

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1213 Session of  
2007

INTRODUCED BY McILVAINE SMITH, DERMODY, BELFANTI, BENNINGTON,  
BLACKWELL, DeLUCA, FABRIZIO, GODSHALL, JOSEPHS, LEACH,  
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K. SMITH, SOLOBAY, R. TAYLOR, WALKO AND YUDICHAK, MAY 1, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 1, 2007

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," repealing provisions  
4 relating to the State plan for regulating personal care  
5 homes; changing the term "personal care home" to "assisted  
6 living facility"; further providing for licensing  
7 definitions; requiring a report on licensing; and making  
8 editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 211 of the act of June 13, 1967 (P.L.31,  
12 No.21), known as the Public Welfare Code, amended December 21,  
13 1988 (P.L.1883, No.185), is repealed:

14 [Section 211. State Plan for Regulating and Licensing  
15 Personal Care Homes.--(a) In accordance with the statutory  
16 authority and responsibility vested in the department to  
17 regulate nonprofit homes for adults which provide personal care  
18 and services and to license for profit personal care homes for  
19 adults, pursuant to Articles IX and X, the department shall  
20 develop and implement a State plan for regulating and licensing

1 said facilities as defined by section 1001 of this act.

2 (b) In developing rules and regulations for the State plan,  
3 the department shall:

4 (1) Distinguish between personal care homes serving less  
5 than eight persons and personal care homes serving more than  
6 eight persons.

7 (2) By July 1, 1981 adopt rules relating to the conduct of  
8 owners and employes of personal care homes relative to the  
9 endorsement or delivery of public or private welfare, pension or  
10 insurance checks by a resident of a personal care home.

11 (3) Not regulate or require the registration of boarding  
12 homes which merely provide room, board and laundry services to  
13 persons who do not need personal care home services.

14 (c) Within three months following the effective date of this  
15 act, the department shall submit to the General Assembly for  
16 comment and review, and publish in the Pennsylvania Bulletin in  
17 accordance with the provisions of the Commonwealth Documents Law  
18 relating to the publication of regulations, a preliminary State  
19 plan for regulating and licensing personal care homes.

20 (d) The preliminary plan shall include, but is not limited  
21 to, the following:

22 (1) Coordination of the department's statutory  
23 responsibilities with those of other State and local agencies  
24 having statutory responsibilities relating to personal care  
25 homes, with particular attention given to the Department of  
26 Labor and Industry, the Department of Environmental Resources,  
27 the Department of Aging and the Pennsylvania Human Relations  
28 Commission. The Department of Labor and Industry shall  
29 promulgate rules and regulations applicable to personal care  
30 homes on a Statewide basis consistent with size distinctions set

1 forth in subsection (b) pertaining to construction and means of  
2 egress.

3 (2) Recommendations for changes in existing State law and  
4 proposed legislation to:

5 (i) Resolve inconsistencies that hinder the department's  
6 implementation of the State plan.

7 (ii) Promote the cost efficiency and effectiveness of  
8 visitations and inspections.

9 (iii) Delegate to other State and local agencies  
10 responsibility for visitations, inspections, referral, placement  
11 and protection of adults residing in personal care homes.

12 (iv) Evaluate the State's fire and panic laws as applied to  
13 personal care homes.

14 (3) Recommendations for implementation of fire safety and  
15 resident care standards relating to personal care homes by  
16 cities of the first class, second class and second class A.

17 (4) A programmatic and fiscal impact statement regarding the  
18 effect of the plan on existing residential programs for the  
19 disabled, including but not limited to skilled nursing homes,  
20 intermediate care facilities, domiciliary care homes, adult  
21 foster care homes, community living arrangements for the  
22 mentally retarded and group homes for the mentally ill and the  
23 effect of the plan on recipients of Supplemental Security  
24 Income.

25 (5) Cost analysis of the entire plan and of all regulations  
26 that will be proposed pursuant to the plan.

27 (6) Number of personnel at the State, regional and county  
28 level required to inspect personal care homes and monitor and  
29 enforce final rules and regulations adopted by the department.

30 (7) Process for relocating residents of personal care homes

1 whose health and safety are in imminent danger.

