

SENATE BILL 741

J1, J3, F2

EMERGENCY BILL

1lr1786
CF HB 836

By: **Senators Rosapepe, Beidle, Augustine, King, and Waldstreicher**

Introduced and read first time: February 5, 2021

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021**

3 FOR the purpose of requiring, on or before a certain date, the Maryland Department of
4 Health, in collaboration with local health departments in the State, to adopt and
5 implement a certain plan to respond to the outbreak of COVID-19; establishing
6 certain requirements for the plan; requiring the Department, in collaboration with
7 local health departments and other persons, to include in the plan the establishment
8 of a Maryland Public Health Jobs Corps; establishing certain requirements for the
9 Corps; requiring the Department to submit the plan to the General Assembly on or
10 before a certain date; requiring the Department to provide in certain fiscal years
11 certain funding in grants to local jurisdictions for certain purposes; authorizing a
12 local jurisdiction to use certain grant funding for a certain purpose; establishing
13 certain formulas for the allocation of certain funding to local jurisdictions; requiring
14 the Department to first use certain federal funding to provide certain funding to local
15 jurisdictions; requiring the Department to use general funds to provide certain
16 funding to local jurisdictions under certain circumstances; requiring the
17 Department, on or before a certain date and with input from certain persons, to
18 develop and submit to the General Assembly a certain plan for vaccinating residents
19 of the State against COVID-19; requiring that the plan include certain information;
20 requiring the Department to provide to the General Assembly, for the duration of a
21 certain calendar year, certain weekly progress reports on implementation of the
22 plan; requiring the reports to be submitted to the General Assembly in a certain
23 manner; requiring the Department to convene a Maryland Public Health
24 Infrastructure Modernization Workgroup; providing for the composition of the
25 Workgroup; requiring the Workgroup to conduct a certain assessment and make
26 certain recommendations; requiring the Workgroup to submit a certain report to the
27 General Assembly on or before a certain date; requiring, for a certain calendar year,
28 institutions of higher education in the State to adopt and implement a certain
29 COVID-19 testing plan; requiring that the COVID-19 testing plan adopted and
30 implemented by institutions of higher education include a certain requirement;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



requiring home health agencies, nursing homes, and assisted living programs to adopt and implement COVID–19 testing plans; establishing certain requirements for the COVID–19 testing plans; requiring the Department to adopt certain regulations; requiring the Department, to the extent practicable, to provide certain grant funding to home health agencies and assisted living facilities in certain years to cover the cost of certain COVID–19 testing; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for certain COVID–19 tests and associated costs for the administration of the tests; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from requiring a member to obtain a certain determination as a condition for the coverage; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance requirement, or deductible to the coverage; stating the intent of the General Assembly; defining certain terms; providing for the application of certain provisions of this Act; making this Act an emergency measure; providing for the termination of certain provisions of this Act; and generally relating to public health and testing, contact tracing, and vaccination for COVID–19.

BY adding to

Article – Health – General

Section 16–201.5; 18–9A–01 through 18–9A–04 to be under the new subtitle “Subtitle 9A. COVID–19 Testing, Contact Tracing, and Vaccination Act”; 19–411; 19–14C–01 and 19–14C–02 to be under the new subtitle “Subtitle 14C. COVID–19 Testing Plan”; and 19–1814

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY adding to

Article – Education

Section 11–1701 and 11–1702 to be under the new subtitle “Subtitle 17. COVID–19 Testing Plan”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Insurance

Section 15–856

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Health – General

40 SUBTITLE 9A. COVID-19 TESTING, CONTACT TRACING, AND VACCINATION ACT.

1 18-9A-01.

2 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "COVID-19" MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE
5 CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCOV AND THE SARS-CoV-2
6 VIRUS.

7 (C) "COVID-19 TEST" MEANS A FEDERAL FOOD AND DRUG
8 ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)
9 TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

10 18-9A-02.

