
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2554 Session of
2024

INTRODUCED BY ZIMMERMAN, STAMBAUGH, RAPP, KRUPA AND JOZWIAK,
SEPTEMBER 17, 2024

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, SEPTEMBER 17, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for long-term infectious
3 disease control.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 58A

9 LONG-TERM INFECTIOUS DISEASE CONTROL

10 Sec.

11 58A01. Definitions.

12 58A02. Response to emergency.

13 58A03. Inspection and review.

14 58A04. Facilities.

15 § 58A01. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless
18 context clearly indicates otherwise:

1 "Commission." The Infectious Disease Advisory Commission
2 established under section 58A02(f) (relating to response to
3 emergency).

4 "Department." The Department of Health of the Commonwealth.

5 "Disaster emergency." A declaration by the Governor of a
6 disaster emergency under section 7301(c) (relating to general
7 authority of Governor) relating to public health.

8 "Facility." Any of the following:

9 (1) Domiciliary care as defined in section 2202-A of the
10 act of April 9, 1929 (P.L.177, No.175), known as The
11 Administrative Code of 1929.

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

15 (3) An assisted living residence as defined in section
16 1001 of the Human Services Code.

17 (4) 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) Home care agency.

21 (ii) Home care registry.

22 (iii) Home health care agency.

23 (iv) Hospice.

24 (v) Long-term care nursing facility.

25 (5) An older adult daily living center as defined in
26 section 2 of the act of July 11, 1990 (P.L.499, No.118),
27 known as the Older Adult Daily Living Centers Licensing Act.

28 (6) A PACE provider as defined in 42 U.S.C. § 1395eee(a)
29 (3) (relating to payments to, and coverage of benefits under,
30 programs of all-inclusive care for elderly (PACE)).

1 (7) Any other public or private organization, entity or
2 part of a private organization or entity, that uses public
3 funds and is paid, in part, to provide care to care-dependent
4 individuals.

5 "Infectious disease coordinator." An employee of the
6 facility designated to implement the infectious disease plan
7 required under section 58A04 (relating to facilities).

8 "Organization." An organization that supplies or
9 manufactures personal protective equipment.

10 "Personal protective equipment" or "PPE." Gloves, hand
11 sanitizer, respirators, face masks, gowns, face shields and
12 other protective equipment designed to be worn or used by
13 individuals to prevent or contain contact with, or to prevent
14 transmission of, a communicable illness or the pathogens that
15 cause communicable illness.

16 "Plan" or "infectious disease plan." The infectious disease
17 plan required under section 58A04(a).

18 "PPE stockpile" or "stockpile." The PPE stockpile
19 established under section 58A02(b).

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

22 "Relative." An individual who is related within the fifth
23 degree of consanguinity or affinity to a recipient in a
24 facility.

25 § 58A02. Response to emergency.

26 (a) Selection of organization.--The Governor, or the
27 Governor's designee, shall select an organization, by
28 competitive bid, for successive terms of five years each to
29 oversee the procurement, manufacturing and distribution of PPE
30 in this Commonwealth.

1 (b) Duties of selected organization.--The organization
2 selected under subsection (a) shall perform the following
3 duties:

4 (1) Purchase and keep up-to-date a stockpile of PPE to
5 be used by a facility in the event of a disaster emergency in
6 accordance with subsection (c).

7 (2) Select three manufacturers of PPE from which the
8 organization shall procure PPE.

9 (3) Contract with manufacturers of PPE to provide PPE to
10 facilities within this Commonwealth and supply the PPE
11 stockpile under paragraph (4). A manufacturer must be
12 domiciled and manufacture PPE in this Commonwealth in order
13 to be eligible for a contract under this paragraph.

14 (4) Determine four locations within this Commonwealth to
15 store PPE as follows:

16 (i) One-fourth of the stockpile shall be located in
17 the northwest area of this Commonwealth.

18 (ii) One-fourth of the stockpile shall be located in
19 the northeast area of this Commonwealth.

20 (iii) One-fourth of the stockpile shall be located
21 in the southwest area of this Commonwealth.

22 (iv) One-fourth of the stockpile shall be located in
23 the southeast area of this Commonwealth.

24 (c) Required amount of PPE.--The amount of PPE stored in the
25 stockpile shall be determined by the Governor, or the Governor's
26 designee, the first year. For each subsequent year, the PPE
27 stored in the stockpile shall equal the amount of PPE purchased
28 the previous year at a minimum, but may not be more than
29 quadruple the volume.

30 (d) Funding of stockpile.--The stockpile shall be funded by

1 a 50% fee on purchased PPE until the required amount of PPE
2 stored in the stockpile under subsection (c) is met. For
3 subsequent PPE stored in the stockpile, the fee shall be reduced
4 to 7% to fund the stockpile operations. Facilities shall
5 purchase all PPE from the organization. The amount that each
6 facility purchases is the amount that will be available to the
7 facility during a disaster emergency.