2 (e) If the department deems that it is in the best interest  
3 of the Commonwealth to develop a plan for implementation on a  
4 phased basis, the department shall submit a detailed schedule of  
5 the plan to the General Assembly which shall be part of the  
6 preliminary State plan.

7 (f) Within six months of the effective date of this act, the  
8 department shall adopt a final State plan which shall be  
9 submitted and published in the same manner as the preliminary  
10 plan.

11 (g) The final plan shall include the information required in  
12 the preliminary plan and, in addition, the cost to operators of  
13 personal care homes for compliance with the regulations.

14 (h) At no time may the department change, alter, amend or  
15 modify the final State plan, except in emergency situations,  
16 without first publishing such change in the Pennsylvania  
17 Bulletin in accordance with the Commonwealth Documents Law  
18 relating to publication of regulations and without first  
19 submitting the proposed change to the General Assembly for  
20 comment and review. In an emergency, the department may change,  
21 alter, amend or modify the State plan without publishing the  
22 change or submitting the change to the General Assembly; but,  
23 within thirty days, the department shall submit and publish the  
24 change as otherwise required.

25 (i) The State plan shall not apply to any facility operated  
26 by a religious organization for the care of clergymen or other  
27 persons in a religious profession.

28 (j) Prior to January 1, 1985, department regulations shall  
29 not apply to personal care homes in which services are  
30 integrated with, are under the same management as, and on the

1 same grounds as a skilled nursing or intermediate care facility  
2 licensed for more than twenty-five beds and having an average  
3 daily occupancy of more than fifteen beds. Prior to January 1,  
4 1985 the department may require registration of such facilities  
5 and may visit such facilities for the purpose of assisting  
6 residents and securing information regarding facilities of this  
7 nature.

8 (k) Any regulations by the department relating to the  
9 funding of residential care for the mentally ill or mentally  
10 retarded adults and any regulations of the Department of Aging  
11 relating to domiciliary care shall use as their base,  
12 regulations established in accordance with this section.  
13 Supplementary requirements otherwise authorized by law may be  
14 added.

15 (l) After initial approval, personal care homes need not be  
16 visited or inspected annually; provided that the department  
17 shall schedule inspections in accordance with a plan that  
18 provides for the coverage of at least seventy-five percent of  
19 the licensed personal care homes every two years and all homes  
20 shall be inspected at least once every three years.

21 (m) Regulations specifically related to personal care homes  
22 or personal care home services adopted prior to the effective  
23 date of this act shall remain in effect until superseded by a  
24 final plan adopted in accordance with this section.]

25 Section 2. Sections 212, 213, 1001, 1006, 1057.1, 1057.2 and  
26 1057.3 of the act, amended or added December 21, 1988 (P.L.1883,  
27 No.185), are amended to read:

28 Section 212. Intra-Governmental Council on Long-Term Care.--

29 (a) The General Assembly hereby establishes the Intra-  
30 Governmental Council on Long-Term Care.

(b) The Intra-Governmental Council on Long-Term Care shall be composed of and appointed in accordance with the following:

(1) The Secretary of Aging.

(2) The Secretary of Community [Affairs] and Economic Development.

(3) The Secretary of Health.

(4) The Secretary of Public Welfare.

(5) The Insurance Commissioner.

(6) Two members of the Senate, one appointed by the President pro tempore and one by the Minority Leader.

(7) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one by the Minority Leader.

(8) One representative from the Pennsylvania Council on Aging.

(9) One representative of the [personal care home] assisted living facility industry, who shall be an owner or administrator of a licensed [personal care home] assisted living facility, appointed by the Governor.

(10) Such other members of the public who represent special needs populations, provider communities, business, labor and consumers as the Governor shall appoint.

(c) The Secretary of Aging shall serve as chairperson.

(d) (1) The terms of the Secretary of Aging, the Secretary of Community [Affairs] and Economic Development, the Secretary of Health, the Secretary of Public Welfare and the Insurance Commissioner shall be concurrent with their holding of public office.

(2) The terms of the members of the Senate and the House of Representatives shall be concurrent with the terms of the

1 appointing officer.

