

HOUSE No. 4710

Text of a further amendment, offered by Mr. Speliotis of Danvers, to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2703) of the House Bill addressing COVID-19 data collection and disparities in treatment (House, No. 4672, amended). May 13, 2020.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:–

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the
2 department of public health, hereinafter referred to as the department, shall compile data daily
3 from all boards of health as defined in section 1 of chapter 111 of the General Laws and from
4 any person, corporation, association, partnership or other legal entity over which the department
5 has regulatory authority, related to the outbreak of the 2019 novel coronavirus, also known as
6 COVID-19, in the commonwealth. Said data shall include, but shall not be limited to, the
7 following:

8 (i) the total number of people tested for COVID-19 within the previous 24 hours;

9 (ii) the aggregate number of people tested for COVID-19 since the governor’s March 10,
10 2020 declaration of a state of emergency;

11 (iii) the total number of people who have tested positive for COVID-19 within the
12 previous 24 hours;

13 (iv) the aggregate number of people who have tested positive for COVID-19 since the
14 governor's March 10, 2020 declaration of a state of emergency;

15 (v) the total number of people hospitalized due to a confirmed or presumed case of
16 COVID-19 or from complications related to COVID-19 within the previous 7 days;

17 (vi) the aggregate number of people hospitalized due to a confirmed or presumed case of
18 COVID-19 or from complications related to COVID-19 since the governor's March 10, 2020
19 declaration of a state of emergency;

20 (vii) the total number of people who have died due to a confirmed or presumed case of
21 COVID-19 or from complications related to COVID-19 within the previous 24 hours;

22 (viii) the aggregate number of people who have died due to a confirmed or presumed case
23 of COVID-19 or from complications related to COVID-19 since the governor's March 10, 2020
24 declaration of a state of emergency; and

25 (ix) demographic information, including, but not limited to: (1) gender; (2) race and
26 ethnicity; (3) primary city or town of residence; (4) age; (5) disability status; and (6) primary
27 language for all individuals tested for, found positive for, hospitalized due to a confirmed or
28 presumed case of, or who died from a confirmed or presumed case of COVID-19; provided,
29 however, that demographic information for individuals tested for COVID-19 and individuals
30 hospitalized due to a confirmed or presumed case of COVID-19 shall be compiled and reported
31 for a period no longer than every 3 days.

32 (b) The department shall report daily on its website the data compiled pursuant to
33 subsection (a). Said report shall include data compiled pursuant to subsection (a) as applied to
34 the following categories:

35 (i) geographic location, including statewide, by county and by municipality with 25 or
36 more confirmed cases; provided, that such data shall reflect the primary residence of the
37 impacted populations;

38 (ii) state and county correctional facilities, including the number of impacted inmates and
39 employees.

40 The department may aggregate information for any particular demographic factor over
41 several days if it believes not doing so would violate federal law or the privacy of any individual.
42 Each daily report shall be structured in a manner that permits the comparison and stratification of
43 data, as well as, the identification of trends, testing, infection, hospitalization and mortality
44 among people of various demographic factors, including, but not limited to, gender, race and
45 ethnicity, geographic location, age, disability status, and primary language.

46 (c) The department shall report 2 weeks after the effective date of this act and every 2
47 weeks thereafter to the chairs of the joint committee on public health on its implementation of
48 this section. Said report shall include, but shall not be limited to, the issuance of relevant
49 guidance, the implementation of training protocols and compliance by relevant entities with the
50 collection and reporting of data under this section to the department. The report shall identify any
51 barriers to receiving or reporting data pursuant to this section and specify the manner in which
52 the department shall seek to improve compliance with this section.

53 SECTION 2. (a) Notwithstanding any general or special law to the contrary, there shall
54 be a task force to study and make policy recommendations to the general court that address
55 current disparities in the health care system for underserved or underrepresented cultural, racial,
56 ethnic and linguistic populations, people with disabilities and individuals confined within a
57 house of correction or department of correction facility in the commonwealth during the
58 COVID-19 pandemic.

59 (b) The task force shall develop recommendations, which shall include, but not be limited
60 to, the following:

61 (i) removing barriers and increasing access to quality and equitable health care services
62 and treatment;

63 (ii) increasing access to personal protective equipment;

64 (iii) increasing access to testing for COVID-19, including identifying diverse geographic
65 locations throughout the commonwealth for testing;

66 (iv) opportunities to provide informational materials to underserved or underrepresented
67 populations, in multiple languages, on available and affordable health care resources in the
68 commonwealth, including, but not limited to, prevention, testing, treatment and recovery; and

69 (v) any other factor the task force deems relevant. As part of its recommendations, the
70 task force may recommend the further study of the impact of health care disparities on
71 populations not subject to this study.

72 (c) The task force shall consist of 14 members: 5 members appointed by the senate
73 president, provided, that not more than 2 shall be members of the senate; 5 members appointed

74 by the speaker of the house of representatives, provided, that not more than 2 shall be members
75 of the house of representatives; 1 member appointed by the minority leader of the senate; 1
76 member appointed by the minority leader of the house of representatives; 1 member who shall be
77 the chair of the Massachusetts Asian-American Legislative Caucus; and 1 member who shall be
78 the chair of the Massachusetts Black and Latino Legislative Caucus. Task force membership
79 shall reflect diverse representation in the commonwealth including, but not limited to, diverse
80 geographic locations, cultural, racial, ethnic and linguistic populations, and people with
81 disabilities. Unless otherwise specified, members of the task force shall be knowledgeable in
82 public health or healthcare and appointments shall give consideration to individuals who have
83 experience addressing health care disparities in underserved or underrepresented cultural, racial,
84 ethnic and linguistic populations and people with disabilities or working in the healthcare system
85 with a diverse patient population. Two members of the task force shall be elected by a majority
86 of the task force membership to serve as co-chairs; provided, however, that neither member shall
87 be a member of the senate nor a member of the house of representatives.

88 (d) The task force shall file its report and recommendations with the clerks of the house
89 of representatives and the senate, the house committee on ways and means and the senate
90 committee on ways and means not later than August 1, 2020.

91 (e) The task force shall file an interim report describing any initial recommendations and
92 issues requiring further study with the clerks of the house of representatives and the senate, the
93 house committee on ways and means and the senate committee on ways and means not later than
94 June 1, 2020.