

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 670 Session of  
1999

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MARCH 24, 1999

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 25, 1999

## AN ACT

1 Relating to the licensure and regulation of ~~prescribed~~ pediatric <—  
2 extended care centers in this Commonwealth.

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24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. Short title.

27 This act shall be known and may be cited as the Prescribed  
28 Pediatric Extended Care Centers Act.

29 Section 2. Legislative intent.

30 It is the intent of the General Assembly to develop,

1 establish and enforce licensure and ~~basic~~ HEALTH AND SAFETY <—  
2 standards for ~~prescribed~~ pediatric extended care centers in <—  
3 order to assure that the centers provide ~~the necessary family-~~ <—  
4 ~~centered medical, developmental, physiological, nutritional,~~  
5 ~~psychosocial and family training services~~ APPROPRIATE CARE. <—

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall  
8 have the meanings given to them in this section unless the  
9 context clearly indicates otherwise:

10 "Basic services." The term includes, but is not limited to,  
11 development, implementation and monitoring of a comprehensive  
12 ~~protocol of care, developed in conjunction with the parent or~~ <—  
13 PLAN OF CARE, DEVELOPED WITH THE INVOLVEMENT OF THE PARENT OR <—  
14 LEGAL guardian, which specifies the medical, nursing,  
15 psychological and developmental therapies required by the  
16 medically dependent or technologically dependent child served as  
17 well as the caregiver training needs of the child's legal  
18 guardian.

19 "Department." The Department of Health of the Commonwealth.

20 "Medical records." ~~Medical records maintained in accordance~~ <—  
21 ~~with accepted professional standards and practices as specified~~  
22 ~~in the rules implementing this act.~~ DATA FROM ALL EPISODES OF <—  
23 CARE AND TREATMENT OF THE CHILD WHICH CONTAINS:

24 (1) SUFFICIENT INFORMATION TO IDENTIFY THE PATIENT  
25 CLEARLY, TO JUSTIFY THE DIAGNOSIS AND TREATMENT AND TO  
26 DOCUMENT THE RESULTS ACCURATELY; AND

27 (2) NOTES BY AUTHORIZED PEDIATRIC EXTENDED CARE CENTER  
28 STAFF OR CONTRACT STAFF REGARDING THE CARE AND SERVICES  
29 DELIVERED TO THE PATIENT WHILE UNDER THE CARE OF THE  
30 PEDIATRIC EXTENDED CARE CENTER.

1 "Medically dependent" or "technologically dependent child."  
2 A child ~~five~~ EIGHT years of age or younger who because of a <—  
3 medical condition requires continuous therapeutic interventions  
4 or skilled nursing supervision which must be prescribed by a  
5 licensed physician and administered by or under the direct  
6 supervision of, a licensed registered nurse.

7 ~~"Owner" or "operator." Any individual who has general~~ <—  
8 ~~administrative charge of a prescribed pediatric extended care~~  
9 ~~center.~~

10 ~~"Prescribed pediatric extended care center" or "PPEC center."~~  
11 "OPERATOR." ANY OF THE FOLLOWING THAT IS RESPONSIBLE FOR THE <—  
12 OVERALL OPERATION OF A PEDIATRIC EXTENDED CARE CENTER:

13 (1) AN INDIVIDUAL.  
14 (2) A TRUST OR AN ESTATE.  
15 (3) A PARTNERSHIP.  
16 (4) AN ASSOCIATION.  
17 (5) A CORPORATION.  
18 (6) A POLITICAL SUBDIVISION OR AN INSTRUMENTALITY OF A  
19 POLITICAL SUBDIVISION.  
20 (7) THE COMMONWEALTH OR AN INSTRUMENTALITY OF THE  
21 COMMONWEALTH.

