

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1278 Session of
1987

INTRODUCED BY RICHARDSON, KUKOVICH, PISTELLA, DAWIDA, WIGGINS,
HUGHES, GLADECK AND HUTCHINSON, APRIL 29, 1987

SENATOR PETERSON, PUBLIC HEALTH AND WELFARE, IN SENATE, AS
AMENDED, JUNE 29, 1988

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—
2 ~~"An act providing for and reorganizing the conduct of the~~
3 ~~executive and administrative work of the Commonwealth by the~~
4 ~~Executive Department thereof and the administrative~~
5 ~~departments, boards, commissions, and officers thereof,~~
6 ~~including the boards of trustees of State Normal Schools, or~~
7 ~~Teachers Colleges; abolishing, creating, reorganizing or~~
8 ~~authorizing the reorganization of certain administrative~~
9 ~~departments, boards, and commissions; defining the powers and~~
10 ~~duties of the Governor and other executive and administrative~~
11 ~~officers, and of the several administrative departments,~~
12 ~~boards, commissions, and officers; fixing the salaries of the~~
13 ~~Governor, Lieutenant Governor, and certain other executive~~
14 ~~and administrative officers; providing for the appointment of~~
15 ~~certain administrative officers, and of all deputies and~~
16 ~~other assistants and employes in certain departments, boards,~~
17 ~~and commissions; and prescribing the manner in which the~~
18 ~~number and compensation of the deputies and all other~~
19 ~~assistants and employes of certain departments, boards and~~
20 ~~commissions shall be determined," changing the Department of~~
21 ~~Public Welfare to the Department of Human Services;~~
22 ~~establishing the State Board of Human Services; and making~~
23 ~~related editorial changes.~~
24 AMENDING THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), ENTITLED "AN <—
25 ACT TO CONSOLIDATE, EDITORIALY REVISE, AND CODIFY THE PUBLIC
26 WELFARE LAWS OF THE COMMONWEALTH," FURTHER PROVIDING FOR THE
27 LICENSING AND REGULATION OF PERSONAL CARE FACILITIES;
28 ESTABLISHING THE PERSONAL CARE FACILITY ADVISORY COUNCIL AND
29 PROVIDING FOR ITS POWERS AND DUTIES; AND FURTHER PROVIDING
30 FOR REGULATIONS BY THE DEPARTMENT.

31 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 201 of the act of April 9, 1929 (P.L.177, <—~~
3 ~~No.175), known as The Administrative Code of 1929, amended~~
4 ~~December 30, 1984 (P.L.1299, No.245), is amended to read:~~

5 ~~Section 201. Executive Officers, Administrative Departments~~
6 ~~and Independent Administrative Boards and Commissions. The~~
7 ~~executive and administrative work of this Commonwealth shall be~~
8 ~~performed by the Executive Department, consisting of the~~
9 ~~Governor, Lieutenant Governor, Secretary of the Commonwealth,~~
10 ~~Attorney General, Auditor General, State Treasurer, and~~
11 ~~Secretary of Education; by the Executive Board, and the~~
12 ~~Pennsylvania State Police; by the following administrative~~
13 ~~departments: Department of State, Office of Attorney General,~~
14 ~~Department of Corrections, Department of the Auditor General,~~
15 ~~Treasury Department, Department of Education, Department of~~
16 ~~Military Affairs, Insurance Department, Department of Banking,~~
17 ~~Department of Agriculture, Department of Transportation,~~
18 ~~Department of Health, Department of Labor and Industry,~~
19 ~~Department of Aging, Department of [Public Welfare] Human~~
20 ~~Services, Department of General Services, Department of Revenue,~~
21 ~~Department of Commerce, Department of Community Affairs and~~
22 ~~Department of Environmental Resources; and by the following~~
23 ~~independent administrative boards and commissions: Pennsylvania~~
24 ~~Game Commission, Pennsylvania Fish Commission, State Civil~~
25 ~~Service Commission, Pennsylvania Public Utility Commission, the~~
26 ~~Pennsylvania Historical and Museum Commission and the~~
27 ~~Pennsylvania Securities Commission.~~

28 ~~All of the provisions of this act, which apply generally to~~
29 ~~administrative departments, or generally except to the~~
30 ~~Department of the Auditor General, the Treasury Department and~~

~~the Office of Attorney General, shall apply to the Executive Board and to the Pennsylvania State Police.~~

~~Section 2. As much as relates to the Department of Public Welfare in section 202 of the act, amended July 9, 1986 (P.L.547, No.97), is amended to read:~~

~~Section 202. Departmental Administrative Boards, Commissions, and Offices. The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:~~

~~* * *~~

~~In the Department of [Public Welfare] Human Services,~~

~~Board of Trustees of The Western Youth Development Centers,~~

~~Board of Trustees of The Central Youth Development Centers,~~

~~Board of Trustees of The Eastern Youth Development Centers,~~

~~Board of Trustees of Allentown State Hospital,~~

~~Board of Trustees of Clarks Summit State Hospital,~~

~~Board of Trustees of Danville State Hospital,~~

~~Board of Trustees of Embreeville Center,~~

~~Board of Trustees of Farview State Hospital,~~

~~Board of Trustees of Harrisburg State Hospital,~~

~~Board of Trustees of Mayview State Hospital,~~

~~Board of Trustees of Norristown State Hospital,~~

~~Board of Trustees of Philadelphia State Hospital,~~

~~Board of Trustees of Somerset State Hospital,~~

~~Board of Trustees of Warren State Hospital,~~

~~Board of Trustees of Wernersville State Hospital,~~
~~Board of Trustees of Woodville State Hospital,~~
~~Board of Trustees of Torrance State Hospital,~~
~~Board of Trustees of Haverford State Hospital,~~
~~Board of Trustees of Ashland State General Hospital,~~
~~Board of Trustees of Coaldale State General Hospital,~~
~~Board of Trustees of Nanticoke State General Hospital,~~
~~Board of Trustees of Philipsburg State General Hospital,~~
~~Board of Trustees of Scranton State General Hospital,~~
~~Board of Trustees of Shamokin State General Hospital,~~
~~Board of Trustees of Ebensburg Center,~~
~~Board of Trustees of Eastern State School and Hospital,~~
~~Board of Trustees of Laurelton Center,~~
~~Board of Trustees of Pennhurst Center,~~
~~Board of Trustees of Polk Center,~~
~~Board of Trustees of Selinsgrove Center,~~
~~Board of Trustees of Hamburg Center,~~
~~Board of Trustees of Western Center,~~
~~Board of Trustees of White Haven Center,~~
~~Board of Trustees of Woodhaven Center,~~
~~Board of Trustees of South Mountain Restoration Center.~~

~~* * *~~

~~Section 3. As much as relates to the Department of Public Welfare in section 203 of the act, amended June 20, 1978 (P.L.477, No.70), is amended to read:~~

~~Section 203. Advisory Boards and Commissions. The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:~~

~~* * *~~

~~In the Department of [Public Welfare] Human Services,~~

~~{State Board of Public Welfare,}~~
~~Advisory Committee for the Blind,~~
~~Advisory Committee for General and Special Hospitals,~~
~~Advisory Committee for Children and Youth,~~
~~Advisory Committee for Public Assistance,~~
~~Advisory Committee for Mental Health and Mental~~
~~Retardation;~~

~~* * *~~

~~Section 4. Section 206 of the act, amended December 30, 1984~~
~~(P.L.1299, No.245), is amended to read:~~

~~Section 206. Department Heads. Each administrative~~
~~department shall have as its head an officer who shall, either~~
~~personally, by deputy, or by the duly authorized agent or~~
~~employee of the department, and subject at all times to the~~
~~provisions of this act, exercise the powers and perform the~~
~~duties by law vested in and imposed upon the department.~~

~~The following officers shall be the heads of the~~
~~administrative departments following their respective titles:~~

~~Secretary of the Commonwealth, of the Department of State;~~
~~Auditor General, of the Department of the Auditor General;~~
~~State Treasurer, of the Treasury Department;~~
~~Attorney General, of the Office of Attorney General;~~
~~Secretary of Education, of the Department of Education;~~
~~Adjutant General, of the Department of Military Affairs;~~
~~Insurance Commissioner, of the Insurance Department;~~
~~Secretary of Banking, of the Department of Banking;~~
~~Secretary of Agriculture, of the Department of Agriculture;~~
~~Secretary of Transportation, of the Department of~~
~~Transportation;~~
~~Secretary of Health, of the Department of Health;~~

~~Secretary of Labor and Industry, of the Department of Labor
and Industry;~~

~~Secretary of Aging, of the Department of Aging;~~

~~Secretary of [Public Welfare] Human Services, of the
Department of [Public Welfare] Human Services;~~

~~Secretary of Revenue, of the Department of Revenue;~~

~~Secretary of Commerce, of the Department of Commerce;~~

~~Secretary of Community Affairs, of the Department of
Community Affairs;~~

~~Secretary of Environmental Resources, of the Department of
Environmental Resources;~~

~~Secretary of General Services, of the Department of General
Services;~~

~~Secretary of Corrections, of the Department of Corrections.~~

~~Section 5. Section 207.1(d)(1) and (4) of the act, amended
February 17, 1984 (P.L. 75, No. 14) and December 30, 1984
(P.L. 1299, No. 245), are amended to read:~~

~~Section 207.1. Gubernatorial Appointments. * * *~~

~~(d) The Governor shall nominate in accordance with the
provisions of the Constitution of the Commonwealth of
Pennsylvania and, by and with the advice and consent of a
majority of the members elected to the Senate appoint persons to
fill the following positions:~~

~~(1) The Secretary of Education, the Secretary of the
Commonwealth, the Adjutant General, the Insurance Commissioner,
the Secretary of Banking, the Secretary of Agriculture, the
Secretary of Transportation, the Secretary of Health, the
Commissioner of the State Police, the Secretary of Corrections,
the Secretary of Labor and Industry, the Secretary of Aging, the
Secretary of [Public Welfare] Human Services, the Secretary of~~

