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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1024** Session of  
1975

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INTRODUCED BY O'PAKE, ROSS, SWEENEY, LEWIS, HOLL, MESSINGER,  
LYNCH, ORLANDO, MCKINNEY, DUFFIELD, MELLOW, HANKINS, NOLAN,  
ZEMPRELLI AND DOUGHERTY, SEPTEMBER 23, 1975

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REFERRED TO AGING AND YOUTH, SEPTEMBER 23, 1975

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AN ACT

1 Providing for the licensing of boarding homes for the aged or  
2 handicapped and establishing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short Title.--This act shall be known and may be  
6 cited as the "Boarding Home Act."

7 Section 2. Definitions.--As used in this act:

8 "Boarder," means an individual who is domiciled in a boarding  
9 home for the aged or handicapped and who because of age or  
10 disability is unable to perform one or more daily routine  
11 activities without some level of supervision or assistance.

12 "Boarding home for the aged or handicapped," means any  
13 institution or facility, however named which is operated for  
14 profit or otherwise and which is advertised, announced or  
15 maintained for the express or implied purpose of providing  
16 shelter, services or supervision for two or more persons,  
17 unrelated to the proprietor of the facility, who require some

1 level of supervision or assistance in carrying out daily routine  
2 activities, but who are not so ill, aged or disabled as to  
3 require institutionalization in a facility providing a higher  
4 level of care.

5 "Daily routine activities," means those basic activities  
6 which, as a rule, are engaged in by all individuals on a regular  
7 daily basis. Such activities shall include, but not necessarily  
8 be limited to, bathing, dressing, eating and similar activities.

9 "Department," means the Department of Public Welfare of the  
10 Commonwealth of Pennsylvania.

11 "Non-care boarding home," means any facility, however named,  
12 which provides room and/or board for persons who require neither  
13 care, assistance nor supervision or for persons who, while  
14 requiring some level of care, supervision or assistance, choose  
15 not to reside in a boarding home for the aged or handicapped or  
16 other facility which offers such services.

17 "Proprietor," means the individual having ultimate  
18 responsibility for the general management, operation and  
19 maintenance of a boarding home for the aged or handicapped.

20 Section 3. License Required.--It shall be unlawful for any  
21 person to operate within this Commonwealth, for profit or  
22 otherwise, a boarding home for the aged or handicapped without a  
23 license as hereinafter required; but, this act shall not be  
24 construed to apply to any State or State-aided institution  
25 licensed by the Department of Welfare or the Department of  
26 Health under other statutes or to non-care boarding homes.

27 Section 4. Application for License.--Every person desiring  
28 to operate a boarding home for the aged or handicapped shall  
29 file an application for a license with the department. The  
30 application shall be on a form prescribed, prepared and

1 furnished by the department, and, together with such other  
2 information as the department shall require, shall state:

3 (1) The name and address of the applicant and of the person  
4 who will be the proprietor of the boarding home for the aged or  
5 handicapped, if different from the applicant. If the applicant  
6 is a copartnership, association or corporation, the application  
7 shall also state the names and addresses of all the partners and  
8 officers, as the case may be.

9 (2) The location of the boarding home for the aged or  
10 handicapped and, if the applicant is a copartnership,  
11 association or corporation, the state of organization or  
12 incorporation.

13 (3) The facilities of the boarding home for the aged and  
14 handicapped for providing care, service or assistance, including  
15 sanitary and fire protection facilities.

16 (4) The rates for room and board for boarders including  
17 possible extra charges or fringe benefits. This statement shall  
18 be updated at the time the license is renewed.

19 (5) An accurate and auditable record of any money, assets,  
20 and private papers or contracts belonging to a resident which is  
21 kept in charge of the proprietor or his agent on behalf of the  
22 resident.

23 Section 5. Rights of Boarders.--(a) A list of all rules and  
24 regulations of the home applicable to all boarders shall be  
25 pasted in a conspicuous place on the premises used as a boarding  
26 home for the aged or handicapped, and a copy of this list shall  
27 be included with the application for license, as well as updated  
28 with each subsequent renewal.

29 (b) Residents of boarding homes for the aged or handicapped  
30 shall have the right to have visitors at designated times and

1 places in the facility under conditions reported with the  
2 application for license. Any subsequent changes shall be  
3 reported at the time of renewal of license.

4 Section 6. Pre-licensure Investigation.--Upon receipt of an  
5 application for a license, the department shall cause a thorough  
6 investigation to be made as to the qualifications of the  
7 applicant and, if the applicant is a partnership, association or  
8 corporation, of all the officers or partners, as the case may  
9 be, and of the person designated in the application as the  
10 proprietor of the boarding home for the aged or handicapped, the  
11 adequacy of the facilities of the home to furnish the type of  
12 care, services, supervision and assistance specified in the  
13 reasonableness of rates charged to boarders and any other matter  
14 or thing which the department finds to be reasonably necessary  
15 for the proper operation of a boarding home for the aged or  
16 handicapped.

17 Section 7. Issuance of License; Term and Content of License;  
18 Payment of Fee.--(a) The department shall when satisfied that  
19 the applicant for such license, and the proprietor named in the  
20 application, if different from the applicant, is a responsible  
21 person, that the place sought to be used as a boarding home for  
22 the aged or handicapped is a suitable place for such purpose and  
23 is properly equipped therefor, and when all requirements of this  
24 act have been complied with, issue a license to the applicant,  
25 upon payment of a license fee of \$25 which shall be paid into  
26 the State Treasury through the Department of Revenue.