22 "OWNER." AN OPERATOR.  
23 "PEDIATRIC EXTENDED CARE CENTER." Any building or buildings,  
24 or other place, whether operated for-profit or not-for-profit,  
25 which undertakes through its ownership or management to provide  
26 basic nonresidential services to ~~three or more~~ MORE THAN SIX <—  
27 medically dependent or technologically dependent children who  
28 are not related to the owner or operator by blood, marriage or  
29 adoption and who require such services. ~~Infants and children~~ <—  
30 ~~considered for admission to a prescribed pediatric extended care~~

1 ~~center must have complex medical conditions that require~~  
2 ~~continual care.~~ Prerequisites for admission are a prescription  
3 from the child's attending physician and consent of a parent or  
4 LEGAL guardian. <—

5 "PECC." A PEDIATRIC EXTENDED CARE CENTER. <—

6 "Supportive services" or "contracted services." The term  
7 includes, but is not limited to, speech therapy, occupational  
8 therapy, physical therapy, PHARMACEUTICAL SERVICES, social work, <—  
9 developmental, child life and psychological services.

10 Section 4. ~~PPEC centers to be licensed; exemptions~~ PECC <—  
11 LICENSURE.

12 (a) Licensing.--The facilities to be licensed by the  
13 department shall include all ~~PPEC~~ PEDIATRIC EXTENDED CARE <—  
14 centers which are not otherwise exempt as provided by subsection  
15 (b).

16 ~~(b) Exemption. A facility, institution or other place~~ <—  
17 ~~operated by the Federal Government or agency thereof is exempt~~  
18 ~~from the provisions of this act.~~

19 (B) EXEMPTION.--THE FOLLOWING SHALL NOT BE REQUIRED TO <—  
20 OBTAIN A LICENSE UNDER THIS ACT:

21 (1) A FACILITY LICENSED UNDER:

22 (I) ARTICLE IX OR X OF THE ACT OF JUNE 13, 1967

23 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE; OR

24 (II) CHAPTER 8 OF THE ACT OF JULY 19, 1979 (P.L.130,  
25 NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT.

26 (2) A SCHOOL DISTRICT.

27 Section 5. License required; ~~fee; exemptions; display.~~ <—

28 ~~(a) Licensure required.~~ It is unlawful to operate or <—  
29 maintain a ~~PPEC~~ PEDIATRIC EXTENDED CARE center without first <—  
30 obtaining from the department a license authorizing such

1 operation. The department is responsible for licensing PPEC <—  
2 PEDIATRIC EXTENDED CARE centers in accordance with the <—  
3 provisions of this act.

4 ~~(b) Offenses. Any person who violates subsection (a)~~ <—  
5 ~~commits a felony of the third degree.~~

6 ~~(c) Premises to be licensed. Separate licenses are required~~  
7 ~~for PPEC centers maintained on separate premises, even though~~  
8 ~~they are operated under the same management. Separate licenses~~  
9 ~~are not required for separate buildings on the same grounds.~~

10 ~~(d) Fees. The annual license fee required of a PPEC center~~  
11 ~~shall be in an amount determined by the department to be~~  
12 ~~sufficient to cover the agency's costs in carrying out its~~  
13 ~~responsibilities under this act, but shall not be less than \$500~~  
14 ~~or more than \$1,500.~~

15 ~~(e) Exemption from fees. County operated or municipally~~  
16 ~~operated PPEC centers applying for licensure under this section~~  
17 ~~are exempt from the payment of license fees.~~

18 SECTION 6. APPLICATION FOR LICENSE; FEES. <—

19 (A) SUBMISSION TO DEPARTMENT.--ANY PERSON DESIRING TO SECURE  
20 A LICENSE TO MAINTAIN AND OPERATE A PECC MUST SUBMIT AN  
21 APPLICATION TO THE DEPARTMENT UPON FORMS PREPARED AND FURNISHED  
22 BY IT, CONTAINING INFORMATION THE DEPARTMENT CONSIDERS NECESSARY  
23 TO DETERMINE THAT THE OPERATOR AND THE PECC MEET THE  
24 REQUIREMENTS OF LICENSURE UNDER THIS ACT AND THE REGULATIONS  
25 RELATING TO LICENSURE. APPLICATION FOR RENEWAL OF A LICENSE MUST  
26 BE MADE UPON FORMS PREPARED AND FURNISHED BY THE DEPARTMENT IN  
27 ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT. THE  
28 APPLICATION MUST INCLUDE THE LICENSE FEE. THE APPLICATION MUST  
29 INCLUDE EVIDENCE THAT A BOND HAS BEEN POSTED BY THE APPLICANT.

