
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2204 Session of
2020

INTRODUCED BY CEPHAS, KENYATTA, KINSEY, HOHENSTEIN, HILL-EVANS,
McNEILL, YOUNGBLOOD, SCHLOSSBERG, MURT, SHUSTERMAN, WEBSTER
AND T. DAVIS, JANUARY 10, 2020

REFERRED TO COMMITTEE ON HEALTH, JANUARY 10, 2020

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in departmental powers and
4 duties as to licensing, further providing for regulations.

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

7 Section 1. Section 1021(a)(2) of the act of June 13, 1967
8 (P.L.31, No.21), known as the Human Services Code, is amended
9 and the paragraph is amended by adding subparagraphs to read:

10 Section 1021. Regulations.--(a) * * *

11 (2) Regulations for assisted living residences, which shall
12 apply to all staff, administration and persons contracted by the
13 assisted living residence to deliver care, shall:

14 * * *

15 (ix) Provide the following rights to residents:

16 (A) A resident may not be discriminated against because of
17 race, color, religious creed, disability, ancestry, sexual
18 orientation, gender identity, national origin, age or sex.

1 (B) A resident may not be neglected, intimidated, physically
2 or verbally abused, mistreated, subjected to corporal punishment
3 or disciplined in any way. A resident shall be free from mental,
4 physical and sexual abuse and exploitation, neglect, financial
5 exploitation and involuntary seclusion.

6 (C) A resident shall be treated with dignity and respect.

7 (D) A resident shall be informed of the rules of the
8 assisted living residence and given 30 days' written notice
9 prior to the effective date of a new rule.

10 (E) A resident shall have access to a telephone in the
11 assisted living residence to make calls in privacy. Nontoll
12 calls shall be without charge to the resident.

13 (F) A resident has the right to receive and send mail. The
14 following shall apply:

15 (I) Outgoing mail may not be opened or read by assisted
16 living residence staff unless upon request of the resident.

17 (II) Incoming mail may not be opened or read by assisted
18 living residence staff unless upon request of the resident or
19 the resident's personal representative or other individual upon
20 the resident's written approval.

21 (G) A resident has the right to communicate privately with
22 and access the local ombudsman.

23 (H) A resident has the right to practice the religion or
24 faith of the resident's choice, or not to practice any religion
25 or faith.

26 (I) A resident shall receive assistance in accessing health
27 care services, including supplemental health care services.

28 (J) A resident shall receive assistance in obtaining and
29 keeping clean, seasonal clothing. A resident's clothing may not
30 be shared with other residents.

1 (K) A resident, the resident's personal representative and
2 other individuals upon the resident's written approval shall
3 have the right to access, review and request corrections to the
4 resident's record on file with the assisted living residence.

5 (L) A resident has the right to furnish the resident's
6 living unit and purchase, receive, use and retain personal
7 clothing and possessions.

8 (M) A resident has the right to leave and return to the
9 assisted living residence at times consistent with the assisted
10 living residence rules and the resident's support plan. Any
11 individual appointed by the resident, including the resident's
12 personal representative, may place or remove the resident
13 according to the resident's support plan.

14 (N) A resident has the right to relocate and to request and
15 receive assistance, from the assisted living residence, in
16 relocating to another facility. The assistance shall include
17 helping the resident get information about living arrangements,
18 making telephone calls and transferring records.

19 (O) A resident has the right to freely associate, organize
20 and communicate privately with the resident's friends, family,
21 physician, attorney and other persons.

22 (P) A resident shall be free from restraints.

23 (Q) A resident shall be compensated in accordance with
24 Federal and State labor laws for labor performed on behalf of
25 the assisted living residence. A resident may voluntarily and
26 without coercion perform tasks related directly to the
27 resident's personal space or common areas of the assisted living
28 residence.

29 (R) A resident has the right to receive visitors at any time
30 provided that the visits do not adversely affect other

1 residents. An assisted living residence may adopt reasonable
2 policies and procedures related to visitors and access. If the
3 assisted living residence adopts such policies and procedures,
4 the policies and procedures shall be binding on all residents.

5 (S) A resident has the right to privacy of self and
6 possessions. Privacy shall be provided to the resident during
7 bathing, dressing, changing and medical procedures.

8 (T) A resident has the right to file complaints, grievances
9 or appeals with any individual or agency and recommend changes
10 in policies, residence rules and services of the residence
11 without intimidation, retaliation or threat of discharge.

12 (U) A resident has the right to remain in the assisted
13 living residence, as long as it is operating with a license,
14 except as specified in 55 Pa. Code § 2800.228 (relating to
15 transfer and discharge).

16 (V) A resident has the right to receive services contracted
17 for in the resident's contract with the assisted living
18 residence.

19 (W) A resident has the right to use both the assisted living
20 residence's procedures and external procedures to appeal
21 involuntary discharge.

22 (X) A resident has the right to a system to safeguard the
23 resident's money and personal property.

24 (Y) An assisted living residence may require a resident to
25 use providers of supplemental health care services as provided
26 under 55 Pa. Code § 2800.142 (relating to assistance with
27 medical care and supplemental health care services). When the
28 assisted living residence does not designate a supplemental
29 health care service provider, the resident may choose the
30 supplemental health care service provider. The actions and

1 procedures utilized by a supplemental health care service
2 provider chosen by a resident shall be consistent with the
3 assisted living residence's systems for caring for residents,
4 which include the handling and assisting with the administration
5 of the resident's medications, and may not conflict with Federal
6 laws governing residents.

7 (Z) The resident has the right to choose the resident's
8 primary care physician.

9 (AA) The resident has the right to have publicly posted the
10 telephone numbers and addresses for the department's assisted
11 living residence licensing office, local ombudsman or protective
12 services unit in the area agency on aging, the Disability Rights
13 Network or law enforcement agency.

14 (BB) The resident has the right to make choices concerning
15 the resident's daily life in the assisted living residence.

16 (CC) The resident has the right to be protected from
17 involuntary transfers, discharges and evictions in violation of
18 State law and regulation.

19 (DD) The resident has the right to receive written
20 information on the right to establish an advanced health care
21 directive.

22 (EE) The resident has the right to receive written notice of
23 any room changes at least thirty days in advance unless the
24 request for a change is agreed to by the resident, required to
25 fill a vacant bed, or necessary due to an emergency.

26 (FF) The resident has the right to reasonable accommodation
27 of individual needs and preferences in all aspects of life in
28 the assisted living residence, except when the health or safety
29 of the individual or other residents would be endangered.

30 (GG) The resident has the right to reasonable accommodation

1 of resident preferences concerning room and roommate choices.

2 (HH) A resident may not be subject to unequal, unfair or

3 inflated pricing for living arrangements, amenities and

4 applications based on race, color, religious creed, disability,

5 ancestry, sexual orientation, gender identity, national origin,

6 age or sex.

7 (x) Definition.--As used in this paragraph, the term

8 "personal representative" means an executor or administrator of

9 any description appointed by the resident in writing which shall

10 be kept on file by the assisted living residence.

11 * * *

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