2 (3) Nongovernmental members shall be recommended by the  
3 Secretary of Aging for appointment by the Governor and shall  
4 serve until their successors are appointed.

5 (e) The Intra-Governmental Council on Long-Term Care shall  
6 have the following powers and duties:

7 (1) To consult with the department and make recommendations  
8 on regulations, licensure and any other responsibilities of the  
9 department relating to [personal care homes] assisted living  
10 facilities.

11 (2) To perform such other duties as the Governor may assign  
12 in planning for long-term care services.

13 (f) The department, in developing rules and regulations for  
14 licensure of [personal care homes] assisted living facilities,  
15 shall take into consideration the recommendations of the Intra-  
16 Governmental Council on Long-Term Care.

17 Section 213. [Personal Care Home] Assisted Living Facility  
18 Administrator.--(a) After December 31, 1990, all [personal care  
19 homes] assisted living facilities shall identify and appoint [a  
20 personal care home] an assisted living facility administrator or  
21 administrators who meet the qualifications provided in this  
22 section.

23 (b) [A personal care home] An assisted living facility  
24 administrator shall:

25 (1) be at least twenty-one years of age and be of good moral  
26 character; and

27 (2) have knowledge, education and training in all of the  
28 following:

29 (i) fire prevention and emergency planning;

30 (ii) first aid, medications, medical terminology and

1 personal hygiene;

2 (iii) local, State and Federal laws and regulations;

3 (iv) nutrition, food handling and sanitation;

4 (v) recreation;

5 (vi) mental illness and gerontology;

6 (vii) community resources and social services; and

7 (viii) staff supervision, budgeting, financial record

8 keeping and training; or

9 (3) be a licensed nursing home administrator. The department  
10 may establish separate standards of knowledge and training for  
11 licensed nursing home administrators who wish to operate [a  
12 personal care home] an assisted living facility.

13 (c) The department may promulgate regulations requiring  
14 orientation and training for all direct care staff in [a  
15 personal care home] an assisted living facility.

16 (d) By June 1, 1989, the department shall by regulation  
17 develop such standards for knowledge, education or training to  
18 meet the standards of this section.

19 (e) If not otherwise available, the department shall  
20 schedule, and offer at cost, training and educational programs  
21 for a person to meet the knowledge, educational and training  
22 requirements established by this act.

23 Section 1001. Definitions.--As used in this article--

24 "Adult day care" means care given for part of the twenty-four  
25 hour day to adults requiring assistance to meet personal needs  
26 and who, because of physical or mental infirmity, cannot  
27 themselves meet these needs, but who do not require nursing  
28 care.

29 "Adult day care center" means any premises operated for  
30 profit, in which adult day care is simultaneously provided for



1 four or more adults who are not relatives of the operator.

2 "Assisted living facility" means any premises in which food,  
3 shelter and personal assistance or supervision are provided for  
4 a period exceeding twenty-four hours for four or more adults who  
5 are not relatives of the operator, who do not require the  
6 services in or of a licensed long-term care facility but who do  
7 require assistance or supervision in such matters as dressing,  
8 bathing, diet, financial management, evacuation of a residence  
9 in the event of an emergency or medication prescribed for self-  
10 administration.

11 "Assisted living facility administrator" means an individual  
12 who is charged with the general administration of an assisted  
13 living facility, whether or not such individual has an ownership  
14 interest in the facility or his functions and duties are shared  
15 with other individuals.

16 "Boarding home for children" means any premises operated for  
17 profit in which care is provided for a period exceeding twenty-  
18 four hours for any child or children under sixteen years of age,  
19 who are not relatives of the operator and who are not  
20 accompanied by parent, individual standing in loco parentis or  
21 legal guardian. The term shall not be construed to include any  
22 such premises selected for care of such child or children by a  
23 parent, individual standing in loco parentis or legal guardian  
24 for a period of thirty days or less, nor any such premises  
25 conducted under social service auspices.

26 "Child day care" means care in lieu of parental care given  
27 for part of the twenty-four hour day to children under sixteen  
28 years of age, away from their own homes, but does not include  
29 child day care furnished in places of worship during religious  
30 services.

1 "Child day care center" means any premises operated for  
2 profit in which child day care is provided simultaneously for  
3 seven or more children who are not relatives of the operator,  
4 except such centers operated under social service auspices.