30 (B) PROOF OF INSURANCE.--THE APPLICANT FOR LICENSURE MUST

1 FURNISH PROOF OF ADEQUATE LIABILITY INSURANCE COVERAGE OR  
2 PROTECTION.

3 (C) FEES.--

4 (1) THE ANNUAL REGULAR LICENSE FEE REQUIRED OF A PECC  
5 SHALL BE IN AN AMOUNT DETERMINED BY THE DEPARTMENT TO BE  
6 SUFFICIENT TO COVER THE DEPARTMENT'S COSTS IN CARRYING OUT  
7 ITS RESPONSIBILITIES UNDER THIS ACT. UNTIL THE DEPARTMENT  
8 CHANGES THE FEE BY REGULATION, THE ANNUAL LICENSE FEE SHALL  
9 BE \$500.

10 (2) THE PROVISIONAL LICENSE FEE SHALL BE AS FOLLOWS:

11 PROVISIONAL 1 \$500.

12 PROVISIONAL 2 \$700.

13 PROVISIONAL 3 \$900.

14 PROVISIONAL 4 \$1,100.

15 SECTION 7. ISSUANCE OF LICENSE.

16 (A) STANDARDS.--THE DEPARTMENT SHALL ISSUE A LICENSE TO AN  
17 OPERATOR WHEN IT IS SATISFIED THAT THE FOLLOWING STANDARDS HAVE  
18 BEEN MET:

19 (1) THE OPERATOR IS A RESPONSIBLE PERSON.

20 (2) THE PLACE TO BE USED BY A PECC IS ADEQUATELY  
21 CONSTRUCTED, EQUIPPED, MAINTAINED AND OPERATED TO SAFELY AND  
22 EFFICIENTLY RENDER THE SERVICES OFFERED.

23 (3) THE PECC PROVIDES SAFE AND EFFICIENT SERVICES WHICH  
24 ARE ADEQUATE FOR THE CARE, TREATMENT AND COMFORT OF THE  
25 PATIENTS OR RESIDENTS OF THE FACILITY.

26 (4) THERE IS SUBSTANTIAL COMPLIANCE WITH THE  
27 REQUIREMENTS OF THIS ACT AND REGULATIONS PROMULGATED BY THE  
28 DEPARTMENT UNDER THIS ACT.

29 (B) PREMISES TO BE LICENSED.--SEPARATE LICENSES ARE REQUIRED  
30 FOR PEDIATRIC EXTENDED CARE CENTERS MAINTAINED ON SEPARATE

1 PREMISES, EVEN THOUGH THEY ARE OPERATED UNDER THE SAME  
2 MANAGEMENT. SEPARATE LICENSES ARE REQUIRED FOR SEPARATE  
3 BUILDINGS ON THE SAME PREMISES.

4 ~~(f)~~ (C) Display of license.--The license shall be displayed <—  
5 in a conspicuous place inside the PPEC PEDIATRIC EXTENDED CARE <—  
6 center.

7 ~~(g)~~ (D) License transfer.--A license shall be valid only in <—  
8 the possession of the individual, firm, partnership, association <—  
9 or corporation OPERATOR to whom it is issued and shall not be <—  
10 subject to sale, assignment or other transfer, voluntary or  
11 involuntary nor shall a license be valid for any premises other  
12 than that for which originally issued.

13 ~~(h)~~ (E) Facility capacity.--Any license granted by the <—  
14 agency DEPARTMENT shall state the maximum capacity of the <—  
15 facility, the date the license was issued, the expiration date  
16 of the license and any other information deemed necessary by the  
17 department. THE DEPARTMENT MAY DETERMINE, BY REGULATION, A <—  
18 MAXIMUM PATIENT CAPACITY WHICH MAY NOT BE EXCEEDED BY A PECC.