27 (b) All licenses issued by the department under this act  
28 shall expire one year next following the day on which issued,  
29 shall be on a form prescribed by the department, shall not be  
30 transferable with respect to either the facility or the

1 proprietor thereof, shall specify the maximum number of  
2 individuals who may be cared for in the facility at any one  
3 time, shall be posted in a conspicuous place on the premises  
4 used as a boarding home for the aged or handicapped, and may be  
5 renewed from year to year upon application, investigation and  
6 payment of the license fee, as in the procurement of an original  
7 license.

8 Section 8. Provisional Licenses.--(a) When there has been  
9 substantial but not complete compliance with all applicable  
10 statutes, ordinances and regulations and when the applicant has  
11 taken, or is taking appropriate steps to correct deficiencies,  
12 the department shall issue a provisional license for a specified  
13 period of not more than six months which may be renewed three  
14 times. Upon full compliance, a regular license shall be issued  
15 immediately by the department.

16 (b) The department shall be responsible for providing  
17 assistance to those persons who are eligible, or who desire to  
18 become eligible, for such a provisional license to correct  
19 deficiencies, fulfill the requirements of all applicable  
20 statutes, ordinances and regulations and to achieve eligibility  
21 for a provisional, and, ultimately, for a regular license.

22 Section 9. Revocation of Licenses.--(a) Whenever the  
23 department shall, upon inspection, investigation or complaint,  
24 learn of any violation of this act or of rules and regulations  
25 adopted by the department, or of any failure to establish,  
26 provide or maintain the standards and facilities required by the  
27 department, shall give written notice to the offending licensee.

28 (b) The department may revoke the license of said licensee,  
29 if such violations do not cease or if such standards and  
30 facilities are not established or brought into conformity with

1 those prescribed by the department within two months after such  
2 written notice.

3 (c) The department may grant one or more extensions of time  
4 for an offending licensee to correct deficiencies or bring  
5 standards and facilities into conformity with the requirements  
6 of the law. Where the violations of which notice was given do  
7 not present an imminent danger to the life, health and safety of  
8 a boarder or boarders and where the licensee is taking  
9 appropriate steps to correct violations.

10 Section 10. Penalties for Operation Without License.--Any  
11 person, or any or all officers or partners of any partnership,  
12 association or corporation maintaining or operating within this  
13 Commonwealth a boarding home for the aged or handicapped without  
14 a license required by this act shall be guilty of a misdemeanor  
15 of the third degree and a second or subsequent violation shall  
16 be guilty of a misdemeanor of the first degree.

17 Section 11. Rules and Regulations; Visitation and  
18 Inspection.--(a) The department may make and enforce reasonable  
19 rules and regulations for the issuance and removal of such  
20 licenses, for the proper maintenance, operation and conduct of  
21 such boarding homes for the aged and handicapped, and for the  
22 violation, examination and inspection of all such homes.

23 (b) The department or its duly authorized representative  
24 shall have free and full access to the grounds, premises and  
25 buildings and to the records of any home licensed under this  
26 act, and full opportunity to question or interview any boarder  
27 thereof to insure that the home is being operated in compliance  
28 with all applicable rules and regulations, all proprietors and  
29 other persons connected with such homes, such as officers of a  
30 corporation which operates such a home, are hereby directed to

1 give to the department or its duly authorized representative  
2 such means, facilities and opportunity as necessary to enable  
3 the department to carry out such visitation, examination,  
4 inspection and interviewing as provided by this act and any  
5 rules and regulations adopted by the department pursuant hereto.

6 (c) All such visitations, examinations, inspections and  
7 interviews shall be conducted at reasonable times and after 24  
8 hour notice to the licensee unless the department has reason to  
9 believe that an immediate visitation, examination, inspection or  
10 interview is necessary to prevent or alleviate an imminent  
11 danger to the life, health or safety of a boarder or boarders.

12 Section 12. Duty to Report Suspected Violations.--(a) the  
13 following persons and officials are required to report to the  
14 department when they have reasonable cause to suspect that a  
15 boarding home for the aged or handicapped is being operated in  
16 violation of this act: All officers and employees of any city,  
17 county or State agency, department, commission or institution.  
18 Such persons shall include, but not be limited to, police  
19 officers, fire department employees and adult welfare services  
20 workers.

21 (b) Any person may make such a report if such person has  
22 reasonable cause to suspect that a boarding home for the aged or  
23 handicapped is being operated in violation of this act.

24 Section 13. Penalty for Failure to Report.--Any person or  
25 official required by this act to report suspected violations and  
26 who wilfully fails to do so shall be guilty of a summary  
27 offense.

28 Section 14. Unlawful Referrals and Transfers.--It shall be  
29 unlawful for any official or employee, of any State, State-aided  
30 or municipal department, agency, commission, or institution or

1 of an institution district to refer or transfer any individual  
2 to a boarding home for the aged or handicapped if the official  
3 or employee knows or should know that such home is not licensed  
4 as required by this act.

5 Section 15. Penalty for Unlawful Referral or Transfer.--Any  
6 person who makes a referral or transfers an individual in  
7 violation of this act shall be guilty of a summary offense.

8 Section 16. Appropriation.--The sum of \$500,000 is hereby  
9 appropriated to the Department of Public Welfare for the  
10 establishment of services prescribed by this act.

11 Section 17. County Boards of Assistance.--In counties which  
12 have or establish a county board of assistance, such county  
13 departments are hereby authorized to contract with the  
14 department to perform the services and functions prescribed by  
15 this act; and, upon so contracting, such county board shall  
16 receive from the department such funds as are necessary to carry  
17 out the services and functions prescribed by this act in the  
18 county where situated.

19 Section 18. Effective Date.--This act shall take effect in  
20 six months.