

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1421 Session of
2001

INTRODUCED BY J. WILLIAMS, BELARDI, BELFANTI, BLAUM, BROWNE,
CAPPABIANCA, M. COHEN, COSTA, CRUZ, DeLUCA, EACHUS, D. EVANS,
FRANKEL, FREEMAN, GABIG, GEORGE, GRUCELA, HARHAI, HENNESSEY,
HORSEY, KELLER, LAUGHLIN, LEDERER, LUCYK, McILHATTAN, MELIO,
MYERS, PETRARCA, ROBINSON, RUBLEY, SAINATO, SOLOBAY, STABACK,
STEELMAN, THOMAS, TIGUE, TRAVAGLIO, TRELLO, TRICH, WALKO,
WANSACZ, WASHINGTON, WATERS, C. WILLIAMS, WOGAN, YOUNGBLOOD
AND YUDICHAK, APRIL 24, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 24, 2001

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," providing for reporting by hospital
8 personnel of suspected abuse.

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

11 Section 1. Section 103 of the act of November 6, 1987
12 (P.L.381, No.79), known as the Older Adults Protective Services
13 Act, is amended by adding definitions to read:

14 Section 103. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

1 * * *

2 "Hospital." An institution licensed in this Commonwealth
3 having an organized medical staff established for the purpose of
4 providing to inpatients, by or under the supervision of
5 physicians, diagnostic and therapeutic services for the care of
6 persons who are injured, disabled, pregnant, diseased, sick or
7 mentally ill or rehabilitation services for the rehabilitation
8 of persons who are injured, disabled, pregnant, diseased, sick
9 or mentally ill. The term includes facilities for the diagnosis
10 and treatment of disorders within the scope of specific medical
11 specialties. The term does not include facilities caring
12 exclusively for the mentally ill.

13 "Hospital administrator." The person responsible for the
14 administration of a hospital.

15 "Hospital personnel." Includes those persons who are engaged
16 in the admission, examination, care or treatment of individuals
17 in a hospital.

18 * * *

19 "Patient." An individual who receives care, services or
20 treatment in or from a hospital.

21 * * *

22 Section 2. Section 302 of the act is amended by adding a
23 subsection to read:

24 Section 302. Reporting; protection from retaliation; immunity.

25 * * *

26 (a.1) Reporting by hospital personnel.--

27 (1) Hospital personnel who, in the course of their
28 employment, occupation or practice of their profession, come
29 into contact with a patient who is an older adult shall
30 notify the hospital administrator when they have reasonable

1 cause to suspect on the basis of their medical, professional
2 or other training and experience that an older adult coming
3 before them in their professional capacity is a victim of
4 abuse.

5 (2) Upon notification, the hospital administrator shall
6 assume the responsibility and shall have the legal obligation
7 to report or cause an oral report to be made to the agency.
8 Within 48 hours of making the oral report, the hospital
9 administrator shall make a written report to the agency.

10 (3) A hospital administrator who has reasonable cause to
11 suspect that a patient is the victim of sexual abuse, serious
12 physical injury or serious bodily injury or that a death is
13 suspicious shall, in addition to contacting the agency,
14 immediately contact law enforcement officials to make an oral
15 report. Within 48 hours of making the oral report, the
16 hospital administrator shall make a written report to
17 appropriate law enforcement officials.

18 (4) The privileged communication between any
19 professional person and the patient of that person shall not
20 apply to situations involving older adult abuse and shall not
21 constitute grounds for failure to report as required by this
22 subsection.

23 * * *

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