19 ~~Section 6. Initial application for license.~~ <—

20 ~~(a) Application. Application for a license shall be made to~~  
21 ~~the agency on forms furnished by it and shall be accompanied by~~  
22 ~~the appropriate license fee unless the applicant is exempt from~~  
23 ~~payment of the fee as provided in section 4.~~

24 ~~(b) Contents of application. The application shall be under~~  
25 ~~oath and shall contain the following:~~

26 ~~(1) The name and address of the applicant and the name~~  
27 ~~by which the facility is to be known.~~

28 ~~(i) If the applicant is a firm, partnership or~~  
29 ~~association, the application shall contain the name and~~  
30 ~~address of every member thereof.~~



~~(ii) If the applicant is a corporation, the application shall contain its name and address, the names and addresses of its directors and officers and the name and address of each person having at least a 10% interest in the corporation.~~

~~(2) Information which provides a source to establish the suitable character and competency of the applicant and, if applicable, of the owner or operator, including the name and address of any licensed facility with which the applicant or owner or operator has been affiliated through ownership or employment within five years of the date of the application for a license.~~

~~(3) The names and addresses of other persons of whom the agency may inquire as to the character and reputation of the applicant and, if applicable, of the owner or operator.~~

~~(4) The names and addresses of other persons of whom the agency may inquire as to the financial responsibility of the applicant.~~

~~(5) Such other reasonable information as may be required by the agency to evaluate the ability of the applicant to meet the responsibilities entailed under this act.~~

~~(6) The location of the facility for which a license is sought and documentation, signed by the appropriate local government official, which states that the applicant has met local zoning requirements.~~

~~(7) Satisfactory proof of financial ability of the applicant to operate and conduct the PPEC center in accordance with the requirements of this act.~~

~~(c) Proof of insurance. The applicant for licensure shall furnish proof of adequate liability insurance coverage or~~

1 ~~protection.~~

2 ~~(d) Requirement. Each applicant for licensure must comply~~  
3 ~~with the following requirements:~~

4 ~~(1) Upon receipt of a completed, signed and dated~~  
5 ~~application, the department shall require background~~  
6 ~~screening of the operator, and of the financial officer or~~  
7 ~~other similarly titled individual who is responsible for the~~  
8 ~~financial operation of the center, including billings, for~~  
9 ~~patient care and services.~~

10 ~~(2) The department may require background screening of~~  
11 ~~any other individual who is an applicant if the department~~  
12 ~~has a reasonable basis for believing that he or she has been~~  
13 ~~convicted of a crime.~~

14 ~~(e) Provisional license. A provisional license may be~~  
15 ~~granted to an applicant when each individual required by this~~  
16 ~~section to undergo background screening has applied for a report~~  
17 ~~of Federal Criminal history record information but the~~  
18 ~~department has not yet received background screening results~~  
19 ~~from the Federal Bureau of Investigation. A standard license may~~  
20 ~~be granted to the applicant upon the department's receipt of a~~  
21 ~~report of the results of the Federal Bureau of Investigation~~  
22 ~~background screening for each individual required by this~~  
23 ~~section to undergo background screening which confirms that all~~  
24 ~~standards have been met.~~

25 ~~(f) Proof of compliance. Each applicant must submit to the~~  
26 ~~department, with its application, a description and explanation~~  
27 ~~of any exclusions, permanent suspension or termination of the~~  
28 ~~applicant from the Medicare or Medicaid programs. Proof of~~  
29 ~~compliance with the requirements for disclosure of ownership and~~  
30 ~~control interests under the Medicaid or Medicare program shall~~

1 ~~be accepted in lieu of this submission.~~

2 ~~(g) Requirements for board of directors. Each applicant~~  
3 ~~must submit to the agency a description and explanation of any~~  
4 ~~conviction of a criminal offense by a member of the board of~~  
5 ~~directors of the applicant, its officers or any individual~~  
6 ~~owning 5% or more of the applicant. This requirement does not~~  
7 ~~apply to a director of a not for profit corporation or~~  
8 ~~organization if the director serves solely in a voluntary~~  
9 ~~capacity for the corporation or organization, does not regularly~~  
10 ~~take part in the day to day operational decisions of the~~  
11 ~~corporation or organization, receives no remuneration for his or~~  
12 ~~her services on the corporation or organization's board of~~  
13 ~~directors and has no financial interest and has no family~~  
14 ~~members with a financial interest in the corporation or~~  
15 ~~organization, provided that the director and the not for profit~~  
16 ~~corporation or organization include in the application a~~  
17 ~~statement affirming that the director's relationship to the~~  
18 ~~corporation satisfies the requirements of this subsection.~~

