

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 REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 26, 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 A FACILITY SHALL REPORT COVID-19 RELATED DATA TO AND IN <--
17 ACCORDANCE WITH THE APPROPRIATE LICENSING DEPARTMENT AS FOLLOWS:

18 (1) A LONG-TERM CARE NURSING FACILITY OR HOSPICE SHALL
19 REPORT AN OUTBREAK OF A SERIOUS COMMUNICABLE DISEASE AS
20 DEFINED IN 28 PA. CODE § 27.2 (RELATING TO SPECIFIC
21 IDENTIFIED AND REPORTABLE DISEASES, INFECTIONS AND
22 CONDITIONS).

23 (2) A PERSONAL CARE HOME OR ASSISTED LIVING RESIDENCE
24 SHALL REPORT AN OUTBREAK OF A SERIOUS COMMUNICABLE DISEASE AS
25 DEFINED IN 28 PA. CODE § 27.2.

26 Section 4. ~~Survey for isolation~~ ISOLATION protocol and <--
27 infection control requirements.

28 (a) ~~Survey.~~ ~~The Department of Health and the Department of~~ <--
29 ~~Human Services shall create a survey for distribution to the~~
30 ~~appropriate licensed facilities under their purview to collect~~

1 ~~information on infection control and isolation protocols~~
2 ~~implemented at the facility.~~ COLLECTION OF DATA.--THE DEPARTMENT <--
3 OF HEALTH SHALL SUMMARIZE THE INFECTION CONTROL MEASURES TAKEN
4 BY EACH FACILITY TO MITIGATE THE SPREAD OF COVID-19 IN
5 ACCORDANCE WITH THE INFECTION CONTROL AND ISOLATION PROTOCOLS AS
6 REPORTED BY THE FACILITY TO THE APPROPRIATE LICENSING DEPARTMENT
7 IMPLEMENTED.

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

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

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

19 Section 5. Data publication.

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

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

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

29 (3) The ~~percentage~~ NUMBER of employees who have tested <--
30 positive ~~and negative, respectively,~~ for COVID-19 working in <--

1 each facility.

2 (4) The ~~percentage~~ NUMBER of employees working in each <--
3 facility who have died as a result of COVID-19.

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

7 Section 6. Expiration.

8 This act shall expire upon termination, by executive order,
9 proclamation or operation of law, of the declaration of disaster
10 emergency issued by the Governor on March 6, 2020, published at
11 50 Pa.B. 1644 (March 21, 2020).

12 Section 7. Effective date.

13 This act shall take effect immediately.