5 "Direct care staff" means a person who directly assists  
6 residents with activities of daily living; provides services; or  
7 is otherwise responsible for the health, safety and welfare of  
8 the residents.

9 "Facility" means an adult day care center, child day care  
10 center, family day care home, boarding home for children, mental  
11 health establishment, [personal care home] assisted living  
12 facility, nursing home, hospital or maternity home, as defined  
13 herein, and shall not include those operated by the State or  
14 Federal governments or those supervised by the department.

15 "Hospital" means any premises, other than a mental health  
16 establishment as defined herein, operated for profit, having an  
17 organized medical staff and providing equipment and services  
18 primarily for inpatient care for two or more individuals who  
19 require definitive diagnosis and/or treatment for illness,  
20 injury or other disability or during or after pregnancy, and  
21 which also regularly makes available at least clinical  
22 laboratory services, diagnostic X-ray services and definitive  
23 clinical treatment services. The term shall include such  
24 premises providing either diagnosis or treatment, or both, for  
25 specific illnesses or conditions.

26 "Immobile person" means an individual who is unable to move  
27 from one location to another or has difficulty in understanding  
28 and carrying out instructions without the continued full  
29 assistance of other persons, or is incapable of independently  
30 operating a device such as a wheelchair, prosthesis, walker or

1 cane to exit a building.

2 "Maternity home" means any premises operated for profit in  
3 which, within a period of six months, any person receives more  
4 than one woman or girl, not a relative of the operator, for care  
5 during pregnancy or immediately after delivery.

6 "Mental health establishment" means any premises or part  
7 thereof, private or public, for the care of individuals who  
8 require care because of mental illness, mental retardation or  
9 inebriety but shall not be deemed to include the private home of  
10 a person who is rendering such care to a relative.

11 "Nursing home" means any premises operated for profit in  
12 which nursing care and related medical or other health services  
13 are provided, for a period exceeding twenty-four hours, for two  
14 or more individuals, who are not relatives of the operator, who  
15 are not acutely ill and not in need of hospitalization, but who,  
16 because of age, illness, disease, injury, convalescence or  
17 physical or mental infirmity need such care.

18 "Person" means any individual, partnership, association or  
19 corporation operating a facility.

20 ["Personal care home" means any premises in which food,  
21 shelter and personal assistance or supervision are provided for  
22 a period exceeding twenty-four hours for four or more adults who  
23 are not relatives of the operator, who do not require the  
24 services in or of a licensed long-term care facility but who do  
25 require assistance or supervision in such matters as dressing,  
26 bathing, diet, financial management, evacuation of a residence  
27 in the event of an emergency or medication prescribed for self  
28 administration.

29 "Personal care home administrator" means an individual who is  
30 charged with the general administration of a personal care home,

1 whether or not such individual has an ownership interest in the  
2 home or his functions and duties are shared with other  
3 individuals.]

4 "Personal care services" means assistance or supervision in  
5 matters such as dressing, bathing, diet, financial management,  
6 evacuation in the event of a residence in an emergency or  
7 medication prescribed for self-administration.

8 "Relative" means parent, child, stepparent, stepchild,  
9 grandparent, grandchild, brother, sister, half brother, half  
10 sister, aunt, uncle, niece, nephew.

11 "Social service auspices" means any nonprofit agency  
12 regularly engaged in the affording of child or adult care.

13 Section 1006. Fees.--Annual licenses shall be issued when  
14 the proper fee, if required, is received by the department and  
15 all the other conditions prescribed in this act are met. For  
16 [personal care homes] assisted living facilities, the fee shall  
17 be an application fee. The fees shall be:

18 Facility	Annual Fee
19 Adult day care center	\$ 15
20 Mental health establishment	50
21 [Personal care home] <u>Assisted living facility</u> -- 0 - 20 beds	
22 -- 21 - 50 beds	20
23 -- 51 - 100 beds	30
24 --101 beds and above	50

25 No fee shall be required for the annual license in the case  
26 of day care centers, family day care homes, boarding homes for  
27 children or for public or nonprofit mental institutions.

