINES ISSUED BY THE
10 CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE CENTERS FOR
11 MEDICARE AND MEDICAID SERVICES FOR THE PREVENTION AND CONTROL OF
12 THE COMMUNICABLE DISEASE SUBJECT TO THE DISASTER EMERGENCY
13 WITHIN FACILITIES, INCLUDING PERSONAL PROTECTIVE EQUIPMENT FOR
14 INDIVIDUALS ADMITTED TO OR WORKING WITHIN THE FACILITY,
15 LABORATORY TESTING AND STAFF ACCESSIBILITY.

16 Section 3. This act shall take effect immediately.