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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 695**      Session of  
2007

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INTRODUCED BY WALKO, DERMODY, THOMAS, BELFANTI, BIANCUCCI,  
CALTAGIRONE, CURRY, FABRIZIO, FRANKEL, GEORGE, GERGELY,  
GIBBONS, HORNAMAN, JOSEPHS, KOTIK, MAHONEY, MANDERINO,  
O'NEILL, PALLONE, PRESTON, SIPTROTH, STABACK, WHEATLEY,  
YOUNGBLOOD AND KULA, MARCH 9, 2007

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MARCH 9, 2007

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AN ACT

1 Providing for registration of private care residences and for  
2 background checks; imposing duties on the Department of  
3 Public Welfare; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Private Care  
8 Residence Registration Act.

9 Section 2. Definitions.

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

13 "Adult." An individual 18 years of age or older.

14 "Area agency on aging." The local provider of protective  
15 services for older adults as provided by the act of November 6,  
16 1987 (P.L.381, No.79), known as the Older Adults Protective

1 Services Act.

2 "Care-dependent person." As defined in 18 Pa.C.S. § 2713(f)  
3 (relating to neglect of care-dependent person).

4 "Department." The Department of Public Welfare of the  
5 Commonwealth.

6 "Legal entity." Any individual, partnership, unincorporated  
7 association, corporation or governing authority.

8 "Older adult." As defined in section 103 of the act of  
9 November 6, 1987 (P.L.381, No.79), known as the Older Adults  
10 Protective Services Act.

11 "Personal care." Assistance or supervision in activities of  
12 daily living, such as dressing, bathing, diet, securing health  
13 care, financial management, evacuation of a residence in the  
14 event of an emergency or medication prescribed for self-  
15 administration.

16 "Private care residence." A private residence:

17 (1) in which the owner of the residence or the legal  
18 entity responsible for the operation of the residence, for  
19 monetary consideration, provides, or assists with or arranges  
20 for the provision of, food, room, shelter, clothing, personal  
21 care or health care in the residence, for a period exceeding  
22 24 hours, to fewer than four care-dependent persons who are  
23 not relatives of the owner; and

24 (2) which is not required to be licensed as a long-term  
25 care nursing facility, as defined in section 802.1 of the act  
26 of July 19, 1979 (P.L.130, No.48), known as the Health Care  
27 Facilities Act. The term does not include domiciliary care as  
28 defined in section 2202-A of the act of April 9, 1929  
29 (P.L.177, No.175), known as The Administrative Code of 1929.

30 The term does not include a facility which provides residential

1 care for fewer than four care-dependent adults and which is  
2 regulated by the department.

3 Section 3. Registration of private care residence.

4 (a) General rule.--The owner or legal entity responsible for  
5 the operation of a private care residence shall register  
6 annually with the department. Registration shall include  
7 providing the department with the following information:

8 (1) The name of the owner or legal entity responsible  
9 for the operation and the address and telephone number of the  
10 residence.

11 (2) The name and date of birth, if known, of any care-  
12 dependent person residing in the residence.

13 (3) The name of any adult residing in the residence for  
14 more than 30 days in a calendar year who is not a care-  
15 dependent person.

16 (b) Copies.--Upon receipt of the registration information,  
17 the department shall forward copies of the registration  
18 information to the Department of Aging and to the appropriate  
19 area agency on aging.

20 Section 4. Background checks.

21 (a) Initial report.--At the initial registration with the  
22 department, the owner or legal entity responsible for the  
23 operation of a private care residence shall submit with the  
24 registration a report of criminal history record information  
25 from the Pennsylvania State Police with respect to:

26 (1) the owner, operator or manager of the private care  
27 residence;

28 (2) each employee who provides or has an obligation to  
29 provide care to a care-dependent person in the private care  
30 residence; and

1 (3) each adult residing in the home for more than 30  
2 days in a calendar year who is not a care-dependent person.

3 (b) Interim report.--The owner or legal entity responsible  
4 for the operation of a private care residence shall submit, with  
5 the annual registration under section 3(a), a report of the  
6 criminal history record information for any individual under  
7 subsection (a) who does not have a report on file with the  
8 department.

9 (c) Updating.--

10 (1) Except as set forth in paragraph (2), the owner or  
11 legal entity responsible for the operation of a private care  
12 residence shall ensure that a report of criminal history  
13 record information submitted under subsection (a) or (b) is  
14 updated at least once every five years.

15 (2) Paragraph (1) does not apply to a report about an  
16 individual who is no longer the subject of a report under  
17 subsection (a).

18 (d) Availability.--The owner or legal entity responsible for  
19 the operation of a private care residence shall make the report  
20 under subsection (a) available upon request to a care-dependent  
21 person residing in the residence, an individual acting in the  
22 care-dependent person's behalf or any prospective resident or  
23 individual acting in the care-dependent person's behalf.

24 Section 5. Inspection.

25 The department may inspect a private care residence to  
26 determine if the facility has complied with the registration  
27 requirements of this act. If the inspector has reason to suspect  
28 that an older adult resides in the residence, the department  
29 shall coordinate the inspection with the appropriate area agency  
30 on aging so that a determination can be made by that agency if

1 protective services are needed pursuant to the act of November  
2 6, 1987 (P.L.381, No.79), known as the Older Adults Protective  
3 Services Act.

4 Section 6. Protective services.

5 An area agency on aging shall investigate a report that an  
6 older adult is in need of protective services and providing  
7 necessary services pursuant to the act of November 6, 1987  
8 (P.L.381, No.79), known as the Older Adults Protective Services  
9 Act.

10 Section 7. Report to Governor and General Assembly.

11 Within two years after the effective date of this act, the  
12 department shall submit a report to the Governor and the General  
13 Assembly containing its findings and recommendations regarding  
14 implementation of this act.

15 Section 8. Penalties and enforcement.

16 (a) General rule.--The owner or legal entity responsible for  
17 the operation of a private care residence that fails to register  
18 with the department shall be subject to a civil penalty of \$500  
19 for failure to comply with this act.

20 (b) Injunction.--In addition to any other penalty, if the  
21 owner or legal entity responsible for the operation of a private  
22 care residence refuses to comply with the registration  
23 requirements of this act, the department shall maintain an  
24 action in the name of the Commonwealth for an injunction against  
25 the operation of the private care residence.

26 (c) Incomplete or inaccurate registration.--If the owner or  
27 legal entity responsible for the operation of a private care  
28 residence supplies incomplete or inaccurate information in  
29 connection with registering under this act, the department shall  
30 notify the owner or legal entity responsible for the operation

1 of its findings. Within 30 days after notice by the department  
2 of the need to provide additional information, the owner or  
3 legal entity responsible for the operation shall comply with the  
4 requirements of this act or be subject to a civil penalty of \$25  
5 for each resident for each day the owner fails to provide  
6 complete and accurate registration information.

7 Section 20. Effective date.

8 This act shall take effect in 60 days.