28 Section 1057.1. Appeals.--(a) An appeal from the decision  
29 of the department relating to the licensure or revocation of [a  
30 personal care home] an assisted living facility shall not act as

1 a supersedeas but, upon cause shown and where circumstances  
2 require it, the reviewing authority shall have the power to  
3 grant a supersedeas.

4 (b) If, without good cause, one or more Class I or Class II  
5 violations remain uncorrected or when the [home] assisted living  
6 facility has demonstrated a pattern of episodes of noncompliance  
7 alternating with compliance over a period of at least two years  
8 such as would convince a reasonable person that any correction  
9 of violations would be unlikely to be maintained, the department  
10 may petition the court to appoint a master designated as  
11 qualified by the department to assume operation of the [home]  
12 assisted living facility at the [home's] assisted living  
13 facility's expense for a specified period of time or until all  
14 violations are corrected and all applicable laws and regulations  
15 are complied with.

16 Section 1057.2. Relocation.--(a) The department, in  
17 conjunction with appropriate local authorities, shall relocate  
18 residents from [a personal care home] an assisted living  
19 facility if any of the following conditions exist:

20 (1) The [home] assisted living facility is operating without  
21 a license.

22 (2) The licensee is voluntarily closing [a home] an assisted  
23 living facility and relocation is necessary for the health and  
24 welfare of the resident or residents.

25 (b) The department shall offer relocation assistance to  
26 residents relocated under this section. Except in an emergency,  
27 the resident shall be involved in planning his transfer to  
28 another placement and shall have the right to choose among the  
29 available alternative placements. The department may make  
30 temporary placement until final placement can be arranged.

1 Residents shall be provided with an opportunity to visit  
2 alternative placement before relocation or following temporary  
3 emergency relocation. Residents shall choose their final  
4 placement and shall be given assistance in transferring to such  
5 place.

6 (c) Residents shall not be relocated pursuant to this  
7 section if the secretary determines, in writing, that such  
8 relocation is not in the best interest of the resident.

9 Section 1057.3. Rules and Regulations for [Personal Care  
10 Home] Assisted Living Facility.--(a) The rules and regulations  
11 for the licensing of [personal care homes] assisted living  
12 facilities promulgated by the department shall require that:

13 (1) Prior to a resident's admission to [a personal care  
14 home] an assisted living facility, an initial standardized  
15 screening instrument be completed for that resident by the  
16 [personal care home] assisted living facility provider or a  
17 human service agency. Such standardized screening instrument  
18 shall be developed by the department. This screening will be  
19 done to determine that the potential resident does not require  
20 the services in or of a long-term care facility or whether the  
21 potential resident requires personal care services and, if so,  
22 the nature of the services and supervision necessary.

23 (2) In addition to the screening, each resident receive a  
24 complete medical examination by a physician prior to, or within  
25 thirty days of, admission and that, once admitted, each resident  
26 receive a screening and medical evaluation at least annually.

27 (3) [A personal care] An assisted living facility  
28 administrator refer an applicant whose needs cannot be met by [a  
29 personal care home] an assisted living facility to an  
30 appropriate assessment agency.

1 (4) Each resident be provided by the administrator with  
2 notice of any Class I or Class II violations uncorrected after  
3 five days.

4 (5) All residents sign a standard written admission  
5 agreement which shall include the disclosure to each resident of  
6 the actual rent and other charges for services provided by the  
7 [personal care home] assisted living facility.

8 (6) For residents eligible for Supplemental Security Income  
9 (SSI) benefits, actual rent and other charges not exceed the  
10 resident's actual current monthly income reduced by a personal  
11 needs allowance for the resident in an amount to be determined  
12 by the department, but not less than twenty-five dollars (\$25).

13 (7) [A personal care home] An assisted living facility not  
14 seek or accept any payments from a resident who is a  
15 Supplemental Security Income (SSI) recipient in excess of one-  
16 half of any funds received by the resident under the former act  
17 of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens  
18 Rebate and Assistance Act."

