

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1386

Session of
1993

INTRODUCED BY KASUNIC, DeLUCA, STISH, MELIO, BELARDI,
YANDRISEVITS, BELFANTI, CARONE, GIGLIOTTI, ARMSTRONG,
J. TAYLOR, E. Z. TAYLOR, LAUGHLIN, DURHAM, ACOSTA, TIGUE,
TRELLO, PETRARCA, MIHALICH, BROWN, DeWEESE, VANCE, GODSHALL,
HARLEY, ROONEY, GERLACH, TANGRETTI, HUGHES AND KIRKLAND,
APRIL 26, 1993

AS REPORTED FROM COMMITTEE ON AGING AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 9, 1993

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," requiring the Department
4 of Public Welfare to make unannounced visits to and
5 inspections of ~~nursing and~~ personal care homes; AND FURTHER <—
6 PROVIDING FOR INSPECTION OF CARE FACILITIES.

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

9 Section 1. Section 911(a) of the act of June 13, 1967
10 (P.L.31, No.21), known as the Public Welfare Code, is amended by
11 adding a clause to read:

12 Section 911. Visitation and Inspection.--(a) The department
13 shall have the power, and its duty shall be:

14 * * *

15 (3) To inspect ~~nursing and~~ personal care homes within this <—
16 Commonwealth, unannounced and without notice, to determine the
17 standard of care being administered to residents.

1 * * *

2 SECTION 2. SECTION 1016 OF THE ACT, AMENDED JULY 15, 1976 <—
3 (P.L.993, NO.202), IS AMENDED TO READ:

4 SECTION 1016. RIGHT TO ENTER AND INSPECT.--FOR THE PURPOSE
5 OF DETERMINING THE SUITABILITY OF THE APPLICANTS AND OF THE
6 PREMISES OR WHETHER OR NOT ANY PREMISES IN FACT QUALIFIES AS A
7 FACILITY AS DEFINED IN SECTION 1001 OF THIS ACT OR THE
8 CONTINUING CONFORMITY OF THE LICENSEES TO THIS ACT AND TO THE
9 APPLICABLE REGULATIONS OF THE DEPARTMENT, ANY AUTHORIZED AGENT
10 OF THE DEPARTMENT SHALL HAVE THE RIGHT TO ENTER, VISIT AND
11 INSPECT ANY FACILITY LICENSED OR REQUIRING A LICENSE UNDER THIS
12 ACT AND SHALL HAVE FULL AND FREE ACCESS TO THE RECORDS OF THE
13 FACILITY AND TO THE INDIVIDUALS THEREIN AND FULL OPPORTUNITY TO
14 INTERVIEW, INSPECT OR EXAMINE SUCH INDIVIDUALS. IF THE FACILITY
15 IS A PERSONAL CARE HOME, THE INSPECTION SHALL BE UNANNOUNCED AND
16 WITHOUT NOTICE.

17 AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL ALSO CONFER WITH
18 THE OPERATORS OF FACILITIES REGARDING THE MINIMUM STANDARDS OF
19 THE DEPARTMENT, ENCOURAGE THE ADOPTION OF HIGHER STANDARDS AND
20 RECOMMEND METHODS OF IMPROVING CARE AND SERVICES.

21 Section ~~2~~ 3. This act shall take effect in 60 days. <—