

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1850 Session of
1999

INTRODUCED BY SNYDER, SEPTEMBER 27, 1999

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
SEPTEMBER 27, 1999

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," providing for the
4 requirements for discharge or transfer from personal care
5 home.

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

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Public Welfare Code, is amended by adding a section to
10 read:

11 Section 213.1. Requirements for Discharge or Transfer From
12 Personal Care Home.--(a) If a personal care home initiates a
13 discharge or transfer of a resident or the licensee chooses to
14 close the personal care home, the personal care home
15 administrator shall give a thirty-day prior written notice to
16 the resident, the designated person and the referral agent
17 citing the reasons for the discharge or transfer.

18 (b) If the licensee chooses to voluntarily close the
19 personal care home, the department, in conjunction with

1 appropriate local authorities, shall offer relocation assistance
2 to each resident. This assistance shall include, but not be
3 limited to, each resident's involvement in planning the
4 transfer, except in the case of an emergency. A resident shall
5 have the right to choose among the available alternatives after
6 an opportunity to visit the alternative personal care homes.
7 These procedures shall occur even if the resident is placed in a
8 temporary living situation.

9 (c) The administrator may require a thirty-day prior written
10 notice from a resident who chooses to leave a personal care
11 home. Except as provided in subsection (d), the resident may be
12 charged for up to thirty days of rent and personal care services
13 after the date of the notice whether or not the resident remains
14 in the personal care home for the entire time period.

15 (d) (1) If a delay in discharge or transfer would
16 jeopardize the health or safety of the resident or others in a
17 personal care home, as certified by a physician, hospital or the
18 department, the time periods required in subsection (a), (b) or
19 (c) need not be observed. This may occur when the resident needs
20 psychiatric or long-term care or is abused in the personal care
21 home or a closure of the personal care home is initiated by the
22 department.

23 (2) When a resident is transferred under this subsection,
24 the date of discharge shall be the date upon which the
25 resident's personal belongings are physically removed from the
26 personal care home. Verification of the resident's need for a
27 higher level of care or to transfer the patient for the health
28 and safety of the resident or others at the personal care home
29 may be made orally and followed up in writing on the forms
30 normally used by the physician, hospital or department

1 certifying such need.

2 (3) Nothing in this subsection shall be construed to
3 authorize a personal care home to impose a written verification
4 process on specific forms. A certification stating the
5 resident's name, the purpose for which the transfer is needed
6 and containing the signature of a medical doctor or other person
7 duly authorized by the physician, hospital or department shall
8 suffice.

9 (4) A personal care home may not impose additional charges
10 for rent or personal care services after the date upon which the
11 resident and the resident's belongings are removed from the
12 personal care home.

13 (e) The date and reason for the discharge or transfer, and
14 the destination of the resident, if known, shall be recorded in
15 the resident's records.

16 Section 2. All regulations and parts of regulations are
17 abrogated insofar as they are inconsistent with this act.

18 Section 3. This act shall take effect in 60 days.