11 (A) ON OR BEFORE APRIL 1, 2021, THE DEPARTMENT, IN COLLABORATION
12 WITH LOCAL HEALTH DEPARTMENTS IN THE STATE, SHALL ADOPT AND IMPLEMENT
13 A 2-YEAR PLAN TO RESPOND TO THE OUTBREAK OF COVID-19.

14 (B) THE PLAN REQUIRED UNDER THIS SECTION SHALL:

15 (1) INCLUDE MEASURES TO ENHANCE PUBLIC HEALTH EFFORTS AT
16 THE STATE AND LOCAL LEVEL TO MONITOR, PREVENT, AND MITIGATE THE SPREAD
17 OF COVID-19;

18 (2) (I) ASSESS THE COVID-19 PUBLIC AND PRIVATE TESTING
19 INFRASTRUCTURE IN PLACE BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION;

20 (II) IDENTIFY AND ADDRESS THE UNMET NEEDS FOR
21 COVID-19 TESTING STATEWIDE AND IN EACH LOCAL JURISDICTION, INCLUDING
22 THE NUMBER AND LOCATION OF PUBLIC AND PRIVATE TESTING PROVIDERS
23 REQUIRED TO ENSURE ACCESS TO TESTING ON DEMAND FOR ALL RESIDENTS OF THE
24 STATE;

25 (III) ESTABLISH SPECIFIC MONTHLY GOALS FOR COVID-19
26 TESTING STATEWIDE AND IN EACH LOCAL JURISDICTION TO ENSURE ACCESS TO
27 TESTING FOR ALL RESIDENTS OF THE STATE, INCLUDING:

28 1. A GOAL TO ACHIEVE THE CAPACITY TO PERFORM UP
29 TO 100,000 COVID-19 TESTS PER DAY IN THE STATE IN CALENDAR YEARS 2021 AND
30 2022 THROUGH A NETWORK OF PUBLIC AND PRIVATE TESTING PROVIDERS; AND

31 2. FOR EACH LOCAL JURISDICTION, A GOAL TO

1 ESTABLISH IN CALENDAR YEARS 2021 AND 2022 AT LEAST SIX PUBLIC OR PRIVATE
2 COVID-19 TESTING LOCATIONS PER 100,000 RESIDENTS; AND

3 (IV) INCLUDE A REQUIREMENT THAT STATE AND LOCAL
4 JURISDICTION GOVERNMENTAL PROVIDERS OF COVID-19 TESTING BILL HEALTH
5 INSURANCE CARRIERS TO COVER THE COST OF TESTING WHEN:

6 1. COVERAGE FOR COVID-19 TESTING IS PROVIDED
7 UNDER A HEALTH BENEFIT PLAN OF AN INDIVIDUAL TESTED; AND

8 2. BILLING MAY BE CARRIED OUT IN A MANNER THAT
9 WILL NOT CREATE A BARRIER TO ACCESSING TESTING FOR INDIVIDUALS WHO:

10 A. ARE UNINSURED; OR

11 B. MAY BE RELUCTANT TO RECEIVE A TEST IF THE
12 INDIVIDUAL IS ASKED TO PROVIDE INFORMATION RELATING TO INSURANCE
13 COVERAGE;

14 (3) (I) ASSESS THE CONTACT TRACING INFRASTRUCTURE IN
15 PLACE FOR COVID-19 BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION;

16 (II) DETERMINE THE OPTIMAL NUMBER OF CONTACT TRACING,
17 CASE MANAGEMENT, CARE RESOURCE COORDINATION, AND OTHER PERSONNEL PER
18 100,000 RESIDENTS NEEDED IN EACH JURISDICTION TO EFFECTIVELY MONITOR,
19 PREVENT, AND MITIGATE THE SPREAD OF COVID-19;

20 (III) IDENTIFY AND ADDRESS THE UNMET NEEDS FOR
21 COVID-19 CONTACT TRACING AND RELATED OUTBREAK PREVENTION AND
22 MITIGATION EFFORTS BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION; AND