~~General Services, the Secretary of Revenue, the Secretary of
Commerce, the Secretary of Community Affairs and the Secretary
of Environmental Resources.~~

~~* * *~~

~~(4) Those members which he is authorized to appoint to the
Delaware Valley Regional Planning Commission, the Pennsylvania
Public Television Network Commission, the State Council of Civil
Defense, the State Farm Products Commission, the Pennsylvania
Housing Finance Agency, the Board of Trustees of each State
College and University, the Board of Trustees of Scotland School
for Veterans' Children, the Board of Trustees of Thaddeus
Stevens State School of Technology, the State Conservation
Commission, the Commonwealth of Pennsylvania Council on the
Arts, the State Planning Board, the Pennsylvania Drug, Device
and Cosmetic Board, the County Board of Assistance in each
county, [the State Board of Public Welfare,] the Boards of
Trustees of Centers, the Board of Trustees of each Restoration
Center, the Board of Trustees of each State General Hospital,
the Board of Trustees of each State School and Hospital, the
Board of Trustees of each State Hospital, the State Dental
Council and Examining Board, the State Real Estate Commission,
the State Registration Board for Professional Engineers, the
State Boards of Examiners of Architects, Auctioneers, Nursing
Home Administrators and Public Accountants, the State Boards of
Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral
Directors, Medical Education and Licensure, Nurse Examiners,
Optometrical Examiners, Osteopathic Examiners, Pharmacy,
Physical Therapy Examiners, Podiatry Examiners, Veterinary
Medical Examiners, Landscape Architects and Motor Vehicle
Manufacturers, Dealers and Salesmen, the Pennsylvania Board of~~

~~Psychologist Examiners, the State Athletic Commission, the Hazardous Substance Transportation Board, the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission, the Pennsylvania Nursing Home Loan Agency, the Crime Victims Compensation Board, the Consumer Advocate, and the Pennsylvania Minority Business Development Authority.~~

~~* * *~~

~~Section 6. Section 448(k) of the act is repealed.~~

~~Section 7. Section 448(l) of the act, amended July 9, 1970 (P.L.470, No.161) and June 20, 1978 (P.L.477, No.70), is amended and the section is amended by adding a clause to read:~~

~~Section 448. Advisory Boards and Commissions. The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:~~

~~* * *~~

~~(k.1) The State Board of Human Services is hereby created. The board shall consist of the Secretary of Human Services, ex officio, and sixteen (16) members appointed by the Governor. Four (4) members shall be appointed from among the members of the General Assembly, two (2) from the Senate and two (2) from the House of Representatives. These members of the board shall, with respect to each branch of the General Assembly, be from different political parties, and they shall, in no event, retain membership on the board after they cease to be members of the branch of the Legislature from which they were appointed. One (1) member shall be appointed by the Governor from each of the five (5) advisory committees created by clause (1) of this~~

~~section, and the first member of each advisory committee appointed by the Governor shall automatically become a member of the board. The term of office of each member of the board, except as herein otherwise provided, shall be six (6) years.~~

~~In the original appointment of the members of the board, six (6) members shall be appointed for the term of six (6) years, five (5) members for the term of four (4) years, and five (5) members for the term of two (2) years. Any vacancy occurring in the membership of the board shall be filled by the Governor only for the unexpired term. The Governor may remove any member of the board at any time. No member of the board shall serve more than two (2) consecutive terms not including a vacancy appointment, nor shall any member hold office in any political party.~~

~~Nine (9) members of the board shall constitute a quorum. A chairman who shall not be a member of an advisory committee shall be elected by the board, annually, from among its members. Members of the board shall serve without compensation other than reimbursement of travel and other actual expenses incurred in the performance of their duties. The board shall meet at least six (6) times a year. Special meetings of the board shall be held on call of the chairman or the Secretary of Human Services, and it shall be the duty of the chairman to call a special meeting upon the written request of one third (1/3) or more members, not including vacancies, of the board.~~

~~(1) The following advisory committees are hereby created:~~

~~Advisory Committee for the Blind,~~

~~Advisory Committee for General and Special Hospitals,~~

~~Advisory Committee for Children and Youth,~~

~~Advisory Committee for Public Assistance,~~

1 ~~Advisory Committee for Mental Health and Mental Retardation.~~

2 ~~Each advisory committee shall consist of the Commissioner in~~
3 ~~the Department of [Public Welfare] Human Services, directing the~~
4 ~~program to which the advisory committee is attached, as an ex~~
5 ~~officio member, and not less than three (3) nor more than nine~~
6 ~~(9) members appointed by the Governor. In the case of the~~
7 ~~Advisory Committee for Mental Health and Mental Retardation, the~~
8 ~~committee shall include the Chairman of the Public Health and~~
9 ~~Welfare Committee of the Senate, the Chairman of the Health and~~
10 ~~Welfare Committee of the House of Representatives and the~~
11 ~~President of the Pennsylvania State Association of County~~
12 ~~Commissioners or his alternate. The exact number of members of~~
13 ~~each advisory committee shall be determined by the Governor~~
14 ~~{upon recommendation of the State Board of Public Welfare}. The~~
15 ~~qualifications of the members of each advisory committee shall~~
16 ~~{also} be determined by the Governor {upon recommendation of the~~
17 ~~State Board of Public Welfare}: Provided, That with respect to~~
18 ~~each advisory committee, the Governor shall appoint members with~~
19 ~~due regard for representation of the professional and lay groups~~
20 ~~concerned with the fields of interest served by the program to~~
21 ~~which each advisory committee is attached. The term of office of~~
22 ~~each member of each advisory committee, except as herein~~
23 ~~otherwise provided, shall be six (6) years.~~

24 ~~The original appointment of the members of the advisory~~
25 ~~committee shall be for overlapping terms of six (6), four (4)~~
26 ~~and two (2) years. In making these original appointments, the~~
27 ~~Governor shall, in so far as possible, appoint approximately~~
28 ~~one third (1/3) of the recommended complement of each advisory~~
29 ~~board to each of the overlapping terms.~~

30 ~~A majority of the members of each advisory committee shall~~

1 ~~constitute a quorum. Each advisory committee shall elect a~~
2 ~~chairman from among its members. Each advisory committee shall~~
3 ~~meet at least four (4) times a year. Special meetings of each~~
4 ~~advisory committee shall be held on call of the chairman, and it~~
5 ~~shall be the duty of the chairman to call a special meeting upon~~
6 ~~the written request of one third (1/3) or more of the members~~
7 ~~not including vacancies of the advisory committee.~~

8 ~~[The provisions of clause (k) of this section with respect to~~
9 ~~filling of vacancies, removal of members, length of service,~~
10 ~~political party office and compensation shall be applicable to~~
11 ~~advisory committee members, and are incorporated herein by~~
12 ~~reference.] Any vacancy occurring in the membership of an~~
13 ~~advisory committee shall be filled by the Governor only for the~~
14 ~~unexpired term. The Governor may remove any member of an~~
15 ~~advisory committee at any time. No member of an advisory~~
16 ~~committee shall serve more than two (2) consecutive terms not~~
17 ~~including a vacancy appointment, nor shall any member hold~~
18 ~~office in any political party.~~

19 * * *

20 ~~Section 8. Section 1209(b) of the act, amended February 1,~~
21 ~~1966 (1965 P.L.1849, No.582), is amended to read:~~

22 ~~Section 1209. Local Government Budget and Financial Reports;~~
23 ~~Compilation of Statistics. The Department of Community Affairs~~
24 ~~shall have power and its duty shall be:~~

25 * * *

26 ~~(b) To furnish to the corporate authorities of each county~~
27 ~~(except counties of the first class), city of the third class,~~
28 ~~borough, incorporated town, township suitable blank forms for~~
29 ~~the making of annual reports of the financial condition of their~~
30 ~~respective local governments to the department, which forms for~~

1 ~~financial report purposes shall be placed by said corporate~~
2 ~~authorities into the hands of the director, controller or~~
3 ~~auditors who by law are required to make such financial reports~~
4 ~~to the department. Such annual financial reports shall be~~
5 ~~prepared in cooperation with aforesaid duly authorized~~
6 ~~committees of local government officials and shall contain: (1)~~
7 ~~a statement of the receipts of the unit of local government from~~
8 ~~all sources and of all accounts and revenue which may be due and~~
9 ~~uncollected at the close of the fiscal year; (2) a statement of~~
10 ~~the disbursements for all the governmental activities of the~~
11 ~~unit of local government during the fiscal year; (3) a detailed~~
12 ~~statement of the indebtedness of the unit of local government at~~
13 ~~the close of the fiscal year, the provisions made for the~~
14 ~~payment thereof, together with the purposes for which it was~~
15 ~~incurred; (4) a statement of the cost of ownership and operation~~
16 ~~of each and every public service industry owned, maintained or~~
17 ~~operated by the unit of local government; (5) such further or~~
18 ~~more specific information in relation to the cost of any branch~~
19 ~~of the local government and improvements therein as may be~~
20 ~~required by the department.~~

21 ~~In the case of blank forms for financial reports by townships~~
22 ~~of the second class and counties, the same shall be so arranged~~
23 ~~that corresponding data and information, required to be reported~~
24 ~~by said units of local government to the Department of~~
25 ~~{Highways} Transportation or the Department of {Public Welfare}~~
26 ~~Human Services, may be used for the information required to be~~
27 ~~furnished to the Department of Community Affairs under this~~
28 ~~section.~~

29 ~~* * *~~

30 ~~Section 9. Sections 2203 A(11) and (26) and 2210 A(d) of the~~

act, added June 20, 1978 (P.L.477, No.70), are amended to read:

Section 2203 A. Powers and Duties in General. The Department of Aging hereinafter referred to in this article as the department shall, subject to any inconsistent provisions in this act contained, have the power and its duty shall be to:

* * *

(11) Promote and support programs, studies and policies, in cooperation with the Departments of Labor and Industry, Education, Commerce, [Public Welfare] Human Services and other agencies, which will enhance the opportunity for continued work, education and training for older persons and for preretirement assistance where appropriate.

