

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2455 Session of
2020

INTRODUCED BY LAWRENCE AND TOOHL, APRIL 27, 2020

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, IN SENATE, AS
AMENDED, JUNE 23, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," ~~in powers and duties of the Department of Health <--~~
22 ~~and its departmental administrative and advisory boards,~~
23 ~~providing for local health department COVID-19 antibody~~
24 ~~testing; and providing for COVID-19 emergency testing plan~~
25 and reporting.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 ~~Section 1. The act of April 9, 1929 (P.L.177, No.175), known <--~~
29 ~~as The Administrative Code of 1929, is amended by adding a~~

1 ~~section to read:~~

2 ~~Section 2127. Local Health Department COVID-19 Antibody~~
3 ~~Testing. (a) A local health department may notify the~~
4 ~~secretary of the local health department's intention to~~
5 ~~implement serology tests to identify antibodies to the COVID-19~~
6 ~~virus in coordination with the guidance provided in the~~
7 ~~policy. Notification under this subsection shall be made in~~
8 ~~writing to the secretary by the health director or equivalent~~
9 ~~employee of a local health department.~~

10 ~~(b) Within seventy two (72) hours of receipt of the~~
11 ~~notification under subsection (a), the secretary shall~~
12 ~~authorize, in writing, State laboratories holding a Clinical~~
13 ~~Laboratory Improvement Amendments (CLIA) certificate and that~~
14 ~~meet CLIA requirements to perform high complexity testing, to~~
15 ~~facilitate and coordinate testing with the respective local~~
16 ~~health department. The following shall apply:~~

17 ~~(1) A local health department shall reimburse a State~~
18 ~~laboratory for costs incurred by the State laboratory for~~
19 ~~services performed under this subsection.~~

20 ~~(2) An individual tested under this subsection shall:~~

21 ~~(i) Be notified in writing at the time of initial testing of~~
22 ~~the applicable provisions of section (IV) (D) of the policy.~~

23 ~~(ii) Be advised of test results as soon as practicable in a~~
24 ~~manner determined by the local health department.~~

25 ~~(3) A local health department performing serology tests~~
26 ~~under this subsection shall report the total number of positive,~~
27 ~~false positive, negative and false negative test results to the~~
28 ~~Department of Health of the Commonwealth on a daily basis.~~

29 ~~(c) This section shall expire sixty (60) days after the~~
30 ~~expiration or termination of the proclamation of disaster~~

1 ~~emergency issued by the Governor on March 6, 2020, published at~~
2 ~~50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of~~
3 ~~disaster emergency.~~

4 ~~(d) As used in this section, the following words and phrases~~
5 ~~shall have the meanings given to them in this subsection unless~~
6 ~~the context clearly indicates otherwise:~~

7 ~~"Local health department." A county or municipal health~~
8 ~~department in this Commonwealth.~~

9 ~~"Policy." The Policy for Diagnostic Tests for Coronavirus~~
10 ~~Disease 2019 during the Public Health Emergency, docket number~~
11 ~~FDA 2020 D 0987, available on the publicly accessible Internet~~
12 ~~website of the Food and Drug Administration on March 16, 2020.~~

13 ~~"Secretary." The Secretary of Health of the Commonwealth.~~

14 ~~"State laboratory." A State Public Health Laboratory as~~
15 ~~authorized under section 8(d) of the act of April 27, 1905~~
16 ~~(P.L.312, No.218), entitled "An act creating a Department of~~
17 ~~Health, and defining its powers and duties."~~

18 ~~Section 2. The act is amended by adding an article to read:~~

19 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--
20 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING AN
21 ARTICLE TO READ:

22 ARTICLE XXI-C

23 COVID-19 EMERGENCY

24 TESTING PLAN AND REPORTING

25 Section 2101-C. Definitions.

26 The following words and phrases when used in this article
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "COVID-19." The novel coronavirus as defined in the
30 Governor's Proclamation of Disaster Emergency issued on March 6,

1 2020, published at 50 Pa.B. 1644 (March 21, 2020).

2 "State laboratory." A State Public Health Laboratory as
3 authorized under section 8(d) of the act of April 27, 1905
4 (P.L.312, No.218), entitled "An act creating a Department of
5 Health, and defining its powers and duties.

6 Section 2102 C. COVID 19 testing plan. <--

7 (a) Submission. Consistent with the Paycheck Protection
8 Program and Health Care Enhancement Act (Public Law 116 139),
9 the Governor or an authorized designee shall submit a plan for
10 COVID 19 testing to the Secretary of the United States
11 Department of Health and Human Services.

12 (b) Contents. The plan under subsection (a) shall delineate
13 goals, beginning after the effective date of this section, for
14 the remainder of the calendar year 2020, and shall include all
15 of the following:

16 (1) The number of tests needed, month by month,
17 including diagnostic, serological and other tests, as
18 appropriate.

19 (2) Month by month estimates of laboratory and testing
20 capacity, including capacity related to workforce, equipment
21 and supplies and available tests.

22 (3) A description of how the Commonwealth will use
23 Federal money appropriated for COVID 19 testing, including as
24 it relates to easing any COVID 19 community mitigation orders
25 issued by the Governor.

26 (c) Approval or acceptance. Upon approval or acceptance of
27 a plan under this section, the General Assembly shall
28 appropriate funds for COVID 19 testing as provided under
29 subsections (d) and (e).