19 ~~(h) Revocation. The department may deny or revoke licensure~~  
20 ~~if the applicant:~~

21 ~~(1) Has falsely represented a material fact in the~~  
22 ~~application required by subsection (f) or (g), or has omitted~~  
23 ~~any material fact from the application required by subsection~~  
24 ~~(f) or (g).~~

25 ~~(2) Has had prior action taken against the applicant~~  
26 ~~under the Medicaid or Medicare program as set forth in~~  
27 ~~subsection (f).~~

28 ~~Section 7. Denial, suspension or revocation of licensure;~~  
29 ~~grounds.~~

30 ~~(a) Action by department. The department may deny, revoke~~

~~or suspend a license or impose an administrative fine for a violation of this act.~~

~~(b) Grounds for department action. Any of the following actions by a PPEC center or its employee is grounds for action by the department against a PPEC center or its employee:~~

~~(1) An intentional or negligent act materially affecting the health or safety of children in the PPEC center.~~

~~(2) A violation of the provisions of this act or of any standards or rules and regulations adopted pursuant to this act.~~

~~(3) Multiple and repeated violations of this act or of minimum standards or rules and regulations adopted pursuant to this act.~~

~~(c) Investigations. The department shall be responsible for all investigations and inspections conducted pursuant to this act.~~

~~Section 8. Administrative fines; disposition of fees and fines.~~

~~(a) Compliance. If the department determines that a PPEC center is being operated without a license or is otherwise not in compliance with rules adopted under this act, the department, notwithstanding any other administrative action it takes, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner of the PPEC center prior to written notification thereof. The department may request that the PPEC center submit a corrective action plan which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the department.~~

~~(b) Fines. The department may fine a PPEC center or employee found in violation of rules adopted pursuant to this act in an amount not to exceed \$500 for each violation. Such~~

1 ~~fine may not exceed \$5,000 in the aggregate.~~

2 ~~(c) Correction of violation. The failure to correct a~~  
3 ~~violation by the date set by the department, or the failure to~~  
4 ~~comply with an approved corrective action plan is a separate~~  
5 ~~violation for each day such failure continues, unless the~~  
6 ~~department approves an extension to a specific date.~~

7 SECTION 8. PROVISIONAL LICENSE. <—

8 IF THERE ARE NUMEROUS DEFICIENCIES OR A SERIOUS SPECIFIC  
9 DEFICIENCY IN COMPLIANCE WITH APPLICABLE STATUTES, REGULATIONS  
10 OR ORDINANCES, THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE  
11 FOR A SPECIFIED PERIOD OF NOT MORE THAN SIX MONTHS, SUBJECT TO  
12 RENEWAL THREE TIMES AT THE DISCRETION OF THE DEPARTMENT, IF THE  
13 DEPARTMENT FINDS ALL OF THE FOLLOWING:

14 (1) THE APPLICANT IS TAKING APPROPRIATE STEPS TO CORRECT  
15 THE DEFICIENCIES IN ACCORDANCE WITH A TIMETABLE SUBMITTED BY  
16 THE APPLICANT AND AGREED UPON BY THE DEPARTMENT.

17 (2) THERE IS NO CYCLICAL PATTERN OF DEFICIENCIES OVER A  
18 PERIOD OF TWO OR MORE YEARS.

19 SECTION 9. EXPIRATION OF LICENSE; RENEWAL.

20 A LICENSE ISSUED FOR THE OPERATION OF A PECC, UNLESS SOONER  
21 SUSPENDED OR REVOKED, SHALL EXPIRE ONE YEAR AFTER THE DATE OF  
22 ISSUANCE. AT LEAST 60 DAYS BEFORE THE EXPIRATION DATE, AN  
23 APPLICATION FOR RENEWAL MUST BE SUBMITTED TO THE DEPARTMENT. THE  
24 DEPARTMENT SHALL RENEW THE LICENSE, UPON THE FILING OF AN  
25 APPLICATION ON FORMS FURNISHED BY THE DEPARTMENT, IF THE  
26 APPLICANT HAS FIRST MET THE REQUIREMENTS ESTABLISHED UNDER THIS  
27 ACT AND REGULATIONS PROMULGATED PURSUANT TO THIS ACT. THE PECC  
28 MUST FILE WITH THE APPLICATION SATISFACTORY PROOF OF FINANCIAL  
29 ABILITY TO OPERATE AND CONDUCT THE FACILITY IN ACCORDANCE WITH  
30 THIS ACT.