23 (IV) 1. ESTABLISH GOALS FOR IDENTIFYING, LOCATING, AND
24 TESTING INDIVIDUALS WHO HAVE BEEN IN CLOSE CONTACT WITH INDIVIDUALS WHO
25 TEST POSITIVE FOR COVID-19 THAT ARE IN ALIGNMENT WITH CENTERS FOR
26 DISEASE CONTROL AND PREVENTION GUIDANCE FOR EFFECTIVE CONTACT
27 TRACING PROGRAMS; AND

28 2. INCLUDE A MECHANISM FOR MONITORING
29 PERFORMANCE OF CONTACT TRACING AND TESTING OF CONTACTS BOTH
30 STATEWIDE AND FOR EACH LOCAL JURISDICTION;

31 (4) REQUIRE THE DEPARTMENT TO ASSIST LOCAL JURISDICTIONS
32 THAT ADOPT STRATEGIES TO:

6 (5) ALLOW EACH LOCAL JURISDICTION TO ESTABLISH AND
7 IMPLEMENT A PROGRAM FOR COVID-19 CONTACT TRACING THAT IS INDEPENDENT
8 FROM THE CONTACT TRACING PROGRAM PERFORMED BY THE STATE OR THE ENTITY
9 WITH WHOM THE STATE HAS CONTRACTED TO PERFORM CONTACT TRACING FOR
10 THE STATE.

11 (C) (1) THE DEPARTMENT, IN COLLABORATION WITH LOCAL HEALTH
12 DEPARTMENTS, HEALTH CARE PROVIDERS, REPRESENTATIVES OF AREA HEALTH
13 EDUCATION CENTERS, AND OTHER RELEVANT STAKEHOLDERS, SHALL INCLUDE IN
14 THE PLAN REQUIRED UNDER THIS SECTION THE ESTABLISHMENT OF A MARYLAND
15 PUBLIC HEALTH JOBS CORPS.

21 (I) TESTING;

22 (II) CONTACT TRACING;

28 (3) THE MARYLAND PUBLIC HEALTH JOBS CORPS SHALL HAVE A
29 DESIGN THAT:

30 (I) PRIORITIZES THE RECRUITMENT, TRAINING, AND
31 DEPLOYMENT OF INDIVIDUALS FOR THE WORKFORCE WHO HAVE BEEN DISPLACED
32 FROM OTHER WORKFORCE SECTORS THAT HAVE BEEN IMPACTED NEGATIVELY AS A

1 RESULT OF THE OUTBREAK OF COVID-19; AND

2 (II) INCLUDES A PATHWAY DESIGNED TO ENABLE MEMBERS OF
3 THE PUBLIC HEALTH RESPONSE WORKFORCE TO TRANSITION TO POSITIONS WITH A
4 RESPONSIBILITY TO MEET ONGOING POSTPANDEMIC POPULATION HEALTH NEEDS
5 OF UNDERSERVED COMMUNITIES AND VULNERABLE POPULATIONS.

6 (D) ON OR BEFORE APRIL 1, 2021, THE DEPARTMENT SHALL SUBMIT THE
7 PLAN REQUIRED UNDER THIS SECTION TO THE GENERAL ASSEMBLY, IN
8 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

9 (E) (1) (I) FOR FISCAL YEARS 2021 AND 2022, THE DEPARTMENT
10 SHALL PROVIDE \$25,000,000 EACH YEAR IN GRANTS TO LOCAL JURISDICTIONS TO
11 EXPAND CAPACITY FOR COVID-19 TESTING AND CONTACT TRACING.

12 (II) GRANT FUNDING PROVIDED FOR COVID-19 TESTING AND
13 CONTACT TRACING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE
14 DIVIDED BETWEEN LOCAL JURISDICTIONS IN PROPORTION TO THEIR RESPECTIVE
15 POPULATIONS.

16 (III) THE DEPARTMENT SHALL PROVIDE ADDITIONAL GRANT
17 FUNDING TO A LOCAL JURISDICTION TO SUPPLEMENT THE GRANT FUNDING
18 ALLOCATED TO THE LOCAL JURISDICTION UNDER SUBPARAGRAPHS (I) AND (II) OF
19 THIS PARAGRAPH IF THE DEPARTMENT DETERMINES THAT THE INITIAL
20 ALLOCATION OF GRANT FUNDING IS NOT SUFFICIENT TO MEET THE COVID-19
21 TESTING AND CONTACT TRACING NEEDS OF THE LOCAL JURISDICTION.