* * *

(26) Review and comment on all rules, regulations, eligibility or payment standards issued by the Departments of [Public Welfare] Human Services, Environmental Resources, Health or Labor and Industry relating to the licensure and regulation of nursing homes, hospitals, and other health facilities; medical assistance, supplemental security income; homemaking and home health care or residential care facilities for older adults. Said rules, regulations and standards shall not take effect until they have been submitted to the department for comment.

* * *

Section 2210 A. Allocation of Resources. * * *

(d) The Department of [Public Welfare] Human Services shall transfer, for three State fiscal years immediately subsequent to the effective date of this act, to the Department of Aging a proportion of the State allotment under Title XX of the Social Security Act at least equal to the proportion of such funds,

1 including training and administrative funds, allocated to the
2 office for the aging in relation to the State's total allotment
3 in the same fiscal year as the effective date of this act.

4 Section 10. The heading of Article XXIII, section 2301 and
5 the introductory paragraph of section 2313 of the act, amended
6 July 13, 1957 (P.L.852, No.390), are amended to read:

7 ARTICLE XXIII

8 POWERS AND DUTIES OF THE DEPARTMENT OF

9 ~~[PUBLIC WELFARE]~~ HUMAN SERVICES AND ITS DEPARTMENTAL

10 ADMINISTRATIVE AND ADVISORY BOARDS

11 AND COMMISSIONS

12 Section 2301. Powers and Duties in General. The Department
13 of ~~[Public Welfare]~~ Human Services shall, subject to any
14 inconsistent provisions in this act contained, continue to
15 exercise the powers and perform the duties by law vested in and
16 imposed upon the said department, the Secretary of ~~[Public~~
17 ~~Welfare]~~ Human Services, and the former Department of Public
18 Welfare, ~~[and] Commissioner of Public Welfare, Secretary of~~
19 Public Welfare and the former Department of Welfare.

20 Section 2313. Mental Health. The Department of ~~[Public~~
21 ~~Welfare]~~ Human Services shall have the power and its duty shall
22 be:

23 * * *

24 Section 11. Section 2313.4 of the act, added December 11,
25 1986 (P.L.1485, No.153), is amended to read:

26 Section 2313.4. Operation of Eastern Pennsylvania
27 Psychiatric Institute. The Department of ~~[Public Welfare]~~ Human
28 Services is hereby authorized to relinquish the entire
29 government, management, operation and control of the Eastern
30 Pennsylvania Psychiatric Institute to The Medical College of

~~Pennsylvania upon the effective date of a lease entered pursuant to section 2418.~~

~~(1) Upon the execution of the lease permitted pursuant to section 2418, the Eastern Pennsylvania Psychiatric Institute shall be operated under the management of the Board of Corporators of The Medical College of Pennsylvania, which shall be responsible for the management and operation of the institute.~~

~~(2) The Medical College of Pennsylvania shall conduct research into the causes, prevention, treatment and cure of mental, neurological and related disorders and shall provide consultation, education, training and treatment at the Eastern Pennsylvania Psychiatric Institute responsive to the mental health needs of the public. Provision of these services and the conduct of research shall be limited only by funds available for these purposes. In addition to requesting appropriations from the General Assembly to fund these functions, the Board of Corporators of The Medical College of Pennsylvania shall make good faith efforts to obtain funding from third party sources.~~

~~(3) The Medical College of Pennsylvania shall utilize all space in the buildings known as the Eastern Pennsylvania Psychiatric Institute consistent with the functions described in this section. If The Medical College of Pennsylvania uses space in the Eastern Pennsylvania Psychiatric Institute for functions other than those described, it shall provide the Department of {Public Welfare} Human Services with written documentation that an equivalent amount of space is used in other facilities of The Medical College of Pennsylvania for those functions.~~

~~(4) The Medical College of Pennsylvania may construct buildings on vacant land of the leased premises if the buildings~~

~~are consistent with the academic health mission of The Medical College of Pennsylvania.~~

~~Section 12. Section 2327 of the act is repealed.~~

~~Section 13. The act is amended by adding a section to read:~~

~~Section 2327.1. Powers and Duties of the State Board of Human Services. The State Board of Human Services shall be an advisory body to, and a consultative body of the Department of Human Services with no power to approve or disapprove rules or regulations, and shall have the power and its duty shall be:~~

~~(a) To participate in the development of broad outlines, of policy and in the formulation of long range programs and objectives of the Department of Human Services,~~

~~(b) To interpret such programs and objectives to the public, and~~

~~(c) To advise the Secretary of Human Services, the Governor and the General Assembly, with respect to the policies, programs, objectives and functioning of the Department of Human Services.~~

~~Section 14. Section 2328 of the act, amended June 20, 1978 (P.L.477, No.70), is amended to read:~~

~~Section 2328. Powers and Duties of Advisory Committees. The Advisory Committee for the Blind, the Advisory Committee for General and Special Hospitals, the Advisory Committee for Children and Youth, the Advisory Committee for Public Assistance and the Advisory Committee for Mental Health and Mental Retardation, shall, concerning matters within their respective special fields of interest, have the power and their duty shall be:~~

~~(a) To advise the appropriate major program unit of the Department of [Public Welfare] Human Services. This advice shall~~

1 ~~include, but shall not be limited to, such matters as standards~~
2 ~~of eligibility, nature and extent of service, amounts of~~
3 ~~payments to individuals, standards of approval, certification~~
4 ~~and licensure of institutions and agencies, ways and means of~~
5 ~~coordinating public and private [welfare] human services~~
6 ~~activities, and such other matters as may, by law, require~~
7 ~~citizen review or may be referred to the committees by the~~
8 ~~departmental units advised by them; and the Advisory Committee~~
9 ~~for Mental Health and Mental Retardation shall also have the~~
10 ~~power and duty to advise the Governor and the Secretary of~~
11 ~~{Public Welfare} Human Services with regard to the appointment~~
12 ~~of the Commissioner of Mental Health.~~

13 ~~(b) To arrange for and conduct such public hearings as may~~
14 ~~be required by law or which they deem necessary and advisable,~~

15 ~~(c) To promote better public understanding of the programs~~
16 ~~and objectives of the departmental units advised by them, and~~

17 ~~(d) To make recommendations to the [State Board of Public~~
18 ~~Welfare] Department of Human Services on matters referred to the~~
19 ~~committees for consideration and advice, or as may be required~~
20 ~~to promote the effectiveness of the programs, of the~~
21 ~~departmental units advised by them.~~

22 ~~Section 15. Section 2409.1(b) of the act, amended July 1,~~
23 ~~1981 (P.L.143, No.48), is amended to read:~~

24 ~~Section 2409.1. Handicapped Made Products and Services. * *~~

25 ~~*~~

26 ~~(b) The Secretary of General Services shall have the power,~~
27 ~~and it shall be his duty, to determine the fair market price on~~
28 ~~any product or service, the practice of which is not licensed~~
29 ~~under the laws of this Commonwealth, which handicapped persons~~
30 ~~can manufacture or perform and which has been offered for sale~~

1 ~~to the Commonwealth or any of its agencies by any charitable~~
2 ~~nonprofit making agency for the handicapped, incorporated under~~
3 ~~the laws of this Commonwealth, and manufacturing merchandise~~
4 ~~within this Commonwealth and providing services within this~~
5 ~~Commonwealth, and approved for such purpose by the Department of~~
6 ~~General Services, to revise such prices from time to time, in~~
7 ~~accordance with changing market conditions, and to make such~~
8 ~~rules and regulations regarding specifications, time of delivery~~
9 ~~and other relevant matters as are necessary to carry out the~~
10 ~~provisions of this section. At the request of the Secretary of~~
11 ~~General Services and with the approval of the Secretary of~~
12 ~~{Public Welfare} Human Services, the Department of {Public~~
13 ~~Welfare} Human Services or other nonprofit making agency shall~~
14 ~~facilitate the distribution of orders and services among~~
15 ~~agencies for the handicapped.~~

16 * * *

17 Section 16. ~~Section 2418 of the act, added December 11, 1986~~
18 ~~{P.L.1485, No.153}, is amended to read:~~

19 Section 2418. ~~Lease of Eastern Pennsylvania Psychiatric~~
20 ~~Institute. The Department of General Services, with the~~
21 ~~approval of the Governor and the Department of {Public Welfare}~~
22 ~~Human Services, is authorized to lease or sublease, for the~~
23 ~~rental of one dollar (\$1) per annum, all of the land and~~
24 ~~buildings in the city and county of Philadelphia known as the~~
25 ~~Eastern Pennsylvania Psychiatric Institute, and all~~
26 ~~improvements, fixtures, equipment and furnishings located there,~~
27 ~~to The Medical College of Pennsylvania upon such terms and~~
28 ~~conditions as The Medical College of Pennsylvania and the~~
29 ~~Department of {Public Welfare} Human Services shall agree. The~~
30 ~~provisions of section 2402(i) shall not apply to a lease entered~~

1 ~~into pursuant to this section.~~

2 ~~Section 17. Whenever in any law or regulation reference is~~
3 ~~made to the Department of Public Welfare or the Secretary of~~
4 ~~Public Welfare, such reference shall be deemed to refer to and~~
5 ~~include the Department of Human Services or the Secretary of~~
6 ~~Human Services.~~

7 ~~Section 18. The powers and duties formerly exercised by the~~
8 ~~State Board of Public Welfare pursuant to any statute shall~~
9 ~~hereinafter be exercised by the State Board of Human Services.~~
10 ~~Any reference in any statute to the State Board of Public~~
11 ~~Welfare shall hereafter be deemed to be a reference to the State~~
12 ~~Board of Human Services.~~

13 ~~Section 19. All personnel, appropriations, allocations,~~
14 ~~contracts, agreements, equipment, files, obligations and other~~
15 ~~material which relate to the administration and enforcement of~~
16 ~~the laws of this Commonwealth as they relate to the Department~~
17 ~~of Public Welfare are hereby transferred to the Department of~~
18 ~~Human Services with the same force and effect as if the~~
19 ~~appropriations had been made to the Department of Human Services~~
20 ~~in the first instance, and said contracts, agreements and~~
21 ~~obligations of the Department of Public Welfare had been~~
22 ~~incurred or entered into by said Department of Human Services.~~

23 ~~Section 20. This act shall take effect immediately.~~

24 SECTION 1. THE HEADING AND SUBSECTION (L) OF SECTION 211 OF <—
25 THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
26 WELFARE CODE, ADDED JULY 10, 1980 (P.L.493, NO.105), IS AMENDED
27 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

28 SECTION 211. STATE PLAN FOR REGULATING AND LICENSING
29 PERSONAL CARE [BOARDING HOMES] FACILITIES.--* * *

30 (L) AFTER INITIAL APPROVAL, PERSONAL CARE [BOARDING HOMES

1 NEED NOT] FACILITIES MUST BE VISITED [OR] AND INSPECTED
2 ANNUALLY[; PROVIDED THAT THE DEPARTMENT SHALL SCHEDULE
3 INSPECTIONS IN ACCORDANCE WITH A PLAN THAT PROVIDES FOR THE
4 COVERAGE OF AT LEAST SEVENTY-FIVE PERCENT OF THE LICENSED
5 PERSONAL CARE BOARDING HOMES EVERY TWO YEARS AND ALL HOMES SHALL
6 BE INSPECTED AT LEAST ONCE EVERY THREE YEARS].

