

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1766 Session of
1991

INTRODUCED BY D. W. SNYDER, BIRMELIN, BARLEY, BUNT, CLARK,
CORNELL, DEMPSEY, FARGO, FLICK, GEIST, GLADECK, HECKLER,
JOHNSON, MARSICO, NOYE, PITTS, REBER, RYAN, SAURMAN, SERAFINI
AND S. H. SMITH, JUNE 25, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JUNE 25, 1991

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," repealing provisions relating to
10 certificates of need; and making an editorial change.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The title of the act of July 19, 1979 (P.L.130,
14 No.48), known as the Health Care Facilities Act, is amended to
15 read:

AN ACT

17 Relating to health care; [prescribing the powers and duties of
18 the Department of Health; establishing and providing the
19 powers and duties of the State Health Coordinating Council,
20 health systems agencies and Health Care Policy Board in the
21 Department of Health, and State Health Facility Hearing Board

1 in the Department of Justice; providing for certification of
2 need of health care providers] and prescribing penalties.

3 Section 2. Sections 102 and 103 and Chapters 2, 3 and 4 of
4 the act are repealed.

5 Section 3. Section 501 of the act is amended to read:

6 Section [501] 802.2. State Health Facility Hearing Board.

7 There is hereby created the State Health Facility Hearing
8 Board in the [Department of Justice] Office of General Counsel

9 which shall consist of three members who shall initially be
10 appointed for terms of one, two and three years respectively by
11 the Governor and confirmed by a majority vote of the Senate.

12 Thereafter, appointments shall be by the Governor for four year
13 terms. Members shall be chosen for their familiarity and
14 experience with health care facilities or for relevant training
15 and experience which will assist the board to perform its
16 functions. No person shall be chosen who is at the time of
17 appointment an employee of the Commonwealth or of any health
18 care provider. No member shall participate in any action or
19 decision concerning any matter in which the member has an
20 economic interest or other conflict of interest.

21 Section 4. Section 502 of the act is repealed.

22 Section 5. Sections 503 and 504 of the act are amended to
23 read:

24 Section [503] 802.3. Counsel.

25 The Attorney General shall appoint counsel to serve and
26 advise the hearing board and shall replace such counsel upon
27 request of the board.

28 Section [504] 802.4. Hearing board; compensation; expenses.

29 Each member of the hearing board shall be paid travel and
30 other necessary expenses and compensation at a rate to be fixed

1 by the executive board.

2 Section 6. Sections 505, 506 and 507 and Chapters 6 and 7 of
3 the act are repealed.

4 Section 7. Section 803 of the act, added July 12, 1980
5 (P.L.655, No.136), is amended to read:

6 Section 803. Powers of the Department of Health.

7 The Department of Health shall have the power and its duty
8 shall be:

9 (1) to promulgate[, after consultation with the policy
10 board,] the rules and regulations necessary to carry out the
11 purposes and provisions of this chapter; and

12 (2) to assure that the provisions of this chapter and
13 all rules and regulations promulgated under this chapter are
14 enforced.

15 Section 8. Section 805 of the act is amended by adding
16 subsections to read:

17 Section 805. State Health Facility Hearing Board.

18 * * *

19 (a.1) Subpoena.--Persons conducting hearings under this act
20 shall have the power to subpoena witnesses and documents
21 required for the hearing, to administer oaths and examine
22 witnesses and receive evidence in any locality which the hearing
23 board may designate, having regard to the public convenience and
24 proper discharge of its functions and duties.

25 (a.2) Notice.--Notice of hearings before the hearing board
26 shall be given to the parties at least 21 days in advance of the
27 hearing.

28 * * *

29 Section 9. Section 808(a)(5) of the act is repealed.

30 Section 10. This act shall take effect immediately.