22 (IV) A LOCAL JURISDICTION MAY USE GRANT FUNDING
23 PROVIDED UNDER THIS SUBSECTION TO EXPAND COVID-19 TESTING CAPACITY
24 THROUGH DIRECT TESTING EFFORTS BY THE HEALTH DEPARTMENT OF THE LOCAL
25 JURISDICTION OR BY CONTRACTING WITH OTHER ENTITIES TO PROVIDE TESTING.

26 (2) (I) FOR FISCAL YEARS 2021 AND 2022 AND IN ADDITION TO ANY
27 FUNDING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
28 DEPARTMENT SHALL PROVIDE FUNDING TO LOCAL JURISDICTIONS THAT ELECT TO
29 ESTABLISH AND IMPLEMENT A PROGRAM FOR COVID-19 CONTACT TRACING THAT
30 IS INDEPENDENT FROM THE CONTACT TRACING PROGRAM PERFORMED BY THE
31 STATE OR THE ENTITY WITH WHOM THE STATE HAS CONTRACTED TO PERFORM
32 CONTACT TRACING FOR THE STATE.

33 (II) THE AMOUNT OF FUNDING PROVIDED TO A LOCAL
34 JURISDICTION FOR COVID-19 CONTACT TRACING UNDER SUBPARAGRAPH (I) OF
35 THIS PARAGRAPH SHALL BE EQUIVALENT TO THE COST PER CASE AMOUNT

1 PROVIDED TO THE ENTITY WITH WHOM THE STATE HAS CONTRACTED TO PERFORM
2 CONTACT TRACING FOR THE STATE.

3 (3) (I) FOR FISCAL YEARS 2021 AND 2022, THE DEPARTMENT
4 SHALL PROVIDE \$15,000,000 EACH YEAR IN GRANTS TO LOCAL JURISDICTIONS TO
5 VACCINATE RESIDENTS OF THE LOCAL JURISDICTION AGAINST COVID-19.

6 (II) GRANT FUNDING PROVIDED FOR COVID-19 VACCINATION
7 UNDER THIS SUBSECTION SHALL BE DIVIDED BETWEEN LOCAL JURISDICTIONS IN
8 PROPORTION TO THEIR RESPECTIVE POPULATIONS.

9 (III) THE DEPARTMENT SHALL PROVIDE ADDITIONAL GRANT
10 FUNDING TO A LOCAL JURISDICTION TO SUPPLEMENT THE GRANT FUNDING
11 ALLOCATED TO THE LOCAL JURISDICTION UNDER SUBPARAGRAPHS (I) AND (II) OF
12 THIS PARAGRAPH IF THE DEPARTMENT DETERMINES THAT THE INITIAL
13 ALLOCATION OF GRANT FUNDING IS NOT SUFFICIENT TO MEET THE COVID-19
14 VACCINATION NEEDS OF THE LOCAL JURISDICTION.

15 (4) (I) THE DEPARTMENT SHALL FIRST USE FEDERAL FUNDING
16 ALLOCATED TO THE STATE UNDER THE CORONAVIRUS RESPONSE AND RELIEF
17 SUPPLEMENTAL APPROPRIATIONS ACT AND ANY OTHER FEDERAL LEGISLATION
18 ENACTED IN CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE FUNDING
19 REQUIRED UNDER THIS SECTION.

20 (II) IF THE FEDERAL FUNDING SPECIFIED UNDER
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT SUFFICIENTLY PROVIDE THE
22 FUNDS REQUIRED UNDER THIS SECTION, GENERAL FUNDS SHALL BE USED TO
23 SUPPLEMENT THE FEDERAL FUNDING.