19 (8) [A personal care home] An assisted living facility not  
20 seek or accept from a resident who is eligible for Supplemental  
21 Security Income (SSI) benefits any payment from any funds  
22 received as lump sum awards, gifts or inheritances, gains from  
23 the sale of property, or retroactive government benefits:  
24 Provided, however, That an owner or operator may seek and accept  
25 payments from funds received as retroactive awards of Social  
26 Security or Supplemental Security Income (SSI) benefits, but  
27 only to the extent that the retroactive awards cover periods of  
28 time during which the resident actually resided in the [personal  
29 care home] assisted living facility.

30 (9) Each resident who is a recipient of, or an eligible

1 applicant for, Supplemental Security Income (SSI) benefits be  
2 provided, at no additional charge to the resident, necessary  
3 personal hygiene items and personal laundry services. This  
4 requirement does not include cosmetic items.

5 (10) All residents may leave and return to the [personal  
6 care home] assisted living facility, receive visitors, have  
7 access to a telephone and mail and participate in religious  
8 activities.

9 (11) [Personal care home] Assisted living facility owners,  
10 administrators or employees be prohibited from being assigned  
11 power of attorney or guardianship for any resident.

12 (b) The department shall not prohibit immobile persons who  
13 do not require the services of a licensed long-term care  
14 facility, but who require personal care services, from residing  
15 in [a personal care home] an assisted living facility, provided  
16 that the design, construction, staffing or operation of the  
17 [personal care home] assisted living facility allows for safe  
18 emergency evacuation.

19 Section 3. Subarticle (d) heading of Article X of the act,  
20 added December 21, 1988 (P.L.1883, No.185), is amended to read:

21 (d) [Personal Care Home] Assisted Living Facility

22 Section 4. Sections 1086 and 1087 of the act, added December  
23 21, 1988 (P.L.1883, No.185), are amended to read:

24 Section 1086. Penalties.--(a) The department shall assess a  
25 penalty for each violation of this subarticle or regulations of  
26 the department. Penalties shall be assessed on a daily basis  
27 from the date on which the citation was issued until the date  
28 such violation is corrected except in the case of Class II  
29 violations. In the case of Class II violations, assessment of a  
30 penalty shall be suspended for a period of five days from the



1 date of citation provided that, except for good cause, the  
2 provider has corrected the violation. If the violation has not  
3 been corrected within the five-day period, the fine shall be  
4 retroactive to the date of citation.

5 (b) The department shall assess a penalty of twenty dollars  
6 (\$20) per resident per day for each Class I violation.

7 (c) The department shall assess a minimum penalty of five  
8 dollars (\$5) per resident per day, up to a maximum of fifteen  
9 dollars (\$15) per resident per day, for each Class II violation.

10 (d) There shall be no monetary penalty for Class III  
11 violations unless the provider fails to correct the Class III  
12 violation within fifteen days. Failure to correct the violation  
13 within fifteen days may result in an assessment of up to three  
14 dollars (\$3) per resident per day for each Class III violation,  
15 retroactive to the date of the citation.

16 (e) [A personal care home] An assisted living facility found  
17 to be operating without a license shall be assessed a penalty of  
18 five hundred dollars (\$500). If, after fourteen days, a provider  
19 of [a personal care home] an assisted living facility cited for  
20 operating without a license fails to file an application for a  
21 license, the department shall assess an additional twenty  
22 dollars (\$20) for each resident for each day in which the home  
23 fails to make such application.

24 (f) Any provider charged with violation of this act shall  
25 have thirty days to pay the assessed penalty in full, or, if the  
26 provider wishes to contest either the amount of the penalty or  
27 the fact of the violation, the party shall forward the assessed  
28 penalty, not to exceed five hundred dollars (\$500), to the  
29 Secretary of Public Welfare for placement in an escrow account  
30 with the State Treasurer. If, through administrative hearing or

1 judicial review of the proposed penalty, it is determined that  
2 no violation occurred or that the amount of the penalty shall be  
3 reduced, the secretary shall within thirty days remit the  
4 appropriate amount to the provider with any interest accumulated  
5 by the escrow deposit. Failure to forward the payment to the  
6 secretary within thirty days shall result in a waiver of rights  
7 to contest the fact of the violation or the amount of the  
8 penalty. The amount assessed after administrative hearing or a  
9 waiver of the administrative hearing shall be payable to the  
10 Commonwealth of Pennsylvania and shall be collectible in any  
11 manner provided by law for the collection of debts. If any  
12 provider liable to pay such penalty neglects or refuses to pay  
13 the same after demand, such failure to pay shall constitute a  
14 judgment in favor of the Commonwealth in the amount of the  
15 penalty, together with the interest and any costs that may  
16 accrue.

