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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 307      Session of  
1989

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INTRODUCED BY RYBAK, TIGUE, DURHAM, FOX, DeLUCA, KOSINSKI,  
CAWLEY, McVERRY, J. L. WRIGHT, VEON, BATTISTO, LASHINGER,  
BURD, TRELLO, COLAFELLA, JOSEPHS, MELIO, BELARDI, MAIALE,  
SEMMELE, STABACK, ACOSTA, COHEN, McNALLY, OLASZ AND RAYMOND,  
FEBRUARY 7, 1989

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 7, 1989

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AN ACT

1 Establishing the Office of Patient Advocate in the Department of  
2 Health; and making an appropriation.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Patient  
7 Advocacy Act.

8 Section 2. Purpose.

9 The purpose of this act is to assure adequate patient care  
10 for chronically ill or chronically disabled patients in  
11 hospitals, rehabilitation facilities and long-term health care  
12 facilities, such as nursing homes.

13 Section 3. Office of Patient Advocate.

14 (a) Creation.--There is hereby created the Office of Patient  
15 Advocate in the Department of Health to represent each  
16 chronically ill or chronically disabled person in this

1 Commonwealth who receives medical care in a hospital,  
2 rehabilitation facility or long-term health care facility.

3 (b) Administration of office.--The Secretary of Health shall  
4 appoint a director of the Office of Patient Advocate. The  
5 director shall be responsible for the administration of the  
6 powers and duties of the office. The director may hire staff as  
7 necessary.

8 (c) Powers.--The Office of Patient Advocate shall have the  
9 following powers:

10 (1) To visit hospitals, rehabilitation facilities and  
11 long-term health care facilities for on-site inspections of  
12 treatment provided to chronically ill and chronically  
13 disabled patients.

14 (2) To interrogate chronically ill and chronically  
15 disabled patients to determine whether they are being  
16 provided with satisfactory care consistently.

17 (3) To require hospitals, rehabilitation facilities and  
18 long-term health care facilities to educate all patients  
19 about their right to consistently satisfactory care and about  
20 the availability of the Office of Patient Advocate, and to  
21 require such institutions to post signs which list the  
22 address and telephone number of the Office of Patient  
23 Advocate.

24 (4) To take cases before the Secretary of Health on  
25 behalf of a patient or group of patients who appear to have  
26 received inadequate care from a hospital, rehabilitation  
27 facility or long-term health care facility.

28 Section 4. Duty of other departments.

29 To further the purpose of this act, a person who inspects a  
30 hospital, rehabilitation facility or long-term health care

1 facility on behalf of any of the following departments shall  
2 report any patient care irregularities observed during the  
3 inspection to the Office of Patient Advocate:

- 4 (1) Department of Aging.
- 5 (2) Department of Health.
- 6 (3) Department of Labor and Industry.
- 7 (4) Department of Public Welfare.

8 Section 5. Powers of Secretary of Health.

9 In addition to powers already conferred by other law, the  
10 Secretary of Health may:

- 11 (1) Make determinations in any case brought before the  
12 Secretary of Health by the Office of Patient Advocate.
- 13 (2) Issue citations on or suspend licenses of hospitals,  
14 rehabilitation facilities and long-term health care  
15 facilities which the Secretary of Health determines are  
16 providing inadequate patient care.
- 17 (3) Promulgate rules and regulations necessary to carry  
18 out the provisions of this act.

19 Section 6. Limitation on office.

20 The Director of the Office of Patient Advocate shall order  
21 that the office withdraw from advocating for a patient whose  
22 complaint is frivolous.

23 Section 7. Appropriation.

24 The sum of \$165,000, or as much thereof as may be necessary,  
25 is hereby appropriated to the Department of Health to carry out  
26 the provisions of this act.

27 Section 8. Effective date.

28 This act shall take effect in 90 days.