
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 471 Session of
1997

INTRODUCED BY BELFANTI, TIGUE, McCALL, SURRA, M. COHEN, COY,
BEBKO-JONES, BOSCOLA, RAMOS, BELARDI, VEON, OLASZ, TRAVAGLIO,
ROONEY, TRELLO, SHANER, LEVDANSKY, THOMAS, CURRY, PESCI,
DeLUCA, JAMES, PISTELLA, ITKIN, DALEY, YOUNGBLOOD, STABACK,
WALKO, JOSEPHS, STURLA, PRESTON, SCRIMENTI, CASORIO AND
TRICH, FEBRUARY 12, 1997

REFERRED TO COMMITTEE ON AGING AND YOUTH, FEBRUARY 12, 1997

AN ACT

1 Providing for certain records and other information to be
2 returned and made available by nursing homes; and providing
3 for additional duties of the Department of Public Welfare.

4 The General Assembly finds and declares as follows:

5 (1) That this Commonwealth has a large and growing
6 population of senior and disabled persons whose family
7 members and friends are increasingly dependent on nursing
8 home care.

9 (2) That significant resources are necessary for the
10 care of our senior and disabled citizens who reside in
11 nursing homes.

12 (3) That the nursing home industry is a growth industry
13 in this Commonwealth which requires immediate safeguards in
14 the public interest.

15 (4) That for-profit nursing homes and nursing home
16 chains that receive public money have the responsibility to

1 report to residents and their families on safety and health
2 matters, quality-of-care issues and situations which pose
3 imminent or potential hazards to nursing home residents and
4 the people who care for them.

5 (5) That family members and friends have the right to
6 know the quality of care provided to their loved ones.

7 (6) That the public has the right to know information
8 affecting the care of senior and disabled residents in the
9 nearly 700 nursing homes across this Commonwealth.

10 (7) That the Department of Health and the Department of
11 Public Welfare are responsible to ensure that such moneys
12 appropriated by the General Assembly for that purpose are
13 directed to nursing homes that provide quality care for our
14 senior and disabled citizens.

15 (8) That the Department of Public Welfare is responsible
16 to ensure that such funding is spent prudently in a manner
17 which promotes and advances resident care.

18 (9) That senior and disabled citizens who are residents
19 of nursing homes should not have patient care appropriations
20 used for payment of legal representation costs in defense of
21 unlawful conduct.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Maintenance of records.

25 Any nursing home corporation operating within this
26 Commonwealth shall maintain the following records for a ten-year
27 period:

28 (1) Safety and health inspections.

29 (2) Occupational Safety and Health Act complaints under
30 the Occupational Safety and Health Act of 1970 (Public Law

1 91-596, 29 U.S.C. § 651 et seq.).

2 (3) Wage and hour complaints before the United States
3 Department of Labor.

4 (4) Actions before the National Labor Relations Board.

5 (5) Actions before the Health Care Financing
6 Administration.

7 Section 2. Public right to information.

8 A nursing home corporation receiving public funding shall
9 notify the public of its right to the information set forth in
10 section 1. This notice shall be posted in a conspicuous place
11 accessible and visible to the public at each facility. This
12 information must be made available for the current year and the
13 two years immediately prior to the current year.

14 Section 3. Nursing staff.

15 A nursing home corporation receiving public funding shall
16 post the number of nursing staff directly responsible for
17 resident care. This information shall be posted for each shift,
18 each day and each floor for each job classification. This
19 information must be posted in a location which is visible and
20 accessible to all residents, their families and caregivers in
21 each facility.

22 Section 4. Notification of hazard.

23 A nursing home corporation shall immediately notify the
24 family of every resident of those incidents in which residents
25 and workers are evacuated from the facility or which pose an
26 imminent hazard to residents or workers.

27 Section 5. Enforcement.

28 The Department of Public Welfare shall monitor nursing home
29 corporations for compliance with this act. Nursing home
30 corporations which use public funding for legal representation

1 in defense of unlawful activities shall have public funds
2 withheld in an amount equal to funds improperly used and the
3 cost of enforcement.

4 Section 6. Effective date.

5 This act shall take effect in 60 days.