

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1788 Session of
2007

INTRODUCED BY MCILVAINE SMITH, BELFANTI, BLACKWELL, CARROLL,
DeLUCA, GIBBONS, GINGRICH, GOODMAN, HENNESSEY, JOSEPHS,
KOTIK, KULA, LEACH, MANDERINO, MCGEEHAN, R. MILLER, MILNE,
MOUL, MUNDY, MURT, PARKER, PETRONE, REICHLEY, RUBLEY,
K. SMITH, STABACK, SURRA, WALKO, YOUNGBLOOD, FRANKEL, KORTZ,
FREEMAN, SIPTROTH AND CALTAGIRONE, AUGUST 1, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 30, 2008

AN ACT

1 ~~Requiring the Department of Public Welfare to prepare and submit~~ <—
2 ~~a report on licensing of personal care homes.~~

3 AMENDING THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), ENTITLED "AN" <—
4 ACT TO CONSOLIDATE, EDITORIALY REVISE, AND CODIFY THE PUBLIC
5 WELFARE LAWS OF THE COMMONWEALTH," PROVIDING FOR PERSONAL
6 CARE HOME INFORMATION.

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

9 ~~Section 1. Short title.~~ <—

10 ~~This act shall be known and may be cited as the Personal Care~~
11 ~~Homes Licensing and Inspection Reporting Act.~~

12 ~~Section 2. Definitions.~~

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

16 ~~"Department." The Department of Public Welfare of the~~
17 ~~Commonwealth.~~

1 ~~"Personal care home." As defined in section 1001 of the act~~
2 ~~of June 13, 1967 (P.L.31, No.21), known as the Public Welfare~~
3 ~~Code.~~

4 ~~"Relative." As defined in section 1001 of the act of June~~
5 ~~13, 1967 (P.L.31, No.21), known as the Public Welfare Code.~~

6 ~~Section 3. Report to Governor and General Assembly.~~

7 ~~By March 1, the department shall submit an annual report~~
8 ~~relating to the licensing and inspection of personal care homes~~
9 ~~to the Governor, the Chief Clerk of the Senate and the Chief~~
10 ~~Clerk of the House of Representatives. The report shall include~~
11 ~~the following information covering the preceding calendar year:~~

12 ~~(1) Number of licensed personal care homes.~~

13 ~~(2) Number of residents in licensed personal care homes.~~

14 ~~(3) Number of personal care homes which have received an~~
15 ~~annual inspection.~~

16 ~~(4) Number of licensing inspectors, Statewide and by~~
17 ~~region, as defined by the department to identify counties.~~

18 ~~(5) Ratio of licensing staff per licensed personal care~~
19 ~~home.~~

20 ~~(6) Number of personal care homes operating with a~~
21 ~~provisional license, Statewide and by county.~~

22 ~~(7) Number of personal care homes operating with a full~~
23 ~~license, Statewide and by county.~~

24 ~~(8) Number of personal care homes which the department~~
25 ~~has closed or taken legal action to close.~~

26 ~~(9) Description of violations of Article X of the act of~~
27 ~~June 13, 1967 (P.L.31, No.21), known as the Public Welfare~~
28 ~~Code, classification of violations under section 1085 of the~~
29 ~~Public Welfare Code and frequency of violations.~~

30 ~~(10) Extent to which the department assessed financial~~

~~penalties against licensed personal care homes as provided
for in Article X of the Public Welfare Code.~~

~~(11) Specific plans of the department to ensure
compliance with the Public Welfare Code regarding inspection
of licensed personal care homes and enforcement of
regulations.~~

~~(12) Other information the department deems pertinent.~~

~~Section 4. Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 1. THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN
AS THE PUBLIC WELFARE CODE, IS AMENDED BY ADDING A SECTION TO
READ:

SECTION 1088. PERSONAL CARE HOME INFORMATION.--THE
DEPARTMENT SHALL POST INFORMATION ON ITS INTERNET WEBSITE
RELATING TO THE LICENSURE AND INSPECTION OF PERSONAL CARE HOMES.
THE INFORMATION SHALL BE UPDATED AT LEAST ANNUALLY. THE
INFORMATION SHALL INCLUDE THE FOLLOWING:

(1) NUMBER OF LICENSED PERSONAL CARE HOMES.

(2) NUMBER OF RESIDENTS IN LICENSED PERSONAL CARE HOMES.

(3) NUMBER OF PERSONAL CARE HOMES WHICH HAVE RECEIVED AN
ANNUAL INSPECTION.

(4) NUMBER OF PERSONAL CARE HOME INSPECTORS STATEWIDE AND BY
REGION.

(5) RATIO OF DEPARTMENT STAFF RESPONSIBLE FOR THE LICENSURE
AND INSPECTION OF PERSONAL CARE HOMES DIVIDED BY THE TOTAL
NUMBER OF LICENSED PERSONAL CARE HOMES.

(6) NUMBER OF PERSONAL CARE HOMES OPERATING WITH A
PROVISIONAL LICENSE, STATEWIDE AND BY COUNTY.

(7) NUMBER OF PERSONAL CARE HOMES OPERATING WITH A FULL
LICENSE, STATEWIDE AND BY COUNTY.

1 (8) NUMBER OF PERSONAL CARE HOMES WHICH THE DEPARTMENT HAS
2 CLOSED OR TAKEN LEGAL ACTION TO CLOSE.

3 (9) FOR EACH PERSONAL CARE HOME, A LICENSING INSPECTION
4 SUMMARY WHICH LISTS ANY VIOLATION UNDER THIS ARTICLE.

5 (10) SUMMARY OF TYPES OF VIOLATIONS WHICH ARE LISTED IN
6 LICENSING INSPECTION SUMMARIES, IN ACCORDANCE WITH THE
7 CLASSIFICATION OF VIOLATIONS SET FORTH UNDER THIS ARTICLE.

8 (11) UPON IMPLEMENTATION OF A FINANCIAL PENALTY PROGRAM, THE
9 INTERNET WEBSITE SHALL INCLUDE INFORMATION RELATING TO ASSESSED
10 FINANCIAL PENALTIES AGAINST LICENSED PERSONAL CARE HOMES AS
11 PROVIDED FOR IN THIS ARTICLE.

12 (12) A SUMMARY OF THE SPECIFIC PLANS OF THE DEPARTMENT TO
13 ENSURE COMPLIANCE WITH THIS ARTICLE REGARDING INSPECTION OF
14 LICENSED PERSONAL CARE HOMES AND ENFORCEMENT OF REGULATIONS.

15 (13) OTHER INFORMATION THE DEPARTMENT DEEMS PERTINENT.

16 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.