
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 208 Session of
2021

INTRODUCED BY DeLUCA, N. NELSON, McNEILL, FREEMAN, PASHINSKI,
HOWARD, MADDEN, HOHENSTEIN, HILL-EVANS, CIRESI, O'MARA, DEASY
AND ROZZI, JANUARY 22, 2021

REFERRED TO COMMITTEE ON HEALTH, JANUARY 22, 2021

AN ACT

1 Providing for the disclosure of communicable diseases in certain
2 facilities during disaster emergencies.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Communicable
7 Disease Reporting Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Facility." Any of the following:

13 (1) An assisted living residence as defined in section
14 1001 of the act of June 13, 1967 (P.L.31, No.21), known as
15 the Human Services Code.

16 (2) A personal care home as defined in section 1001 of
17 the Human Services Code.

1 (3) A hospice as defined in section 802.1 of the act of
2 July 19, 1979 (P.L.130, No.48), known as the Health Care
3 Facilities Act, if the hospice renders care in an inpatient
4 setting.

5 (4) A long-term care nursing facility as defined in
6 section 802.1 of the Health Care Facilities Act.

7 (5) An intermediate care facility for persons with an
8 intellectual disability, as the term "intermediate care
9 facility for mentally retarded" is defined in section 1905(d)
10 of the Social Security Act (49 Stat. 620, 42 U.S.C. §
11 1396d(d)).

12 "Health care agent." As defined in 20 Pa.C.S. § 5422
13 (relating to definitions).

14 "Health care representative." As defined in 20 Pa.C.S. §
15 5422.

16 "Immediate family member." A spouse, child, stepchild,
17 parent, stepparent, grandparent, grandchild, brother,
18 stepbrother, sister, stepsister or like relative-in-law.

19 "Secretary." The Secretary of Health of the Commonwealth.
20 Section 3. Information disclosure required.

21 (a) Release of information upon request.--During a state of
22 disaster emergency under 35 Pa.C.S. § 7301(c) (relating to
23 general authority of Governor) that is due to a communicable
24 disease, a facility shall release the aggregate total number of
25 known cases of the communicable disease in the facility to a
26 health care agent, health care representative or immediate
27 family member of a resident of the facility, when the
28 information is requested by the health care agent, health care
29 representative or immediate family member of the resident of the
30 facility.

1 (b) Confidentiality.--The information disclosed under
2 subsection (a) shall be presented in a manner that preserves
3 patient confidentiality.

4 Section 4. Enforcement.

5 Upon satisfactory evidence of a willful violation of this act
6 by a facility, the secretary may impose a civil penalty on the
7 facility of not less than \$250 nor more than \$1,000 for each
8 action in willful violation of this act.

9 Section 5. Effective date.

10 This act shall take effect immediately.