7 * * *

8 (N) IN DEVELOPING RULES AND REGULATIONS, THE DEPARTMENT
9 SHALL CONSIDER THE RIGHTS OF RESIDENTS TO BE SECURE IN THEIR
10 RESIDENCES AND TO BE ACTIVELY INVOLVED IN MATTERS AFFECTING
11 THEM. TO THAT END, THE DEPARTMENT SHALL:

12 (1) PROVIDE EACH RESIDENT WITH A NOTICE OF ANY CLASS I
13 VIOLATIONS OR CLASS II VIOLATIONS UNCORRECTED AFTER FIVE (5)
14 DAYS AS DEFINED UNDER SECTION 1090 OF THIS ACT.

15 (2) REPORT WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER THE
16 EFFECTIVE DATE OF THIS SECTION TO THE LEGISLATIVE COMMITTEES
17 HAVING JURISDICTION OVER HEALTH AND WELFARE SERVICES ON:

18 (A) THE FEASIBILITY OF ESTABLISHING A RECEIVERSHIP PROGRAM
19 WHOSE PURPOSE SHALL BE TO MANAGE A PERSONAL CARE FACILITY
20 WHENEVER THE DEPARTMENT OR A COURT OF COMPETENT JURISDICTION
21 DETERMINES THAT THE PRESENT OWNER OR OPERATOR OF THE PERSONAL
22 CARE FACILITY IS INCAPABLE OF MANAGING THE FACILITY IN A SAFE
23 AND EFFICIENT MANNER; AND

24 (B) AN ANALYSIS OF THE FEASIBILITY OF USING FUNDS UNDER THE
25 SOCIAL SECURITY ACT (PUBLIC LAW 74-271, 42 U.S.C. § 301 ET
26 SEQ.), INCLUDING FUNDS UNDER THE MEDICAID SECTION 2176 WAIVER
27 PROGRAM, TO PROVIDE CASE MANAGEMENT SERVICES AS DEFINED UNDER
28 SECTION 214 OF THIS ACT AND PERSONAL CARE SERVICES TO RESIDENTS.
29 THIS ANALYSIS SHALL INCLUDE THE NUMBER OF RESIDENTS IN LICENSED
30 PERSONAL CARE FACILITIES; THE NUMBER OF SUCH RESIDENTS ELIGIBLE

1 FOR MEDICAL ASSISTANCE BENEFITS; AND THE NUMBER OF SUCH
2 RESIDENTS PRESENTLY RECEIVING CASE MANAGEMENT SERVICES,
3 INCLUDING THE TYPES OF AGENCIES PRESENTLY PROVIDING CASE
4 MANAGEMENT SERVICES TO THE RESIDENTS.

5 (O) THE DEPARTMENT SHALL REQUIRE EACH OWNER AND OPERATOR OF
6 A PERSONAL CARE FACILITY TO DISCLOSE TO EACH RESIDENT THE ACTUAL
7 RENT AND OTHER CHARGES FOR SERVICES PROVIDED BY THE PERSONAL
8 CARE FACILITY. AS TO THOSE RESIDENTS ELIGIBLE FOR SUPPLEMENTAL
9 SECURITY INCOME (SSI) BENEFITS AND THOSE RESIDENTS IN PERSONAL
10 CARE FACILITIES THAT DO NOT HAVE SET FEES, THE DEPARTMENT SHALL
11 REQUIRE THAT ACTUAL RENT AND OTHER CHARGES MAY NOT EXCEED THE
12 RESIDENT'S ACTUAL CURRENT MONTHLY INCOME REDUCED BY A PERSONAL
13 NEEDS ALLOWANCE FOR THE RESIDENT IN AN AMOUNT TO BE DETERMINED
14 BY THE DEPARTMENT, BUT NOT LESS THAN TWENTY-FIVE DOLLARS (\$25).
15 NO OWNER OR OPERATOR OF A PERSONAL CARE FACILITY MAY SEEK OR
16 ACCEPT ANY PAYMENTS FROM A RESIDENT WHO IS A SUPPLEMENTAL
17 SECURITY INCOME (SSI) RECIPIENT IN EXCESS OF ONE-HALF OF ANY
18 FUNDS RECEIVED BY THE RESIDENT UNDER THE ACT OF MARCH 11, 1971
19 (P.L.104, NO.3), KNOWN AS THE "SENIOR CITIZENS REBATE AND
20 ASSISTANCE ACT," NOR CAN SUCH OWNER OR OPERATOR OF A PERSONAL
21 CARE FACILITY SEEK OR ACCEPT FROM A RESIDENT ELIGIBLE FOR
22 SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS, ANY PAYMENT FROM
23 ANY FUNDS RECEIVED AS LUMP SUM AWARDS, GIFTS OR INHERITANCES,
24 GAINS FROM THE SALE OF PROPERTY, OR RETROACTIVE GOVERNMENT
25 BENEFITS; PROVIDED, HOWEVER, THAT AN OWNER OR OPERATOR MAY SEEK
26 AND ACCEPT PAYMENTS FROM FUNDS RECEIVED AS RETROACTIVE AWARDS OF
27 SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS,
28 BUT ONLY TO THE EXTENT THAT THE RETROACTIVE AWARDS COVER PERIODS
29 OF TIME DURING WHICH THE RESIDENT ACTUALLY RESIDED IN THE
30 PERSONAL CARE FACILITY OF THE OWNER OR OPERATOR. THE DEPARTMENT

1 SHALL REQUIRE THAT EACH OWNER OR OPERATOR PROVIDE THE FOLLOWING
2 SERVICES TO EACH RESIDENT WHO IS ELIGIBLE FOR SUPPLEMENTAL
3 SECURITY INCOME (SSI) BENEFITS, AT NO ADDITIONAL CHARGE TO THE
4 RESIDENT:

5 (1) NECESSARY PERSONAL HYGIENE ITEMS. THIS REQUIREMENT DOES
6 NOT INCLUDE COSMETIC ITEMS.

7 (2) LAUNDRY, INCLUDING PERSONAL LAUNDRY.

8 (P) IN DEVELOPING RULES AND REGULATIONS, THE DEPARTMENT
9 SHALL REQUIRE THAT A PERSONAL CARE FACILITY PROVIDE AT LEAST ONE
10 STAFF PERSON ON DUTY FOR EACH SHIFT WHO HAS CERTIFICATES OF
11 SUCCESSFUL COMPLETION OF DEPARTMENT-APPROVED COURSES IN
12 CARDIOPULMONARY RESUSCITATION (CPR) AND FIRST AID.

13 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

14 SECTION 212. PERSONAL CARE FACILITY ADVISORY COUNCIL.--

15 (A) THERE IS HEREBY ESTABLISHED AN ADVISORY COUNCIL TO BE KNOWN
16 AS THE PERSONAL CARE FACILITY ADVISORY COUNCIL.

17 (B) THE COUNCIL SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

18 (1) THE SECRETARY OF PUBLIC WELFARE, THE SECRETARY OF AGING
19 AND THE SECRETARY OF LABOR AND INDUSTRY, OR DESIGNEES THEREOF.

20 (2) THREE OWNERS OR OPERATORS OF PERSONAL CARE FACILITIES,
21 ONE OF WHOM SHALL BE THE OWNER OR OPERATOR OF A PERSONAL CARE
22 FACILITY WITH A CAPACITY OF LESS THAN 30 PERSONS, APPOINTED BY
23 THE GOVERNOR.

24 (3) TWO MEMBERS OF THE PUBLIC TO REPRESENT RESIDENTS OF
25 PERSONAL CARE FACILITIES, APPOINTED BY THE GOVERNOR.

26 (4) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, APPOINTED
27 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE OF WHOM
28 SHALL BE A MEMBER OF THE MAJORITY PARTY AND ONE OF WHOM SHALL BE
29 A MEMBER OF THE MINORITY PARTY, OR THEIR DESIGNEES.

30 (5) TWO MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT

1 PRO TEMPORE OF THE SENATE, ONE OF WHOM SHALL BE A MEMBER OF THE
2 MAJORITY PARTY AND ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY
3 PARTY, OR THEIR DESIGNEES.

4 (C) (1) THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR
5 SHALL BE FOUR YEARS WITH THE INITIAL APPOINTEES TO SERVE FOR TWO
6 YEARS AND FOUR YEARS RESPECTIVELY AS DESIGNATED BY THE GOVERNOR.

7 (2) THE SECRETARY OF PUBLIC WELFARE, THE SECRETARY OF AGING
8 AND THE SECRETARY OF LABOR AND INDUSTRY SHALL SERVE CONCURRENT
9 WITH THEIR TERMS OF OFFICE.

