

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 539

Session of
1983

INTRODUCED BY MURPHY, SEVENTY, MAYERNIK, SWEET, HOFFEL, ITKIN,
PISTELLA AND KUKOVICH, MARCH 21, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 11, 1983

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," providing for early
4 inspection and licensing at the option of personal care
5 boarding homes; AND FURTHER PROVIDING FOR COSTS FOR COUNTY <—
6 AND NON-PUBLIC NURSING FACILITIES.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 211(j) of the act of June 13, 1967
10 (P.L.31, No.21), known as the Public Welfare Code, added July
11 10, 1980 (P.L.493, No.105), is amended to read:

12 Section 211. State Plan for Regulating and Licensing
13 Personal Care Boarding Homes.--* * *

14 (j) Prior to January 1, 1985, department regulations shall
15 not apply to personal care boarding homes in which services are
16 integrated with, are under the same management as, and on the
17 same grounds as a skilled nursing or intermediate care facility
18 licensed for more than twenty-five beds and having an average
19 daily occupancy of more than fifteen beds. Prior to January 1,

1 1985 the department may require registration of such facilities
2 and may visit such facilities for the purpose of assisting
3 residents and securing information regarding facilities of this
4 nature. However, the facility may request and the department
5 shall grant early inspection and licensing to a facility at any
6 time before January 1, 1985, if the facility meets the standards
7 of the department.

8 * * *

9 SECTION 2. SECTION 443.1(2) AND (3) OF THE ACT, AMENDED JULY <—
10 9, 1976 (P.L.993, NO.202), ARE AMENDED TO READ:

11 SECTION 443.1. MEDICAL ASSISTANCE PAYMENTS FOR INSTITUTIONAL
12 CARE.--THE FOLLOWING MEDICAL ASSISTANCE PAYMENTS SHALL BE MADE
13 IN BEHALF OF ELIGIBLE PERSONS WHOSE INSTITUTIONAL CARE IS
14 PRESCRIBED BY PHYSICIANS:

15 * * *

16 (2) THE COST OF SKILLED NURSING AND INTERMEDIATE NURSING
17 CARE IN STATE-OWNED GERIATRIC CENTERS, INSTITUTIONS FOR THE
18 MENTALLY RETARDED, INSTITUTIONS FOR THE MENTALLY ILL, AND IN
19 COUNTY HOMES WHICH MEET THE STATE AND FEDERAL REQUIREMENTS FOR
20 PARTICIPATION UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT
21 AND WHICH ARE APPROVED BY THE DEPARTMENT. THIS COST IN COUNTY
22 HOMES SHALL BE AS SPECIFIED BY THE REGULATIONS OF THE DEPARTMENT
23 ADOPTED UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AND
24 CERTIFIED TO THE DEPARTMENT BY THE AUDITOR GENERAL; ELSEWHERE
25 THE COST SHALL BE DETERMINED BY THE DEPARTMENT; THE ALLOWABLE
26 COST FOR DEPRECIATION AND INTEREST FOR COUNTY HOMES SHALL,
27 HOWEVER, BE DETERMINED WITHOUT REGARD AS TO WHEN A COUNTY HOME
28 OBTAINED A CERTIFICATE OF NEED OR A LETTER OF NONREVIEWABILITY
29 FROM THE DEPARTMENT OF HEALTH IF THERE WAS NO INTERMEDIATE CARE
30 OR SKILLED NURSING FACILITY LOCATED WITHIN A COUNTY AS OF

1 JANUARY 1, 1983;

2 (3) RATES ON A COST-RELATED BASIS ESTABLISHED BY THE
3 DEPARTMENT FOR SKILLED NURSING HOME OR INTERMEDIATE CARE IN A
4 NON-PUBLIC NURSING HOME, WHEN FURNISHED BY A NURSING HOME
5 LICENSED OR APPROVED BY THE DEPARTMENT AND QUALIFIED TO
6 PARTICIPATE UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT;
7 THE ALLOWABLE COST FOR DEPRECIATION AND INTEREST FOR NON-PUBLIC
8 NURSING HOMES SHALL, HOWEVER, BE DETERMINED WITHOUT REGARD AS TO
9 WHEN A NON-PUBLIC NURSING HOME OBTAINED A CERTIFICATE OF NEED OR
10 A LETTER OF NONREVIEWABILITY FROM THE DEPARTMENT OF HEALTH IF
11 THERE WAS NO INTERMEDIATE CARE OR SKILLED NURSING FACILITY
12 LOCATED WITHIN A COUNTY AS OF JANUARY 1, 1983;

13 * * *

14 Section 2 3. This act shall take effect immediately.

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