24 (F) (1) TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL
25 PROVIDE UP TO \$9,000,000 IN FISCAL YEAR 2021 AND \$36,000,000 IN FISCAL YEAR
26 2022 IN GRANT FUNDING TO ASSISTED LIVING PROGRAMS AND HOME HEALTH
27 AGENCIES IN CALENDAR YEAR 2021 TO COVER THE COST OF COVID-19 TESTING
28 FOR RESIDENTS, PATIENTS, AND STAFF.

29 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
30 DEPARTMENT:

31 (I) FIRST USE FEDERAL FUNDING ALLOCATED TO THE STATE
32 UNDER THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
33 APPROPRIATIONS ACT AND ANY OTHER FEDERAL LEGISLATION ENACTED IN
34 CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE FUNDING REQUIRED UNDER
35 THE SUBSECTION; AND

4 18-9A-03.

5 (A) (1) ON OR BEFORE APRIL 1, 2021, THE DEPARTMENT, WITH INPUT
6 FROM SUBJECT MATTER EXPERTS AND OTHER RELEVANT STAKEHOLDERS, SHALL
7 DEVELOP AND SUBMIT TO THE GENERAL ASSEMBLY A COMPREHENSIVE PLAN FOR
8 VACCINATING RESIDENTS OF THE STATE AGAINST COVID-19.

9 (2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION SHALL INCLUDE:

11 (I) DETAILED INFORMATION ON:

25 (B) AFTER SUBMITTING THE COVID-19 VACCINE PLAN TO THE GENERAL
26 ASSEMBLY AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE
27 DEPARTMENT SHALL PROVIDE WEEKLY PROGRESS REPORTS ON IMPLEMENTATION
28 OF THE COVID-19 VACCINE PLAN TO THE GENERAL ASSEMBLY FOR THE DURATION
29 OF CALENDAR YEAR 2021.

30 (C) THE COVID-19 VACCINE PLAN AND PROGRESS REPORTS REQUIRED
31 UNDER THIS SECTION SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY IN
32 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

1 18-9A-04.

2 (A) THE DEPARTMENT SHALL CONVENE A MARYLAND PUBLIC HEALTH
3 INFRASTRUCTURE MODERNIZATION WORKGROUP.

4 (B) THE WORKGROUP SHALL INCLUDE:

5 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
6 THE PRESIDENT OF THE SENATE;

7 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY
8 THE SPEAKER OF THE HOUSE; AND

9 (3) REPRESENTATIVES OF THE DEPARTMENT, LOCAL HEALTH
10 DEPARTMENTS, SUBJECT MATTER EXPERTS, AND ANY OTHER RELEVANT
11 STAKEHOLDERS.

12 (C) THE WORKGROUP SHALL:

13 (1) ASSESS THE CURRENT PUBLIC HEALTH INFRASTRUCTURE AND
14 RESOURCES IN THE STATE; AND

15 (2) MAKE RECOMMENDATIONS FOR HOW TO ESTABLISH A MODERN
16 AND EFFECTIVE PUBLIC HEALTH SYSTEM WITH A CAPACITY TO MONITOR, PREVENT,
17 CONTROL, AND MITIGATE THE SPREAD OF INFECTIOUS DISEASE.

18 (D) ON OR BEFORE DECEMBER 1, 2021, THE DEPARTMENT SHALL SUBMIT
19 A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE
20 STATE GOVERNMENT ARTICLE, THAT INCLUDES THE FINDINGS AND
21 RECOMMENDATIONS OF THE WORKGROUP ESTABLISHED UNDER THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 Article – Education

25 SUBTITLE 17. COVID-19 TESTING PLAN.

26 11-1701.

27 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

(c) "COVID-19 TEST" MEANS A FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR) TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

7 11-1702.

8 (A) FOR CALENDAR YEAR 2021, AN INSTITUTION OF HIGHER EDUCATION
9 SHALL ADOPT AND IMPLEMENT A COVID-19 TESTING PLAN TO MONITOR,
10 PREVENT, AND MITIGATE THE SPREAD OF COVID-19 AMONG STUDENTS AND STAFF
11 AT THE INSTITUTION OF HIGHER EDUCATION.