17 (g) Money collected by the department under this section  
18 shall be placed in a special restricted receipt account and  
19 shall be first used to defray the expenses incurred by residents  
20 relocated under this act. Any moneys remaining in this account  
21 shall annually be remitted to the department for enforcing the  
22 provisions of this subarticle. Fines collected pursuant to this  
23 act shall not be subject to the provisions of 42 Pa.C.S. § 3733  
24 (relating to deposits into account).

25 (h) The department shall promulgate regulations necessary  
26 for the implementation of this section in order to ensure  
27 uniformity and consistency in the application of penalties.

28 Section 1087. Revocation or Nonrenewal of License.--(a) (1)  
29 The department shall temporarily revoke the license of [a  
30 personal care home] an assisted living facility if, without good

1 cause, one or more Class I violations remain uncorrected twenty-  
2 four hours after the [personal care home] assisted living  
3 facility has been cited for such violation or if, without good  
4 cause, one or more Class II violations remain uncorrected  
5 fifteen days after being cited for such violation.

6 (2) Upon the revocation of a license pursuant to this  
7 subsection, all residents shall be relocated.

8 (3) The revocation may terminate upon the department's  
9 determination that its violation is corrected.

10 (4) If, after three months, the department does not issue a  
11 new license for [a personal care home] an assisted living  
12 facility license revoked pursuant to this section:

13 (i) Such revocation or nonrenewal pursuant to this section  
14 shall be for a minimum period of five years.

15 (ii) No provider of [a personal care home] an assisted  
16 living facility who has had a license revoked or not renewed  
17 pursuant to this section shall be allowed to operate or staff or  
18 hold an interest in [a home] an assisted living facility that  
19 applies for a license for a period of five years after such  
20 revocation or nonrenewal.

21 (b) The department shall revoke or refuse to renew the  
22 license of [a personal care home] an assisted living facility  
23 if, during any two-year period, [the home,] without good cause,  
24 on two or more separate occasions, it has been found to have  
25 violated a regulation of the department which has been  
26 categorized as Class I.

27 (c) The power of the department to revoke or refuse to renew  
28 or issue a license pursuant to this section is in addition to  
29 the powers and duties of the department pursuant to section  
30 1026.

1 Section 5. The act is amended by adding a section to read:

2 Section 1088. Report to Governor and General Assembly.--By

3 February 1, the department shall submit an annual report

4 relating to the licensing and inspection of assisted living

5 facilities to the Governor, the Chief Clerk of the Senate and

6 the Chief Clerk of the House of Representatives. The report

7 shall include the following information covering the preceding

8 calendar year:

9 (1) Total number of licensed assisted living facilities.

10 (2) Total number of residents in licensed assisted living  
11 facilities.

12 (3) Total number of assisted living facilities which have  
13 received an annual inspection.

14 (4) Total number of licensing inspectors, Statewide and by  
15 county.

16 (5) Ratio of licensing staff per licensed assisted living  
17 facility.

18 (6) Number of assisted living facilities operating with a  
19 provisional license, Statewide and by county.

20 (7) Number of assisted living facilities operating with a  
21 full license, Statewide and by county.

22 (8) Number of assisted living facilities which the  
23 department has closed or taken legal action to close.

24 (9) Description of types of violations of this article,  
25 frequency of violations and length of time to correct  
26 deficiencies.

27 (10) Extent to which the department assessed financial  
28 penalties against licensed assisted living facilities as  
29 provided for in this article.

30 (11) Specific plans of the department to ensure compliance

1 with this act regarding inspection of licensed assisted living  
2 facilities and enforcement of regulations.

3 (12) Other information the department deems pertinent.

4 Section 6. Any reference in statute or regulation to  
5 "personal care home" shall be deemed a reference to an "assisted  
6 living facility."

7 Section 7. This act shall take effect in 60 days.