

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1328** Session of  
1987

INTRODUCED BY D. W. SNYDER, PRESSMANN, LUCYK, SAURMAN, NOYE,  
BELARDI, CLYMER, LASHINGER, GAMBLE, WOZNIAK, PITTS, CESSAR,  
RITTER, CALTAGIRONE, BOYES, MERRY, BOOK, VROON, COLAFELLA,  
GODSHALL, CORNELL, BUNT, GRUPPO, HONAMAN, PUNT, SEMMEL,  
BRANDT, ANGSTADT, REINARD, BARLEY, DURHAM, KENNEDY, JACKSON  
AND LANGTRY, MAY 11, 1987

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 11, 1987

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An  
2 act relating to health care; prescribing the powers and  
3 duties of the Department of Health; establishing and  
4 providing the powers and duties of the State Health  
5 Coordinating Council, health systems agencies and Health Care  
6 Policy Board in the Department of Health, and State Health  
7 Facility Hearing Board in the Department of Justice;  
8 providing for certification of need of health care providers  
9 and prescribing penalties," repealing provisions relating to  
10 certificates of need; and making an editorial change.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The title of the act of July 19, 1979 (P.L.130,  
14 No.48), known as the Health Care Facilities Act, is amended to  
15 read:

AN ACT

17 Relating to health care[; prescribing the powers and duties of  
18 the Department of Health; establishing and providing the  
19 powers and duties of the State Health Coordinating Council,  
20 health systems agencies and Health Care Policy Board in the

1 Department of Health, and State Health Facility Hearing Board  
2 in the Department of Justice; providing for certification of  
3 need of health care providers] and prescribing penalties.

4 Section 2. Sections 102 and 103 and Chapters 2, 3 and 4 of  
5 the act are repealed.

6 Section 3. Section 501 of the act is amended to read:  
7 Section [501] 802.2. State Health Facility Hearing Board.

8 There is hereby created the State Health Facility Hearing  
9 Board in the [Department of Justice] Office of General Counsel  
10 which shall consist of three members who shall initially be  
11 appointed for terms of one, two and three years respectively by  
12 the Governor and confirmed by a majority vote of the Senate.  
13 Thereafter, appointments shall be by the Governor for four year  
14 terms. Members shall be chosen for their familiarity and  
15 experience with health care facilities or for relevant training  
16 and experience which will assist the board to perform its  
17 functions. No person shall be chosen who is at the time of  
18 appointment an employee of the Commonwealth or of any health  
19 care provider. No member shall participate in any action or  
20 decision concerning any matter in which the member has an  
21 economic interest or other conflict of interest.

22 Section 4. Section 502 of the act is repealed.

23 Section 5. Sections 503 and 504 of the act are amended to  
24 read:

25 Section [503] 802.3. Counsel.

26 The Attorney General shall appoint counsel to serve and  
27 advise the hearing board and shall replace such counsel upon  
28 request of the board.

29 Section [504] 802.4. Hearing board; compensation; expenses.

30 Each member of the hearing board shall be paid travel and

1 other necessary expenses and compensation at a rate to be fixed  
2 by the executive board.

3 Section 6. Sections 505, 506 and 507 and Chapters 6 and 7 of  
4 the act are repealed.

5 Section 7. Section 803 of the act, added July 12, 1980  
6 (P.L.655, No.136), is amended to read:

7 Section 803. Powers of the Department of Health.

8 The Department of Health shall have the power and its duty  
9 shall be:

10 (1) to promulgate[, after consultation with the policy  
11 board,] the rules and regulations necessary to carry out the  
12 purposes and provisions of this chapter; and

13 (2) to assure that the provisions of this chapter and  
14 all rules and regulations promulgated under this chapter are  
15 enforced.

16 Section 8. Section 805 of the act is amended by adding  
17 subsections to read:

18 Section 805. State Health Facility Hearing Board.

19 \* \* \*

20 (a.1) Subpoena.--Persons conducting hearings under this act  
21 shall have the power to subpoena witnesses and documents  
22 required for the hearing, to administer oaths and examine  
23 witnesses and receive evidence in any locality which the hearing  
24 body may designate, having regard to the public convenience and  
25 proper discharge of its functions and duties.

26 (a.2) Notice.--Notice of hearings before the hearing board  
27 shall be given to the parties at least 21 days in advance of the  
28 hearing.

29 \* \* \*

30 Section 9. Section 808(a)(5) of the act is repealed.

1       Section 10.   This act shall take effect immediately.