8 (e) Access to PPE.--A facility may access the stockpile to
9 obtain the PPE purchased by the facility for the stockpile
10 during a disaster emergency.

11 (f) Infectious Disease Advisory Commission.--

12 (1) The Governor shall establish the Infectious Disease
13 Advisory Commission.

14 (2) The commission shall be composed of the following
15 members:

16 (i) The Secretary of Aging or a designee.

17 (ii) The Secretary of Health or a designee.

18 (iii) The Secretary of Human Services or a designee.

19 (iv) Six members knowledgeable and experienced in
20 issues relating to operations in facilities as follows:

21 (A) Three members of the Senate, appointed by
22 the President pro tempore of the Senate, in
23 consultation with the Majority Leader of the Senate
24 and the Minority Leader of the Senate.

25 (B) Three members of the House of
26 Representatives, appointed by the Speaker of the
27 House of Representatives, in consultation with the
28 Majority Leader of the House of Representatives and
29 the Minority Leader of the House of Representatives.

30 (v) Three members appointed by the Governor as

1 follows:

2 (A) One member shall be a member of the general
3 public.

4 (B) One member shall be a member of an
5 organization who is directly involved in managing a
6 facility.

7 (C) One member shall be a member of an advocacy
8 or services organization who is directly involved in
9 providing services to older adults.

10 (3) The commission shall meet as necessary, but no fewer
11 than three times within the first 90 days of the disaster
12 emergency.

13 (4) The commission shall be responsible for examining
14 and analyzing the practices, processes and procedures
15 relating to the prevention of and response to infectious
16 diseases in facilities.

17 (5) The commission shall develop best practices on
18 disease prevention, education, training requirements and any
19 other operations that may be altered for facilities during a
20 disaster emergency.

21 § 58A03. Inspection and review.

22 (a) Inspections and surveys.--The department, in
23 consultation with the Department of Human Services, shall:

24 (1) Review and align all facility inspections and
25 surveys conducted by each department with best practices for
26 reducing the spread of infectious diseases.

27 (2) Determine the priority order for inspecting or
28 surveying facilities during an infectious disease outbreak.

29 (3) Determine a list of protocols for inspection and
30 intervention.

1 (b) Regulation review.--The Governor shall submit a report
2 to the General Assembly reviewing all regulations for
3 facilities. The report shall include, but not be limited to, the
4 following:

5 (1) An outline of the regulations for facilities.

6 (2) A comparison of the regulations for facilities that
7 existed prior to a declaration of a disaster emergency and
8 any regulations that were suspended or altered during the
9 state of disaster emergency.

10 (3) An executive summary of the differences between the
11 regulations for facilities as determined under paragraph (2).

12 (c) Data reporting.--The department, in consultation with
13 the Department of Human Services, shall develop a single
14 reporting system for facilities to submit new cases and
15 information that the department determines necessary during a
16 disaster emergency.

17 (d) Sample infectious disease plan.--The department, in
18 consultation with the Department of Human Services, shall
19 develop and make available on the department's publicly
20 accessible Internet website a sample infectious disease plan for
21 a facility to implement. The model infectious disease plan shall
22 fulfill the requirement under section 58A04(a) (relating to
23 facilities). At a minimum, the infectious disease plan shall
24 include:

25 (1) The data reporting requirements under subsection
26 (c).

27 (2) A mechanism for complaints or feedback regarding the
28 infectious disease plan.

29 (3) A method to obtain a one-year supply of PPE from the
30 organization under section 58A02(a) (relating to response to

1 emergency).

2 (4) A method to cohort recipients within the facility.

3 (5) A method to screen each employee before the
4 employee's shift begins.

5 (6) A schedule that assigns staff to certain areas of
6 the facility.

7 (7) A notification system to alert relatives of
8 recipients in the facility of the measures the facility is
9 taking to prevent and respond to the communicable disease or
10 virus.

11 § 58A04. Facilities.

12 (a) Infectious disease plan.--Each facility shall develop an
13 infectious disease plan to implement upon the declaration of a
14 disaster emergency. At a minimum, the infectious disease plan
15 shall include the requirements listed under section 58A03(d)
16 (relating to inspection and review). Nothing in this subsection
17 shall be construed to prevent a facility from taking additional
18 measures to prevent and respond to an infectious or communicable
19 disease during a disaster emergency.

20 (b) Infectious disease coordinator.--Each facility shall
21 designate an employee to serve as the infectious disease
22 coordinator within the facility during a disaster emergency to
23 ensure that the infectious disease plan requirements under
24 subsection (a) are met.

25 Section 2. This act shall take effect in 60 days.