
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 AND
THOMAS, APRIL 27, 2020

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 27, 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 "Electronic system." The electronic laboratory results
3 surveillance system developed by the Department of Health and in
4 use by facilities licensed by the Department of Health and the
5 Department of Human Services to report COVID-19 cases and
6 deaths.

7 "Employee." An individual who is:

8 (1) employed by a facility, or the affiliated corporate
9 entity of a facility, or enters into a contractual
10 relationship with the facility, recipient, a recipient's
11 family, agent, legal representative or the affiliated
12 corporate entity of a facility, to provide care to a
13 recipient;

14 (2) has unsupervised access to another individual and
15 that individual's living quarters, resources or personal
16 records; or

17 (3) is a student doing an internship or clinical
18 rotation or any other individual who has been granted access
19 to a facility or older adult to perform a clinical service
20 for a fee paid by the facility.

21 "Facility." Any of the following:

22 (1) Any of the following entities as defined in section
23 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as
24 the Health Care Facilities Act:

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

26 (ii) A hospice.

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

30 (3) An assisted living residence as defined in section

1 1001 of the Human Services Code.

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

4 Section 3. Facility reporting requirements.

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

8 (1) The number, and results, of recipients and employees
9 who have been tested for COVID-19.

10 (2) The number of COVID-19-related deaths among
11 recipients and employees.

12 (3) The total number of recipients who reside in the
13 facility.

14 (4) The total number of employees who are employed by
15 the facility.

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

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

23 (b) Publication.--The data collected in each survey shall be
24 published on the Department of Health's publicly accessible
25 Internet website.

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

30 (d) Definition.--As used in this section, the term "survey"

1 means the survey required by 42 CFR Pt. 483 Subpt. B (relating
2 to requirements for long term care facilities) and 28 Pa. Code
3 (relating to health and safety).

4 Section 5. Data publication.

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

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

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

14 (3) The percentage of employees who have tested positive
15 and negative, respectively, for COVID-19 working in each
16 facility.

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

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

22 Section 6. Expiration.

23 This act shall expire upon termination, by executive order,
24 proclamation or operation of law, of the declaration of disaster
25 emergency issued by the Governor on March 6, 2020, published at
26 50 Pa.B. 1644 (March 21, 2020).

27 Section 7. Effective date.

28 This act shall take effect immediately.