10 (3) MEMBERS OF THE GENERAL ASSEMBLY SHALL SERVE A TERM
11 CONCURRENT WITH THEIR ELECTED POSITIONS.

12 (D) MEMBERS SHALL BE ELIGIBLE FOR REAPPOINTMENT. ANY VACANCY
13 SHALL BE FILLED BY THE APPOINTING POWER FOR THE UNEXPIRED TERM
14 OF OFFICE.

15 (E) ALL MEMBERS OF THE COUNCIL SHALL ONLY BE ENTITLED TO
16 REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
17 AS FIXED BY THE EXECUTIVE BOARD.

18 (F) THE SECRETARY OF PUBLIC WELFARE SHALL SERVE AS THE
19 CHAIRPERSON. THE COUNCIL SHALL MEET AT LEAST QUARTERLY AND AT
20 SUCH OTHER TIMES AS THE CHAIRPERSON DEEMS NECESSARY.

21 (G) SEVEN MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM
22 FOR CONDUCTING THE BUSINESS OF THE COUNCIL.

23 (H) THE COUNCIL SHALL CONSULT WITH THE DEPARTMENT AND MAKE
24 RECOMMENDATIONS ON REGULATIONS, LICENSURE AND ANY OTHER
25 RESPONSIBILITIES OF THE DEPARTMENT RELATING TO PERSONAL CARE
26 FACILITIES.

27 (I) IN DEVELOPING RULES AND REGULATIONS FOR LICENSURE OF
28 PERSONAL CARE FACILITIES, THE DEPARTMENT SHALL TAKE INTO
29 CONSIDERATION THE RECOMMENDATIONS OF THE PERSONAL CARE FACILITY
30 ADVISORY COUNCIL AND SHALL BY REGULATION ESTABLISH STANDARDS FOR

1 THE MENTAL AND PHYSICAL MOBILITY OF RESIDENTS AND FOR
2 DETERMINING WHETHER A PERSONAL CARE FACILITY MEETS THESE
3 STANDARDS. SUCH STANDARDS SHALL INCLUDE, BUT NOT BE LIMITED TO,
4 THE FOLLOWING CATEGORIES OF PERSONAL CARE FACILITIES:

5 (1) LEVEL 1 FACILITIES SHALL HAVE RESIDENTS THAT ARE MOBILE
6 AND NEED ONLY MINIMAL PERSONAL CARE AND SUPERVISION AND SHALL BE
7 CONSTRUCTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE
8 DEPARTMENT OF LABOR AND INDUSTRY.

9 (2) LEVEL 2 FACILITIES MAY HAVE RESIDENTS THAT HAVE
10 FUNCTIONAL LIMITATIONS AND RELY ON THE FACILITY FOR EXTENSIVE
11 ASSISTANCE WITH PERSONAL ACTIVITIES OF DAILY LIVING AND WHO DO
12 NOT REQUIRE REGULAR CONTINUOUS TWENTY-FOUR HOUR NURSING CARE,
13 ALTHOUGH THEY MAY BE NONAMBULATORY AND REQUIRE THE OCCASIONAL
14 SERVICES OF AN APPROPRIATE SKILLED HEALTH PROFESSIONAL. THE
15 DEPARTMENT OF LABOR AND INDUSTRY SHALL PROMULGATE REGULATIONS
16 FOR LEVEL 2 FACILITIES TO ESTABLISH APPROPRIATE FIRE AND SAFETY
17 STANDARDS. A FACILITY WHICH MEETS THE SLOW CAPABILITY
18 REQUIREMENTS OF CHAPTER 21, RESIDENTIAL BOARD AND CARE
19 OCCUPANCIES OF THE LIFE SAFETY CODE OF 1985 OF THE NATIONAL FIRE
20 PROTECTION ASSOCIATION, INCORPORATED, AS ADMINISTERED BY THE
21 DEPARTMENT OF LABOR AND INDUSTRY, MAY BE LICENSED AS A LEVEL 2
22 FACILITY UNTIL THE DEPARTMENT OF LABOR AND INDUSTRY PROMULGATES
23 APPROPRIATE STANDARDS. THE DEPARTMENT OF LABOR AND INDUSTRY
24 SHALL HAVE THE AUTHORITY TO WAIVE SPECIFIC REQUIREMENTS OF
25 CHAPTER 21 WHEN APPROPRIATE FIRE SAFETY CAN BE ACHIEVED.

26 (J) A PERSONAL CARE FACILITY MAY BE LICENSED AS A LEVEL 1
27 AND/OR A LEVEL 2 FACILITY IN ACCORDANCE WITH THE STANDARDS
28 ESTABLISHED BY THE DEPARTMENT.

29 SECTION 213. PERSONAL CARE FACILITY ADMINISTRATOR.--(A)
30 AFTER JANUARY 1, 1989, ALL PERSONAL CARE FACILITIES SHALL

1 IDENTIFY AND APPOINT A PERSONAL CARE FACILITY ADMINISTRATOR OR
2 ADMINISTRATORS WHO MEET THE QUALIFICATIONS PROVIDED IN THIS
3 SECTION.

4 (B) A PERSONAL CARE FACILITY ADMINISTRATOR SHALL:

5 (1) BE AT LEAST 21 YEARS OF AGE, HAVE A HIGH SCHOOL DIPLOMA
6 OR A GENERAL EDUCATIONAL DEVELOPMENT DIPLOMA AND BE OF GOOD
7 MORAL CHARACTER, PROVIDED THAT AN ADMINISTRATOR OF A LICENSED
8 PERSONAL CARE FACILITY ON THE EFFECTIVE DATE OF THIS ACT SHALL
9 BE EXEMPT FROM THE PROVISION THAT REQUIRES AN ADMINISTRATOR TO
10 HAVE A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT
11 DIPLOMA;

12 (2) HAVE KNOWLEDGE, EDUCATION AND TRAINING IN:

13 (I) FIRE PREVENTION AND EMERGENCY PLANNING;

14 (II) FIRST AID, MONITORING OF MEDICATIONS, MEDICAL
15 TERMINOLOGY AND PERSONAL HYGIENE;

16 (III) NUTRITION;

17 (IV) RECREATION;

18 (V) MENTAL ILLNESS AND GERONTOLOGY;

19 (VI) COMMUNITY RESOURCES AND SOCIAL SERVICES; AND

20 (VII) STAFF SUPERVISION AND TRAINING; AND

21 (3) PROVIDE ORIENTATION AND APPROPRIATE TRAINING FOR THE
22 DIRECT CARE STAFF.

23 (C) BY JANUARY 1989, THE DEPARTMENT SHALL BY REGULATION
24 DEVELOP SUCH STANDARDS FOR KNOWLEDGE, EDUCATION OR TRAINING TO
25 MEET THE STANDARDS OF THIS SECTION.

26 (D) IF NOT OTHERWISE AVAILABLE, THE DEPARTMENT SHALL
27 SCHEDULE AND OFFER AT COST, TRAINING AND EDUCATIONAL PROGRAMS
28 FOR A PERSON TO MEET THE KNOWLEDGE, EDUCATIONAL AND TRAINING
29 REQUIREMENTS ESTABLISHED BY THIS ACT.

30 SECTION 214. RELOCATION OF RESIDENTS OF PERSONAL CARE

1 FACILITIES.--(A) THE DEPARTMENT MAY NOT SEEK TO RELOCATE ANY
2 RESIDENT FROM A PERSONAL CARE FACILITY UNLESS IT HAS FIRST
3 BROUGHT AN ACTION FOR AN INJUNCTION REQUIRING THE OWNER TO
4 CORRECT ANY OUTSTANDING VIOLATIONS PURSUANT TO SECTION 1053 OF
5 THIS ACT: PROVIDED, HOWEVER, THAT THE DEPARTMENT MAY SEEK TO
6 RELOCATE RESIDENTS IF THE DEPARTMENT, IN CONJUNCTION WITH THE
7 APPROPRIATE LOCAL AGENCIES, CERTIFIES THAT THE WORK NECESSARY TO
8 CORRECT THE OUTSTANDING VIOLATIONS CAN ONLY BE PERFORMED IF THE
9 PREMISES ARE VACATED OR IF FAILURE TO VACATE THE PREMISES WOULD
10 POSE A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR
11 PHYSICAL HARM WILL RESULT.

12 (B) THE DEPARTMENT, IN CONJUNCTION WITH APPROPRIATE LOCAL
13 AUTHORITIES, SHALL RELOCATE RESIDENTS FROM A PERSONAL CARE
14 FACILITY, SUBJECT TO THE LIMITATIONS OF SUBSECTION (A), IF ANY
15 OF THE FOLLOWING CONDITIONS EXIST:

16 (1) ONE OR MORE CLASS I VIOLATIONS REMAIN UNCORRECTED
17 TWENTY-FOUR HOURS AFTER THE PERSONAL CARE FACILITY HAS BEEN
18 CITED FOR SUCH VIOLATION.

19 (2) THE FACILITY IS OPERATING WITHOUT A LICENSE.

20 (3) THE LICENSEE IS VOLUNTARILY CLOSING A FACILITY AND
21 RELOCATION IS NECESSARY FOR THE HEALTH AND WELFARE OF THE
22 RESIDENT OR RESIDENTS.

23 (C) THE DEPARTMENT SHALL OFFER RELOCATION ASSISTANCE TO
24 RESIDENTS RELOCATED UNDER THIS SECTION. EXCEPT IN AN EMERGENCY,
25 THE RESIDENT SHALL BE INVOLVED IN PLANNING HIS TRANSFER TO
26 ANOTHER PLACEMENT AND SHALL HAVE THE RIGHT TO CHOOSE AMONG THE
27 AVAILABLE ALTERNATIVE PLACEMENTS. THE DEPARTMENT MAY MAKE
28 TEMPORARY PLACEMENT UNTIL FINAL PLACEMENT CAN BE ARRANGED.
29 RESIDENTS SHALL BE PROVIDED WITH AN OPPORTUNITY TO VISIT
30 ALTERNATIVE PLACEMENT BEFORE RELOCATION OR FOLLOWING TEMPORARY

1 EMERGENCY RELOCATION. RESIDENTS SHALL CHOOSE THEIR FINAL
2 PLACEMENT AND SHALL BE GIVEN ASSISTANCE IN TRANSFERRING TO SUCH
3 PLACE. THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH THE
4 AMOUNTS OF RELOCATION ASSISTANCE AVAILABLE UNDER SECTION 1092 OF
5 THIS ACT AND THE PROCEDURES FOR PAYING SUCH ASSISTANCE.