12 (B) THE COVID-19 TESTING PLAN REQUIRED UNDER SUBSECTION (A) OF
13 THIS SECTION SHALL INCLUDE A REQUIREMENT THAT ANY STUDENT OF THE
14 INSTITUTION OF HIGHER EDUCATION BE TESTED FOR COVID-19 AND PROVIDE TO
15 THE INSTITUTION OF HIGHER EDUCATION CONFIRMATION OF A NEGATIVE
16 COVID-19 TEST RESULT BEFORE:

17 (1) COMMENCING IN-PERSON CLASS ATTENDANCE AT THE
18 INSTITUTION OF HIGHER EDUCATION; OR

Article – Health – General

23 16-201.5.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "PROVIDER" MEANS A PROVIDER OF NURSING HOME SERVICES.

31 (B) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

8 19-411.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

(3) "COVID-19 TEST" MEANS A FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR) TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

17 (B) FOR CALENDAR YEARS 2021 AND 2022, A HOME HEALTH AGENCY SHALL
18 ADOPT AND IMPLEMENT A COVID-19 TESTING PLAN FOR PATIENTS AND STAFF
19 WHO PROVIDE HOME HEALTH CARE SERVICES TO PATIENTS OF THE HOME HEALTH
20 AGENCY.

21 (C) THE COVID-19 TESTING PLAN SHALL ENSURE THAT PATIENTS AND
22 STAFF WHO PROVIDE HOME HEALTH CARE SERVICES TO PATIENTS OF THE HOME
23 HEALTH AGENCY ARE TESTED FOR COVID-19 ON A REGULAR BASIS AND AT A
24 FREQUENCY THAT IS SUFFICIENT TO PREVENT THE SPREAD OF COVID-19 AMONG
25 STAFF AND PATIENTS OF THE HOME HEALTH AGENCY.

26 (D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET
27 STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.

30 (I) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND
31 POLICIES; AND

(II) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT

1 ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE
2 LOCAL JURISDICTION IN WHICH THE HOME HEALTH CARE SERVICES ARE PROVIDED
3 TO PATIENTS.

4 **SUBTITLE 14C. COVID-19 TESTING PLAN.**

5 **19-14C-01.**

6 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "COVID-19" MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE
9 CORONAVIRUS KNOWN AS COVID-19 OR 2019-NCOV AND THE SARS-CoV-2
10 VIRUS.

11 (C) "COVID-19 TEST" MEANS A FEDERAL FOOD AND DRUG
12 ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)
13 TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

14 **19-14C-02.**

15 (A) FOR CALENDAR YEARS 2021 AND 2022, A NURSING HOME SHALL ADOPT
16 AND IMPLEMENT A COVID-19 TESTING PLAN FOR RESIDENTS OF THE NURSING
17 HOME AND STAFF WHO PROVIDE SERVICES TO RESIDENTS OF THE NURSING HOME.

18 (B) THE COVID-19 TESTING PLAN SHALL ENSURE THAT RESIDENTS AND
19 STAFF ARE TESTED FOR COVID-19 ON A REGULAR BASIS AND AT A FREQUENCY
20 THAT IS SUFFICIENT TO PREVENT THE SPREAD OF COVID-19 AMONG RESIDENTS
21 AND STAFF OF THE NURSING HOME.

22 (C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET
23 STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.

24 (2) THE STANDARDS SET BY THE DEPARTMENT UNDER THIS
25 SUBSECTION SHALL:

26 (I) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND
27 POLICIES; AND

28 (II) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT
29 ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE
30 LOCAL JURISDICTION IN WHICH A NURSING HOME IS LOCATED.

31 **19-1814.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY,
4 THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-NCOV AND THE SARS-CoV-2
5 VIRUS.

6 (3) “COVID-19 TEST” MEANS A FEDERAL FOOD AND DRUG
7 ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)
8 TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

9 (B) FOR CALENDAR YEARS 2021 AND 2022, AN ASSISTED LIVING PROGRAM
10 SHALL ADOPT AND IMPLEMENT A COVID-19 TESTING PLAN FOR RESIDENTS OF THE
11 ASSISTED LIVING PROGRAM AND STAFF WHO PROVIDE SERVICES TO RESIDENTS OF
12 THE ASSISTED LIVING PROGRAM.