30 (d) Use of funding. Funds appropriated under subsection (c)

1 ~~may be used for any of the following:~~

2 ~~(1) Necessary expenses to research, develop, validate,~~
3 ~~manufacture, purchase, administer and expand capacity for~~
4 ~~COVID 19 tests to effectively monitor and suppress COVID 19,~~
5 ~~including molecular, antigen and serological tests.~~

6 ~~(2) Manufacturing, procurement and distribution of~~
7 ~~tests, testing equipment and testing supplies, including~~
8 ~~personal protective equipment needed for administering tests.~~

9 ~~(3) The development and validation of rapid, molecular~~
10 ~~point of care tests and other tests.~~

11 ~~(4) Support for workforce and epidemiology.~~

12 ~~(5) Sealing up academic, commercial, public health and~~
13 ~~hospital laboratories, health care facilities and community~~
14 ~~based COVID 19 testing sites.~~

15 ~~(6) Conducting surveillance and contact tracing.~~

16 ~~(7) Supporting development of COVID 19 testing plans.~~

17 ~~(e) Testing prioritization. Individuals who serve an~~
18 ~~essential health and safety function or who are at a high risk~~
19 ~~of contracting COVID 19 shall be given initial priority to be~~
20 ~~tested. The following shall also be given priority:~~

21 ~~(1) Employees of health care providers.~~

22 ~~(2) Staff and residents of nursing home facilities,~~
23 ~~assisted living residences, personal care homes, hospices and~~
24 ~~other congregate care settings.~~

25 ~~(3) Staff and recipients of home care providers, home~~
26 ~~health care providers, behavioral health care providers,~~
27 ~~intellectual disability providers and substance abuse~~
28 ~~disorder providers.~~

29 ~~(4) Emergency service and public safety personnel.~~

30 ~~(5) Employees of any business or industry deemed~~

1 essential.

2 ~~(6) Any other category of individuals who serve an~~
3 ~~essential health and safety function or who are at high risk~~
4 ~~of contracting COVID-19.~~

5 ~~Section 2103 C. COVID-19 testing reporting.~~

6 SECTION 2102-C. COVID-19 TESTING PLAN AND REPORTING. <--

7 (A) SUBMISSION OF PLAN.--THE GOVERNOR SHALL SUBMIT THE PLAN
8 FOR COVID-19 TESTING, INCLUDING ANY AMENDMENTS TO THE PLAN, THAT
9 WAS SUBMITTED TO THE UNITED STATES SECRETARY OF HEALTH AND HUMAN
10 SERVICES PURSUANT TO THE PAYCHECK PROTECTION PROGRAM AND HEALTH
11 CARE ENHANCEMENT ACT (PUBLIC LAW 116-139) TO ALL OF THE
12 FOLLOWING:

13 (1) THE PRESIDENT PRO TEMPORE OF THE SENATE.

14 (2) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

15 (3) THE MAJORITY LEADER OF THE SENATE.

16 (4) THE MINORITY LEADER OF THE SENATE.

17 (5) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

18 (6) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

19 (7) THE MAJORITY AND MINORITY CHAIRPERSON OF THE
20 APPROPRIATIONS COMMITTEE OF THE SENATE.

21 (8) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HEALTH
22 AND HUMAN SERVICES COMMITTEE OF THE SENATE.

23 (9) THE MAJORITY AND MINORITY CHAIRPERSON OF THE
24 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

25 (10) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HEALTH
26 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

27 (11) THE MAJORITY AND MINORITY CHAIRPERSON OF THE HUMAN
28 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

29 ~~(a) (B) Testing report required.--Beginning on the day 14~~ <--
30 ~~DAYS after the effective date of this section, and each week~~ <--

1 EVERY 14 DAYS thereafter, the Department of Health shall submit <--
2 a report regarding the department's testing of COVID-19 to the
3 President pro tempore of the Senate, the Majority Leader and
4 Minority Leader of the Senate, the chairperson and minority
5 chairperson of the Appropriations Committee of the Senate, the
6 Speaker of the House of Representatives, the Majority Leader and
7 Minority Leader of the House of Representatives and the
8 chairperson and minority chairperson of the Appropriations
9 Committee of the House of Representatives.

10 ~~(b)~~ (C) Testing report contents.--The report shall contain a <--
11 summary of the following information:

12 (1) The technology and supplies procured or acquired by
13 the Commonwealth related to COVID-19 testing.

14 (2) The administrative and operating costs of a State
15 laboratory related to COVID-19 testing.

16 (3) The number and type of completed tests by a State
17 laboratory. This information shall include diagnostic tests
18 and serology tests.

19 (4) The number of positive, false positive, negative and <--
20 false negative AND NEGATIVE COVID-19 test results from the <--
21 completed testing under paragraph (3).

22 (5) A description of State laboratory COVID-19 testing
23 limitations, including limitations relating to acquiring
24 reagents or other components of the testing process.

25 (6) Demographic test result data, including age, sex,
26 race and ethnicity, as provided under subsection ~~(e)~~ (D). <--

27 ~~(e)~~ (D) Reporting requirements.--A health care provider <--
28 ordering COVID-19 testing shall report, as prescribed by the
29 Department of Health, a patient's self-reported demographic data
30 including age, sex, race and ethnicity.

1 ~~(d) (E) Expiration.--This section shall expire 60 days after~~<--
2 ~~the expiration or termination of the proclamation of disaster~~
3 ~~emergency issued by the Governor on March 6, 2020, published at~~
4 ~~50 Pa.B. 1644 (March 21, 2020), and any renewal of the disaster~~
5 ~~emergency declaration. DECEMBER 31, 2021.~~ <--

6 Section 3. This act shall take effect immediately.