6 SECTION 215. CASE MANAGEMENT.--(A) THE DEPARTMENT SHALL
7 MAKE GRANTS TO COUNTY GOVERNMENTS FOR THE PURPOSE OF PROVIDING
8 CASE MANAGEMENT SERVICES TO RESIDENTS OF PERSONAL CARE
9 FACILITIES. THESE CASE MANAGEMENT SERVICES SHALL BE PROVIDED BY
10 COUNTY AGENCIES AND/OR PRIVATE NON-PROFIT AGENCIES UNDER
11 CONTRACT WITH COUNTY GOVERNMENT, AS DETERMINED BY COUNTY
12 COMMISSIONERS. PRIORITY FOR RECEIVING CASE MANAGEMENT SERVICES
13 SHALL BE GIVEN TO SUPPLEMENTAL SECURITY INCOME (SSI) RECIPIENTS
14 WHO ARE RESIDING IN PERSONAL CARE FACILITY, WHICH RESULT IN THE
15 COMMONWEALTH'S ELIGIBILITY FOR MATCHING FEDERAL FUNDS TO ASSIST
16 IN FINANCING THESE SERVICES. THE DEPARTMENT SHALL BE RESPONSIBLE
17 FOR MAKING APPLICATION FOR FEDERAL FUNDS AVAILABLE TO THE
18 COMMONWEALTH FOR THEIR SERVICES, WITHIN THE AMOUNT OF STATE
19 MATCHING FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY.

20 (B) IN CONSULTATION WITH AND THE APPROVAL OF EACH PERSONAL
21 CARE FACILITY RESIDENT RECEIVING CASE MANAGEMENT SERVICES, CASE
22 MANAGERS WILL ASSIST SUCH RESIDENTS IN THE DEVELOPMENT AND
23 IMPLEMENTATION OF AN INDIVIDUALIZED PLAN FOR ACTIVITIES AND
24 SERVICES BOTH WITHIN AND OUTSIDE OF THE PERSONAL CARE FACILITY.
25 SUCH ACTIVITIES AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED
26 TO:

27 (1) NEEDED VISITS FOR MEDICAL CARE INCLUDING VISITS FOR
28 DENTAL, PHYSICIAN, OPTICAL OR MEDICAL EQUIPMENT SERVICES.

29 (2) PROVIDING OPPORTUNITIES TO PARTICIPATE IN PROGRAMS
30 AVAILABLE IN THE COMMUNITY-BASED HUMAN SERVICES SYSTEM,

1 INCLUDING OUTPATIENT MENTAL HEALTH TREATMENT, PARTIAL
2 HOSPITALIZATION PROGRAMS, ADULT DAY CARE PROGRAMS AND SENIOR
3 CITIZEN CENTER PROGRAMS.

4 (3) OVERSIGHT TO ASSURE THAT RESIDENTS HAVE NUTRITIOUS MEALS
5 AND SANITARY CONDITIONS AS SPECIFIED IN STATE LICENSING
6 REGULATIONS, WORKING CLOSELY WITH STATE LICENSING ENFORCEMENT
7 OFFICIALS AND OMBUDSMAN.

8 (4) PROVIDING AID IN OBTAINING AND TAKING MEDICATION AS
9 PRESCRIBED BY A PHYSICIAN.

10 (5) MANAGEMENT AND EXPENDITURE OF ANY PERSONAL FUNDS
11 AVAILABLE TO EACH RESIDENT.

12 (6) PROVIDING AID IN OBTAINING APPROPRIATE CLOTHING,
13 INCLUDING DONATIONS FROM PRIVATE CHARITIES.

14 (7) AID IN ATTENDANCE AT RELIGIOUS SERVICES, IF REQUESTED.

15 (8) MONITORING THE CARE PROVIDED TO EACH RESIDENT.

16 (C) CASE MANAGERS HIRED UNDER THE PROVISIONS OF THIS ACT
17 SHALL HAVE REASONABLE ACCESS TO PERSONAL CARE FACILITIES AND TO
18 THE RESIDENTS OF THE FACILITIES IN THE FURTHERANCE OF THEIR
19 DUTIES AS DEFINED IN THIS ACT.

20 (D) PERSONAL CARE FACILITY ADMINISTRATORS SHALL BE
21 RESPONSIBLE FOR INFORMING THE RESIDENT OF THE AVAILABILITY OF
22 CASE MANAGEMENT SERVICES WITHIN FORTY-EIGHT HOURS OF THE
23 ADMISSION OF ANY RESIDENT TO A PERSONAL CARE FACILITY. IF CASE
24 MANAGEMENT SERVICES ARE REQUESTED BY THE RESIDENT THE FACILITY
25 ADMINISTRATOR SHALL NOTIFY THE CASE MANAGEMENT AGENCY.

26 SECTION 3. SECTION 1001 OF THE ACT, AMENDED JULY 10, 1980
27 (P.L.493, NO.105), IS AMENDED TO READ:

28 SECTION 1001. DEFINITIONS.--AS USED IN THIS ARTICLE--

29 "ADULT DAY CARE" MEANS CARE GIVEN FOR PART OF THE TWENTY-FOUR
30 HOUR DAY TO ADULTS REQUIRING ASSISTANCE TO MEET PERSONAL NEEDS

1 AND WHO, BECAUSE OF PHYSICAL OR MENTAL INFIRMITY, CANNOT
2 THEMSELVES MEET THESE NEEDS, BUT WHO DO NOT REQUIRE NURSING
3 CARE.

4 "ADULT DAY CARE CENTER" MEANS ANY PREMISES OPERATED FOR
5 PROFIT, IN WHICH ADULT DAY CARE IS SIMULTANEOUSLY PROVIDED FOR
6 FOUR OR MORE ADULTS WHO ARE NOT RELATIVES OF THE OPERATOR.

7 "BOARDING HOME FOR CHILDREN" MEANS ANY PREMISES OPERATED FOR
8 PROFIT IN WHICH CARE IS PROVIDED FOR A PERIOD EXCEEDING TWENTY-
9 FOUR HOURS FOR ANY CHILD OR CHILDREN UNDER SIXTEEN YEARS OF AGE,
10 WHO ARE NOT RELATIVES OF THE OPERATOR AND WHO ARE NOT
11 ACCOMPANIED BY PARENT, INDIVIDUAL STANDING IN LOCO PARENTIS OR
12 LEGAL GUARDIAN. THE TERM SHALL NOT BE CONSTRUED TO INCLUDE ANY
13 SUCH PREMISES SELECTED FOR CARE OF SUCH CHILD OR CHILDREN BY A
14 PARENT, INDIVIDUAL STANDING IN LOCO PARENTIS OR LEGAL GUARDIAN
15 FOR A PERIOD OF THIRTY DAYS OR LESS, NOR ANY SUCH PREMISES
16 CONDUCTED UNDER SOCIAL SERVICE AUSPICES.

17 "CHILD DAY CARE" MEANS CARE IN LIEU OF PARENTAL CARE GIVEN
18 FOR PART OF THE TWENTY-FOUR HOUR DAY TO CHILDREN UNDER SIXTEEN
19 YEARS OF AGE, AWAY FROM THEIR OWN HOMES, BUT DOES NOT INCLUDE
20 CHILD DAY CARE FURNISHED IN PLACES OF WORSHIP DURING RELIGIOUS
21 SERVICES.

22 "CHILD DAY CARE CENTER" MEANS ANY PREMISES OPERATED FOR
23 PROFIT IN WHICH CHILD DAY CARE IS PROVIDED SIMULTANEOUSLY FOR
24 SEVEN OR MORE CHILDREN WHO ARE NOT RELATIVES OF THE OPERATOR,
25 EXCEPT SUCH CENTERS OPERATED UNDER SOCIAL SERVICE AUSPICES.

26 "DIRECT CARE STAFF" MEANS A PERSON WHO DIRECTLY ASSISTS
27 RESIDENTS WITH ACTIVITIES OF DAILY LIVING; PROVIDES SERVICES; OR
28 IS OTHERWISE RESPONSIBLE FOR THE HEALTH, SAFETY AND WELFARE OF
29 RESIDENTS.

30 "FACILITY" MEANS AN ADULT DAY CARE CENTER, CHILD DAY CARE

1 CENTER, FAMILY DAY CARE HOME, BOARDING HOME FOR CHILDREN, MENTAL
2 HEALTH ESTABLISHMENT, PERSONAL CARE [HOME FOR ADULTS] FACILITY,
3 NURSING HOME, HOSPITAL OR MATERNITY HOME, AS DEFINED HEREIN, AND
4 SHALL NOT INCLUDE THOSE OPERATED BY THE STATE OR FEDERAL
5 GOVERNMENTS OR THOSE SUPERVISED BY THE DEPARTMENT.

6 "HOSPITAL" MEANS ANY PREMISES, OTHER THAN A MENTAL HEALTH
7 ESTABLISHMENT AS DEFINED HEREIN, OPERATED FOR PROFIT, HAVING AN
8 ORGANIZED MEDICAL STAFF AND PROVIDING EQUIPMENT AND SERVICES
9 PRIMARILY FOR INPATIENT CARE FOR TWO OR MORE INDIVIDUALS WHO
10 REQUIRE DEFINITIVE DIAGNOSIS AND/OR TREATMENT FOR ILLNESS,
11 INJURY OR OTHER DISABILITY OR DURING OR AFTER PREGNANCY, AND
12 WHICH ALSO REGULARLY MAKES AVAILABLE AT LEAST CLINICAL
13 LABORATORY SERVICES, DIAGNOSTIC X-RAY SERVICES AND DEFINITIVE
14 CLINICAL TREATMENT SERVICES. THE TERM SHALL INCLUDE SUCH
15 PREMISES PROVIDING EITHER DIAGNOSIS OR TREATMENT, OR BOTH, FOR
16 SPECIFIC ILLNESSES OR CONDITIONS.