13 (C) THE COVID-19 TESTING PLAN SHALL ENSURE THAT RESIDENTS AND
14 STAFF ARE TESTED FOR COVID-19 ON A REGULAR BASIS AND AT A FREQUENCY
15 THAT IS SUFFICIENT TO PREVENT THE SPREAD OF COVID-19 AMONG RESIDENTS
16 AND STAFF OF THE ASSISTED LIVING PROGRAM.

17 (D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET
18 STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.

19 (2) THE STANDARDS SET BY THE DEPARTMENT UNDER THIS
20 SUBSECTION SHALL:

21 (I) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND
22 POLICIES; AND

23 (II) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT
24 ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE
25 LOCAL JURISDICTION IN WHICH AN ASSISTED LIVING PROGRAM IS LOCATED.

26 Article – Insurance

27 15-856.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (2) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY,
31 THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-NCOV AND THE SARS-CoV-2

1 VIRUS.

2 (3) (I) "COVID-19 TEST" MEANS A FEDERAL FOOD AND DRUG
3 ADMINISTRATION-APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)
4 TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

5 (II) "COVID-19 TEST" INCLUDES A FEDERAL FOOD AND DRUG
6 ADMINISTRATION-APPROVED RAPID POINT-OF-CARE TEST AND AN AT-HOME
7 COLLECTION TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19.

8 (4) (I) "MEMBER" MEANS AN INDIVIDUAL ENTITLED TO HEALTH
9 CARE BENEFITS UNDER A POLICY ISSUED OR DELIVERED IN THE STATE BY AN
10 ENTITY SUBJECT TO THIS SECTION.

11 (II) "MEMBER" INCLUDES A SUBSCRIBER.

12 (B) THIS SECTION APPLIES TO:

13 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
14 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS
15 ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR
16 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

17 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
18 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER
19 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

20 (C) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE
21 COVERAGE FOR COVID-19 TESTS AND ASSOCIATED COSTS FOR THE
22 ADMINISTRATION OF COVID-19 TESTS.

23 (2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL BE
24 PROVIDED FOR A COVID-19 TEST:

25 (I) 1. PRIMARILY INTENDED FOR INDIVIDUALIZED
26 DIAGNOSIS OR TREATMENT OF COVID-19 FOR THE MEMBER; OR

27 2. TO KEEP THE MEMBER OR OTHERS WITH WHOM THE
28 MEMBER IS OR MAY BE IN FUTURE CONTACT FROM POTENTIAL EXPOSURE TO
29 COVID-19; AND

30 (II) REGARDLESS OF WHETHER THE MEMBER HAS SIGNS OR
31 SYMPTOMS COMPATIBLE WITH COVID-19 OR A SUSPECTED RECENT EXPOSURE TO

1 **COVID-19 IF THE TESTING IS PERFORMED FOR A PURPOSE SPECIFIED UNDER ITEM**
2 **(I) OF THIS PARAGRAPH.**

3 **(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE A**
4 **MEMBER TO OBTAIN A DETERMINATION FROM A HEALTH CARE PROVIDER THAT A**
5 **COVID-19 TEST IS MEDICALLY APPROPRIATE FOR THE MEMBER AS A CONDITION**
6 **FOR THE COVERAGE REQUIRED UNDER THIS SECTION.**

7 **(4) AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A**
8 **COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO THE COVERAGE**
9 **REQUIRED UNDER THIS SECTION.**

10 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
11 apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the
12 State on or after the effective date of this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety, has
15 been passed by a yea and nay vote supported by three-fifths of all the members elected to
16 each of the two Houses of the General Assembly, and shall take effect from the date it is
17 enacted. Section 2 of this Act shall remain effective through December 31, 2022, and, at the
18 end of December 31, 2022, Section 2 of this Act, with no further action required by the
19 General Assembly, shall be abrogated and of no further force and effect.