
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1225 Session of
2005

INTRODUCED BY BISHOP, BEBKO-JONES, GEORGE, YOUNGBLOOD, THOMAS,
STETLER, BELFANTI, JAMES, CALTAGIRONE, SOLOBAY, KIRKLAND,
TANGRETTI, GRUCELA, STABACK AND FABRIZIO, MARCH 30, 2005

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 30, 2005

AN ACT

1 Amending the act of June 22, 1970 (P.L.378, No.122), entitled
2 "An act concerning nursing homes; providing for the licensing
3 of persons charged with the general administration of such
4 homes; prescribing the powers and duties of the State Board
5 of Examiners of Nursing Home Administrators; fixing fees and
6 making certain acts unlawful," further providing for
7 functions and duties of the board.

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

10 Section 1. Section 4 of the act of June 22, 1970 (P.L.378,
11 No.122), known as the Nursing Home Administrators License Act,
12 amended December 20, 1985 (P.L.375, No.106) and July 7, 1987
13 (P.L.218, No.38), is amended to read:

14 Section 4. Functions and Duties of the Board.--(a) It shall
15 be the function and duty of the board:

16 (1) To develop, impose, and enforce standards which shall be
17 met by individuals in order to receive a license as a nursing
18 home administrator, which standards shall be designed to insure
19 that nursing home administrators will be individuals who are of
20 good character and are otherwise suitable, and who, by training

1 or experience, which may include a requirement for supervised
2 experience prior to licensure, in the field of institutional
3 administration, are qualified to serve as nursing home
4 administrators.

5 (2) To develop and apply appropriate techniques, including
6 examinations and investigations, for determining whether an
7 individual meets such standards.

8 (3) To issue licenses and registrations to individuals
9 determined, after application of such techniques, to meet such
10 standards, and revoke or suspend licenses or registrations
11 previously issued by the board in any case where the individual
12 holding any such license or registration is determined to have
13 failed to conform to the requirements of such standards.

14 (4) To establish and carry out procedures designed to insure
15 that individuals licensed as nursing home administrators will,
16 during any period that they serve as such, comply with the
17 requirements of such standards.

18 (5) To receive, investigate, and take appropriate action
19 with respect to, any charge or complaint filed with the board to
20 the effect that any individual licensed as a nursing home
21 administrator has failed to comply with the requirements of such
22 standards.

23 (6) To conduct in cooperation with the appropriate State
24 agency having facility approval or licensure responsibility a
25 continuing study of nursing homes and administrators of nursing
26 homes within the State with a view to the improvement of the
27 standards imposed for the licensing of such administrators and
28 of procedures and methods for the enforcement of such standards
29 with respect to administrators of nursing homes who have been
30 licensed as such.

1 (7) To submit annually to the Appropriations Committees of
2 the House of Representatives and the Senate, fifteen days after
3 the Governor has submitted his budget to the General Assembly, a
4 copy of the budget request for the upcoming fiscal year which
5 the board previously submitted to the Department of State.

6 (8) To submit annually a report, to the Professional
7 Licensure Committee of the House of Representatives and to the
8 Consumer Protection and Professional Licensure Committee of the
9 Senate, containing a description of the types of complaints
10 received, status of cases, board action which has been taken and
11 the length of the time from the initial complaint to final
12 disposition.

13 (9) To develop standards of professional practice and
14 standards of professional conduct appropriate to establish and
15 maintain a high level of integrity and performance in the
16 practice of nursing home administration. The board shall, not
17 later than July 1, 1988, initiate the promulgation of
18 regulations establishing such standards of professional practice
19 and standards of professional conduct, provided that nothing in
20 this clause shall restrict the imposition of penalties or
21 disciplinary action pursuant to section 11 or 12 prior to final
22 approval of such regulations pursuant to the act of June 25,
23 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

24 (b) The board or any committee or member thereof, acting in
25 an official capacity, shall have the authority to issue
26 subpoenas, compel the attendance of witnesses, administer oaths
27 and take testimony concerning all matters within the
28 jurisdiction of the board. Such board shall not be bound by the
29 strict rules of evidence in the conduct of its proceedings but
30 any determinations made shall be founded upon sufficient legal

evidence to sustain them. The right of appeal from decisions of the board shall be in accordance with [the provisions of the act of June 4, 1945 (P.L.1388), known as the "Administrative Agency Law."]
2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(c) The board shall also have the authority to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the Commonwealth to meet the requirements set forth in appropriate Federal law, and other pertinent Federal authority. The rules, regulations and actions authorized under this subsection shall address, inter alia, the following:

(1) Treatment of nursing home occupants, including paying attention to their complaints.

(2) Possession of occupants' possessions and removal of belongings by theft or otherwise.

(3) Personal bank accounts of occupants.

(4) Accounting of occupants' retirement and Social Security payments.

(5) Burial expenses, including prepayment requirements.

(6) Exercise of occupants, especially where needed for health purposes.

(7) Proper attention to bed-ridden occupants to avoid bedsores.

Section 2. This act shall take effect in 60 days.