17 "MATERNITY HOME" MEANS ANY PREMISES OPERATED FOR PROFIT IN
18 WHICH, WITHIN A PERIOD OF SIX MONTHS, ANY PERSON RECEIVES MORE
19 THAN ONE WOMAN OR GIRL, NOT A RELATIVE OF THE OPERATOR, FOR CARE
20 DURING PREGNANCY OR IMMEDIATELY AFTER DELIVERY.

21 "MENTAL HEALTH ESTABLISHMENT" MEANS ANY PREMISES OR PART
22 THEREOF, PRIVATE OR PUBLIC, FOR THE CARE OF INDIVIDUALS WHO
23 REQUIRE CARE BECAUSE OF MENTAL ILLNESS, MENTAL RETARDATION OR
24 INEBRIETY BUT SHALL NOT BE DEEMED TO INCLUDE THE PRIVATE HOME OF
25 A PERSON WHO IS RENDERING SUCH CARE TO A RELATIVE.

26 "MOBILE" AND "AMBULATORY" MEANS AN INDIVIDUAL WHO IS
27 PHYSICALLY AND MENTALLY ABLE TO UNDERSTAND AND CARRY OUT
28 INSTRUCTIONS WITHOUT THE ASSISTANCE OF OTHERS; CAPABLE OF MOVING
29 ABOUT INDEPENDENTLY AND TO EXIT FROM THE BUILDING; ABLE TO
30 ASCEND OR DESCEND STAIRS; ABLE TO INDEPENDENTLY OPERATE A DEVICE

1 SUCH AS A WHEELCHAIR, PROSTHESIS, WALKER OR CANE.

2 "NONMOBILE" AND "NONAMBULATORY" MEANS AN INDIVIDUAL WHO IS
3 PHYSICALLY AND/OR MENTALLY UNABLE TO MOVE FROM ONE LOCATION TO
4 ANOTHER WITHOUT THE CONTINUED FULL ASSISTANCE OF OTHER PERSONS.
5 FULL ASSISTANCE MEANS THE INDIVIDUAL NEEDS TO BE LED, CARRIED OR
6 WHEELED FROM ONE LOCATION TO ANOTHER.

7 "NURSING HOME" MEANS ANY PREMISES OPERATED FOR PROFIT IN
8 WHICH NURSING CARE AND RELATED MEDICAL OR OTHER HEALTH SERVICES
9 ARE PROVIDED, FOR A PERIOD EXCEEDING TWENTY-FOUR HOURS, FOR TWO
10 OR MORE INDIVIDUALS, WHO ARE NOT RELATIVES OF THE OPERATOR, WHO
11 ARE NOT ACUTELY ILL AND NOT IN NEED OF HOSPITALIZATION, BUT WHO,
12 BECAUSE OF AGE, ILLNESS, DISEASE, INJURY, CONVALESCENCE OR
13 PHYSICAL OR MENTAL INFIRMITY NEED SUCH CARE.

14 "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, ASSOCIATION OR
15 CORPORATION OPERATING A FACILITY.

16 "PERSONAL CARE [HOME FOR ADULTS] FACILITY" MEANS ANY PREMISES
17 IN WHICH FOOD[, SHELTER AND PERSONAL ASSISTANCE OR SUPERVISION
18 ARE PROVIDED FOR A PERIOD EXCEEDING TWENTY-FOUR HOURS FOR MORE
19 THAN THREE ADULTS WHO ARE NOT RELATIVES OF THE OPERATOR AND WHO
20 REQUIRE ASSISTANCE OR SUPERVISION IN SUCH MATTERS AS DRESSING,
21 BATHING, DIET OR MEDICATION PRESCRIBED FOR SELF ADMINISTRATION.]
22 AND SHELTER ARE PROVIDED FOR A PERIOD EXCEEDING TWENTY-FOUR
23 CONSECUTIVE HOURS FOR FOUR OR MORE ADULTS WHO ARE NOT RELATIVES
24 OF THE OPERATOR AND WHO DO NOT REQUIRE THE SERVICES IN OR OF A
25 LICENSED LONG-TERM CARE FACILITY BUT WHO MAY REQUIRE PERSONAL
26 CARE SERVICES, INCLUDING ASSISTANCE OR SUPERVISION IN MATTERS
27 SUCH AS DRESSING, FINANCIAL MANAGEMENT, BATHING, MOBILITY, DIET
28 AND MEDICATION PRESCRIBED FOR SELF-ADMINISTRATION; ASSISTANCE
29 WITH TASKS OF DAILY LIVING; AND OBTAINING MEDICAL AND OTHER
30 HEALTH CARE OR SOCIAL SERVICES.

1 "PERSONAL CARE FACILITY ADMINISTRATOR" MEANS ANY INDIVIDUAL
2 WHO IS CHARGED WITH THE GENERAL ADMINISTRATION OF A PERSONAL
3 CARE FACILITY, WHETHER OR NOT SUCH INDIVIDUAL HAS AN OWNERSHIP
4 INTEREST IN SUCH FACILITY AND WHETHER OR NOT HIS FUNCTIONS AND
5 DUTIES ARE SHARED WITH ONE OR MORE INDIVIDUALS.

6 "PERSONAL CARE FACILITY RESIDENT" MEANS ANY OCCUPANT, OTHER
7 THAN FACILITY PERSONNEL, OF A PERSONAL CARE FACILITY, WHETHER OR
8 NOT HE OR SHE NEEDS PERSONAL ASSISTANCE OR SUPERVISION.

9 "RELATIVE" MEANS PARENT, CHILD, STEPPARENT, STEPCHILD,
10 GRANDPARENT, GRANDCHILD, BROTHER, SISTER, HALF BROTHER, HALF
11 SISTER, AUNT, UNCLE, NIECE, NEPHEW.

12 "SOCIAL SERVICE AUSPICES" MEANS ANY NONPROFIT AGENCY
13 REGULARLY ENGAGED IN THE AFFORDING OF CHILD OR ADULT CARE.

14 SECTION 4. SECTIONS 1006 AND 1053 OF THE ACT ARE AMENDED TO
15 READ:

16 SECTION 1006. FEES.--ANNUAL LICENSES SHALL BE ISSUED WHEN
17 THE PROPER FEE, IF REQUIRED, IS RECEIVED BY THE DEPARTMENT AND
18 ALL THE OTHER CONDITIONS PRESCRIBED BY THIS ACT ARE MET. THE
19 FEES SHALL BE:

20	FACILITY	ANNUAL LICENSE FEE
21	ADULT DAY CARE CENTER	\$ 15
22	MENTAL HEALTH ESTABLISHMENT	50
23	PERSONAL CARE [HOME]	[10]
24	<u>FACILITY</u>	<u>15</u>
25	HOSPITAL	100
26	NURSING HOME--UNDER 30 BEDS	15
27	--OVER 30 BUT UNDER 50 BEDS	25
28	--50 BUT UNDER 100 BEDS	50
29	--100 OR MORE BEDS	75
30	MATERNITY HOME	15

1 NO FEE SHALL BE REQUIRED FOR THE ANNUAL LICENSE IN THE CASE
2 OF DAY CARE CENTERS, FAMILY DAY CARE HOMES, BOARDING HOMES FOR
3 CHILDREN OR FOR PUBLIC OR NONPROFIT MENTAL INSTITUTIONS.

4 SECTION 1053. ACTIONS AGAINST VIOLATIONS OF LAW AND RULES
5 AND REGULATIONS.--WHENEVER ANY PERSON, REGARDLESS OF WHETHER
6 SUCH PERSON IS A LICENSEE, HAS VIOLATED THE LAWS OF THIS
7 COMMONWEALTH PERTAINING TO THE LICENSING OF A PRIVATE
8 INSTITUTION OR THE RULES AND REGULATIONS ADOPTED PURSUANT TO
9 SUCH LAWS BY THE DEPARTMENT, THE DEPARTMENT, UPON THE ADVICE OF
10 THE ATTORNEY GENERAL, MAY MAINTAIN AN ACTION IN THE NAME OF THE
11 COMMONWEALTH FOR AN INJUNCTION OR OTHER PROCESS RESTRAINING OR
12 PROHIBITING SUCH PERSON FROM ENGAGING IN SUCH ACTIVITY OR
13 REQUIRING SUCH PERSON TO CORRECT THE VIOLATION.

14 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

15 SECTION 1060. PERSONAL CARE FACILITIES RESIDENT RIGHTS.--ALL
16 PERSONAL CARE FACILITY RESIDENTS SHALL BE ENTITLED TO ALL
17 PROTECTIONS PROVIDED BY THIS ACT AND ALL RESIDENTS SHALL BE
18 ENTITLED TO THE PROTECTIONS PROVIDED BY REGULATIONS PROMULGATED
19 THEREUNDER EXCEPT THOSE REGULATIONS RELATIVE TO SUPERVISION AND
20 PERSONAL CARE.

21 SECTION 1061. ADMISSIONS TO PERSONAL CARE FACILITIES.--PRIOR
22 TO ADMISSION OR WITHIN THIRTY DAYS OF ADMISSION TO A PERSONAL
23 CARE FACILITY, AN ASSESSMENT SHALL BE DONE OF THE POTENTIAL
24 RESIDENT OR RESIDENTS BY THE DEPARTMENT OR ITS DESIGNEE TO
25 DETERMINE WHETHER OR NOT THE POTENTIAL RESIDENT OR RESIDENT
26 REQUIRES PERSONAL ASSISTANCE OR SUPERVISION. A PHYSICIAN'S
27 CERTIFICATE COMPLETED BY THE PHYSICIAN OF THE RESIDENT'S CHOICE
28 MAY BE SUBSTITUTED FOR THIS ASSESSMENT.