1 SECTION 10. REASONS FOR REVOCATION OR NONRENEWAL OF LICENSE.

2 THE DEPARTMENT MAY REFUSE TO RENEW A LICENSE OR MAY SUSPEND  
3 OR REVOKE OR LIMIT A LICENSE FOR ALL OR ANY PORTION OF A PECC,  
4 OR FOR ANY PARTICULAR SERVICE OFFERED BY A FACILITY, OR MAY  
5 SUSPEND ADMISSIONS FOR ANY OF THE FOLLOWING REASONS:

6 (1) A SERIOUS VIOLATION OF THIS ACT, OF REGULATIONS FOR  
7 LICENSURE ISSUED TO THIS ACT OR OF FEDERAL LAWS AND  
8 REGULATIONS. FOR THE PURPOSE OF THIS PARAGRAPH A SERIOUS  
9 VIOLATION IS ONE WHICH POSES A SIGNIFICANT THREAT TO THE  
10 HEALTH OR SAFETY OF THE CHILDREN RECEIVING SERVICES FROM THE  
11 PECC.

12 (2) FAILURE OF A LICENSEE TO SUBMIT AN ACCEPTABLE PLAN  
13 WITH A REASONABLE TIMETABLE TO CORRECT DEFICIENCIES.

14 (3) THE EXISTENCE OF A CYCLICAL PATTERN OF DEFICIENCIES  
15 OVER A PERIOD OF TWO OR MORE YEARS.

16 (4) FAILURE, BY THE HOLDER OF A PROVISIONAL LICENSE, TO  
17 CORRECT DEFICIENCIES IN ACCORDANCE WITH A TIMETABLE SUBMITTED  
18 BY THE APPLICANT AND AGREED UPON BY THE DEPARTMENT.

19 (5) FRAUD OR DECEIT IN OBTAINING OR ATTEMPTING TO OBTAIN  
20 A LICENSE.

21 (6) LENDING, BORROWING OR USING THE LICENSE OF ANOTHER,  
22 OR IN ANY WAY KNOWINGLY AIDING OR ABETTING THE IMPROPER  
23 GRANTING OF A LICENSE.

24 (7) INCOMPETENCE, NEGLIGENCE OR MISCONDUCT IN OPERATING  
25 THE PECC OR IN PROVIDING SERVICES TO CHILDREN.

26 (8) MISTREATING OR ABUSING INDIVIDUALS CARED FOR BY THE  
27 PECC.

28 (9) SERIOUS VIOLATION OF THE LAWS RELATING TO MEDICAL  
29 ASSISTANCE OR MEDICARE REIMBURSEMENT.

30 (10) SERIOUS VIOLATION OF OTHER APPLICABLE FEDERAL OR

1 STATE LAWS.

2 SECTION 11. OPERATOR VIOLATION.

3 IF THE DEPARTMENT, UPON INSPECTION, INVESTIGATION OR  
4 COMPLAINT, FINDS A VIOLATION OF THIS ACT OR REGULATIONS  
5 PROMULGATED BY THE DEPARTMENT UNDER THIS ACT OR UNDER FEDERAL  
6 LAW, IT SHALL GIVE WRITTEN NOTICE SPECIFYING THE VIOLATION TO  
7 THE PECC OPERATOR. THE NOTICE SHALL REQUIRE THE PECC OPERATOR TO  
8 TAKE ACTION OR TO SUBMIT A PLAN OF CORRECTION THAT SHALL BRING  
9 THE PECC INTO COMPLIANCE WITH APPLICABLE LAW OR REGULATION  
10 WITHIN A SPECIFIED TIME. THE PLAN OF CORRECTION MUST BE  
11 SUBMITTED WITHIN TEN DAYS OF RECEIPT OF THE WRITTEN NOTICE OR  
12 SOONER IF DIRECTED TO DO SO BY THE DEPARTMENT. THE DEPARTMENT  
13 MAY BAN ADMISSIONS OR REVOKE A LICENSE BEFORE A PLAN OF  
14 CORRECTION IS SUBMITTED IF DEFICIENCIES POSE A SIGNIFICANT  
15 THREAT TO THE HEALTH OR SAFETY OF THE CHILDREN.

