

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 837

Session of
1985

INTRODUCED BY O'DONNELL, BARBER, DAWIDA, KUKOVICH, PISTELLA,
E. Z. TAYLOR, J. L. WRIGHT, HALUSKA, PETRARCA, BATTISTO,
MORRIS, FISCHER, COHEN, SEVENTY, KOSINSKI, HAGARTY, TRELLO,
DALEY, VAN HORNE, RYBAK, SIRIANNI, BLAUM AND FEE, APRIL 10,
1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 10, 1985

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," further providing for
4 personal care boarding homes.

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

7 Section 1. The definition of "personal care home for adults"
8 in section 1001 of the act of June 13, 1967 (P.L.31, No.21),
9 known as the Public Welfare Code, amended July 10, 1980
10 (P.L.493, No.105), is amended to read:

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

12 * * *

13 "Personal care home for adults" means any premises in which
14 food[, shelter and personal assistance or supervision] and
15 shelter are provided for a period exceeding twenty-four
16 consecutive hours for [more than three] two or more adults who
17 are not relatives of the operator and who require personal care

1 services including assistance or supervision in such matters as
2 dressing, bathing, diet or medication prescribed for self
3 administration[.], or for financial management. Any State or
4 county agency, for the purpose of determining whether a premises
5 is a personal care home for adults, shall have the power to
6 determine if a person requires personal care services.

7 * * *

8 Section 2. Article X of the act is amended by adding a
9 subarticle to read:

10 ARTICLE X

11 DEPARTMENTAL POWERS AND DUTIES AS TO LICENSING

12 * * *

13 (d) Personal Care Boarding Homes for Adults

14 Section 1090. Classification of Violations.--The department
15 shall classify each violation of its regulations on personal
16 care boarding homes or any violation of the rules and
17 regulations of any other State agency or local ordinance or
18 regulation into one of the following categories:

19 (1) Class I. A violation which indicates a substantial
20 probability that death or serious mental or physical harm to any
21 resident will result.

22 (2) Class II. A violation which has an adverse effect upon
23 the health, safety or well-being of any resident.

24 (3) Class III. A de minimus violation which has no adverse
25 effect upon the health, safety or well-being of any resident.

26 Section 1091. Penalties.--(a) The department shall assess a
27 penalty for each violation of this subarticle or regulations of
28 the department. Penalties shall be assessed on a daily basis
29 from the date on which a citation was issued until the date such
30 violation is corrected.

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

3 (c) The department shall assess a penalty of five dollars
4 (\$5) per resident per day for each Class II violation.

5 (d) There shall be no monetary penalty for Class III
6 violations.

7 (e) A personal care boarding home found to be operating
8 without a license shall be assessed a penalty of five hundred
9 dollars (\$500). If, after thirty days, an operator of a personal
10 care boarding home cited for operating without a license fails
11 to file an application for a license, the department shall
12 assess an additional twenty dollars (\$20) for each resident for
13 each day in which the home fails to make such application.

14 (f) A personal care boarding home which has been found to
15 have violated the same regulation or provision of this
16 subarticle within any two-year period shall be subject to a
17 penalty triple the amount provided in this section.

18 (g) Money collected by the department under this section
19 shall be placed in a special restricted receipt account and
20 shall be first used to defray the expenses incurred by residents
21 relocated under section 1093. Any moneys remaining in this
22 account shall annually be remitted to the department for
23 enforcing the provisions of this subarticle.

24 Section 1092. Revocation or Nonrenewal of License.--(a)

25 (1) The department shall temporarily revoke the license of a
26 personal care boarding home if without good cause one or more
27 Class I violations remain uncorrected twenty-four hours after
28 the personal care boarding home has been cited for such
29 violation or if without good cause one or more Class II
30 violations remain uncorrected fifteen days after being cited for

1 such violation.

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

4 (3) The revocation shall terminate upon the department's
5 determination that its violation is corrected.

6 (4) If after three months, the violations remain uncorrected
7 the license of the personal care boarding home shall be
8 permanently revoked.

9 (b) The department shall revoke or refuse to renew the
10 license of a personal care boarding home for adults if during
11 any two-year period, the home, on three or more separate
12 occasions, has been found to have violated a regulation of the
13 department which has been categorized as Class I.

14 (c) The power of the department to revoke or refuse to renew
15 or issue a license pursuant to this section is in addition to
16 the powers and duties of the department pursuant to section
17 1026.

18 (d) Any licenses revoked or not renewed pursuant to this
19 section shall be for a minimum period of five years.

20 (e) No provider of a personal care boarding home for adults
21 who has had a license revoked or not renewed pursuant to this
22 section shall be allowed to operate or staff or hold an interest
23 in a facility that applies for a license for a period of five
24 years after such revocation or nonrenewal.

25 Section 1093. Relocation of Residents.--(a) The department,
26 in cooperation with appropriate local authorities, shall
27 relocate residents from a personal care boarding home for adults
28 if any of the following conditions exist:

29 (1) One or more Class I violations remain uncorrected
30 twenty-four hours after the personal care boarding home has been

1 cited for such violation.

2 (2) One or more Class II violations remain uncorrected
3 fifteen days after the personal care boarding home has been
4 cited for such violations.

5 (3) The home is operating without a license.

6 (4) The licensee is voluntarily closing a home and
7 relocation is necessary for the health and welfare of the
8 resident or residents.

9 (b) The department in cooperation with local agencies shall
10 offer relocation assistance to residents relocated under this
11 section. A resident shall be provided written notice of the
12 relocation and shall be involved in planning his transfer to
13 another placement and shall have the right to choose among the
14 available alternative placements, except that if an emergency
15 situation makes prior resident involvement impossible, the
16 agency in cooperation with appropriate local authorities may
17 make a temporary placement until a final placement can be
18 arranged. Residents shall be provided with an opportunity to
19 visit alternatives before relocation or following temporary
20 emergency relocation. Residents may choose their final
21 alternative placement and shall be given assistance in
22 transferring to such place.

23 Section 3. This act shall take effect in 90 days.