29 SECTION 6. ARTICLE X OF THE ACT IS AMENDED BY ADDING A
30 SUBARTICLE TO READ:

ARTICLE X

DEPARTMENTAL POWERS AND DUTIES AS TO LICENSING

* * *

(D) PERSONAL CARE FACILITY

SECTION 1090. CLASSIFICATION OF VIOLATIONS.--THE DEPARTMENT SHALL CLASSIFY EACH VIOLATION OF ITS REGULATIONS ON PERSONAL CARE FACILITIES.

(1) CLASS I. A VIOLATION WHICH INDICATES A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO ANY RESIDENT MAY RESULT.

(2) CLASS II. A VIOLATION WHICH HAS AN ADVERSE EFFECT UPON THE HEALTH, SAFETY, OR WELL-BEING OF ANY RESIDENT.

(3) CLASS III. A MINOR VIOLATION WHICH HAS NO ADVERSE EFFECT UPON THE HEALTH, SAFETY OR WELL-BEING OF ANY RESIDENT.

SECTION 1091. PENALTIES.--(A) THE DEPARTMENT SHALL ASSESS A PENALTY FOR EACH VIOLATION OF THIS SUBARTICLE OR REGULATIONS OF THE DEPARTMENT. PENALTIES SHALL BE ASSESSED ON A DAILY BASIS FROM THE DATE ON WHICH CITATION WAS ISSUED UNTIL THE DATE SUCH VIOLATION IS CORRECTED EXCEPT IN THE CASE OF CLASS II VIOLATIONS. IN THE CASE OF CLASS II VIOLATIONS, ASSESSMENT OF A PENALTY SHALL BE SUSPENDED FOR A PERIOD OF FIVE DAYS FROM THE DATE OF CITATION PROVIDED THAT, EXCEPT FOR GOOD CAUSE, THE PROVIDER HAS CORRECTED THE VIOLATION. IF THE VIOLATION HAS NOT BEEN CORRECTED WITHIN THE FIVE-DAY PERIOD THE FINE SHALL BE RETROACTIVE TO THE DATE OF CITATION.

(B) THE DEPARTMENT SHALL ASSESS A PENALTY OF TWENTY DOLLARS (\$20) PER RESIDENT PER DAY FOR EACH CLASS I VIOLATION.

(C) THE DEPARTMENT SHALL ASSESS A MINIMUM PENALTY OF FIVE DOLLARS (\$5) PER RESIDENT PER DAY UP TO A MAXIMUM OF FIFTEEN DOLLARS (\$15) PER RESIDENT PER DAY FOR EACH CLASS II VIOLATION.

1 (D) THERE SHALL BE NO MONETARY PENALTY FOR CLASS III
2 VIOLATIONS.

3 (E) A PERSONAL CARE FACILITY FOUND TO BE OPERATING WITHOUT A
4 LICENSE SHALL BE ASSESSED A PENALTY OF FIVE HUNDRED DOLLARS
5 (\$500). IF, AFTER THIRTY DAYS, AN OPERATOR OF A PERSONAL CARE
6 FACILITY CITED FOR OPERATING WITHOUT A LICENSE FAILS TO FILE AN
7 APPLICATION FOR A LICENSE, THE DEPARTMENT SHALL ASSESS AN
8 ADDITIONAL TWENTY DOLLARS (\$20) FOR EACH RESIDENT FOR EACH DAY
9 IN WHICH THE HOME FAILS TO MAKE SUCH APPLICATION.

10 (F) ANY PERSON CHARGED WITH VIOLATION OF THIS ACT SHALL HAVE
11 THIRTY DAYS TO PAY THE ASSESSED PENALTY IN FULL, OR IF THE
12 PERSON WISHES TO CONTEST EITHER THE AMOUNT OF THE PENALTY OR THE
13 FACT OF THE VIOLATION, THE PARTY SHALL FORWARD THE PROPOSED
14 AMOUNT TO THE SECRETARY OF PUBLIC WELFARE FOR PLACEMENT IN AN
15 ESCROW ACCOUNT WITH THE STATE TREASURER. IF, THROUGH
16 ADMINISTRATIVE HEARING OR JUDICIAL REVIEW OF THE PROPOSED
17 PENALTY, IT IS DETERMINED THAT NO VIOLATION OCCURRED OR THAT THE
18 AMOUNT OF THE PENALTY SHALL BE REDUCED, THE SECRETARY SHALL
19 WITHIN THIRTY DAYS REMIT THE APPROPRIATE AMOUNT TO THE PERSON
20 WITH ANY INTEREST ACCUMULATED BY THE ESCROW DEPOSIT. FAILURE TO
21 FORWARD THE PAYMENT TO THE SECRETARY WITHIN THIRTY DAYS SHALL
22 RESULT IN A WAIVER OF RIGHTS TO CONTEST THE FACT OF THE
23 VIOLATION OR THE AMOUNT OF THE PENALTY. THE AMOUNT ASSESSED
24 AFTER ADMINISTRATIVE HEARING OR A WAIVER OF THE ADMINISTRATIVE
25 HEARING SHALL BE PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA AND
26 SHALL BE COLLECTIBLE IN ANY MANNER PROVIDED BY LAW FOR THE
27 COLLECTION OF DEBTS. IF ANY PERSON LIABLE TO PAY SUCH PENALTY
28 NEGLECTS OR REFUSES TO PAY THE SAME AFTER DEMAND, SUCH FAILURE
29 TO PAY SHALL CONSTITUTE A JUDGMENT IN FAVOR OF THE COMMONWEALTH
30 IN THE AMOUNT OF THE PENALTY, TOGETHER WITH THE INTEREST AND ANY

1 COSTS THAT MAY ACCRUE.

2 (G) MONEY COLLECTED BY THE DEPARTMENT UNDER THIS SECTION
3 SHALL BE PLACED IN A SPECIAL RESTRICTED RECEIPT ACCOUNT AND
4 SHALL BE FIRST USED TO DEFRAY THE EXPENSES INCURRED BY RESIDENTS
5 RELOCATED UNDER THIS ACT. ANY MONEYS REMAINING IN THIS ACCOUNT
6 SHALL ANNUALLY BE REMITTED TO THE DEPARTMENT FOR ENFORCING THE
7 PROVISIONS OF THIS SUBARTICLE.

8 (H) THE DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY
9 FOR THE IMPLEMENTATION OF THIS SECTION IN ORDER TO ENSURE
10 UNIFORMITY AND CONSISTENCY IN THE APPLICATION OF PENALTIES.

11 SECTION 1092. REVOCATION OR NONRENEWAL OF LICENSE.--(A) (1)
12 THE DEPARTMENT SHALL TEMPORARILY REVOKE THE LICENSE OF A
13 PERSONAL CARE FACILITY IF WITHOUT GOOD CAUSE ONE OR MORE CLASS I
14 VIOLATIONS REMAIN UNCORRECTED TWENTY-FOUR HOURS AFTER THE
15 PERSONAL CARE FACILITY HAS BEEN CITED FOR SUCH VIOLATION OR IF
16 WITHOUT GOOD CAUSE ONE OR MORE CLASS II VIOLATIONS REMAIN
17 UNCORRECTED FIFTEEN DAYS AFTER BEING CITED FOR SUCH VIOLATION.

18 (2) UPON THE REVOCATION OF A LICENSE PURSUANT TO THIS
19 SUBSECTION, ALL RESIDENTS SHALL BE RELOCATED.

20 (3) THE REVOCATION SHALL TERMINATE UPON THE DEPARTMENT'S
21 DETERMINATION THAT ITS VIOLATION IS CORRECTED.

22 (4) IF AFTER THREE MONTHS, THE VIOLATIONS REMAIN UNCORRECTED
23 THE LICENSE OF THE PERSONAL CARE FACILITY SHALL BE PERMANENTLY
24 REVOKED.

25 (B) THE DEPARTMENT SHALL REVOKE OR REFUSE TO RENEW THE
26 LICENSE OF A PERSONAL CARE FACILITY IF DURING ANY TWO-YEAR
27 PERIOD, THE FACILITY, WITHOUT GOOD CAUSE, ON TWO OR MORE
28 SEPARATE OCCASIONS, HAS BEEN FOUND TO HAVE VIOLATED A REGULATION
29 OF THE DEPARTMENT WHICH HAS BEEN CATEGORIZED AS CLASS I.

30 (C) THE POWER OF THE DEPARTMENT TO REVOKE OR REFUSE TO RENEW

1 OR ISSUE A LICENSE PURSUANT TO THIS SECTION IS IN ADDITION TO
2 THE POWERS AND DUTIES OF THE DEPARTMENT PURSUANT TO SECTION
3 1026.

4 (D) ANY LICENSES REVOKED OR NOT RENEWED PURSUANT TO THIS
5 SECTION SHALL BE FOR A MINIMUM PERIOD OF FIVE YEARS.

6 (E) NO PROVIDER OF A PERSONAL CARE FACILITY WHO HAS HAD A
7 LICENSE REVOKED OR NOT RENEWED PURSUANT TO THIS SECTION SHALL BE
8 ALLOWED TO OPERATE OR STAFF OR HOLD AN INTEREST IN A FACILITY
9 THAT APPLIES FOR A LICENSE FOR A PERIOD OF FIVE YEARS AFTER SUCH
10 REVOCATION OR NONRENEWAL.

11 SECTION 7. THE DEPARTMENT OF PUBLIC WELFARE SHALL EVALUATE
12 THE COSTS OF PROVIDING PERSONAL CARE FOR THOSE RESIDENTS WHO ARE
13 RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME (SSI) AND REPORT BACK
14 TO THE COMMITTEE ON HEALTH AND WELFARE OF THE HOUSE OF
15 REPRESENTATIVES AND THE COMMITTEE ON PUBLIC HEALTH AND WELFARE
16 OF THE SENATE WITH ITS RECOMMENDATIONS. THE REPORT AND
17 RECOMMENDATIONS SHALL BE TRANSMITTED TO THE GENERAL ASSEMBLY
18 WITHIN THREE MONTHS FROM THE DATE OF ENACTMENT OF THIS ACT.

19 SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.