16 SECTION 12. ENFORCEMENT.

17 (A) ACTIONS BROUGHT BY THE DEPARTMENT.--IF A PERSON,  
18 REGARDLESS OF WHETHER THE PERSON IS A LICENSEE, VIOLATES THIS  
19 ACT OR THE REGULATIONS ISSUED UNDER THIS ACT, THE DEPARTMENT MAY  
20 MAINTAIN AN ACTION IN THE NAME OF THE COMMONWEALTH FOR AN  
21 INJUNCTION OR OTHER PROCESS RESTRAINING OR PROHIBITING THE  
22 PERSON FROM ENGAGING IN SUCH ACTIVITY.

23 (B) CIVIL PENALTY.--A PERSON, REGARDLESS OF WHETHER THE  
24 PERSON IS A LICENSEE, WHO HAS COMMITTED A VIOLATION OF THIS ACT  
25 OR OF A REGULATION ISSUED UNDER THIS ACT, INCLUDING FAILURE TO  
26 CORRECT A SERIOUS LICENSURE VIOLATION, AS DEFINED BY REGULATION,  
27 WITHIN THE TIME SPECIFIED IN A DEFICIENCY CITATION, MAY BE  
28 ASSESSED A CIVIL PENALTY BY AN ORDER OF THE DEPARTMENT OF UP TO  
29 \$500 FOR EACH DEFICIENCY FOR EACH DAY THAT THE DEFICIENCY  
30 CONTINUES. CIVIL PENALTIES SHALL BE COLLECTED FROM THE DATE THE

1 PECC RECEIVES NOTICE OF THE VIOLATION UNTIL THE DEPARTMENT  
2 CONFIRMS CORRECTION OF SUCH VIOLATION.

3 ~~(d) (C) Interest.--If a PPEC PEDIATRIC EXTENDED CARE center~~ <—  
4 ~~desires to appeal any department action under this section, and~~ <—  
5 ~~the fine is upheld, the violator~~ THE PECC shall pay the fine IN <—  
6 ORDER TO RECEIVE THE RENEWAL LICENSE. IF THE PECC WINS THE  
7 APPEAL AND THE FINE IS NOT UPHELD, THE DEPARTMENT SHALL REFUND  
8 THE FINE plus interest at the legal rate., ~~for each day beyond~~ <—  
9 ~~the date set by the agency for payment of the fine.~~

10 ~~(e) (D) Amounts of fine.--In determining if a fine is to be~~ <—  
11 ~~imposed and in fixing~~ the amount of any fine, the department  
12 shall consider the following factors:

13 (1) The gravity of the violation, including the  
14 probability that death or serious physical or emotional harm  
15 to a child will result or has resulted, the severity of the  
16 actual or potential harm and the extent to which the  
17 provisions of the applicable statutes or rules were violated.

18 (2) Actions taken by the owner operator to correct  
19 violations.

20 (3) Any previous violations.

21 (4) The financial benefit to the PPEC PEDIATRIC EXTENDED <—  
22 CARE center of committing or continuing the violation.

23 (5) ANY OTHER FACTOR THE DEPARTMENT DEEMS RELEVANT. <—

24 ~~Section 9. Expiration of license; renewal; conditional license~~ <—  
25 ~~as permit.~~

26 ~~(a) Renewal. A license issued for the operation of a PPEC~~  
27 ~~center, unless sooner suspended or revoked, shall expire one~~  
28 ~~year after the date of issuance. At least 60 days before the~~  
29 ~~expiration date, an application for renewal shall be submitted~~  
30 ~~to the department. The department shall renew the license, upon~~



~~the filing of an application on forms furnished by the department, if the applicant has first met the requirements established under this act and all rules adopted pursuant to this act. The PPEC center shall file with the application satisfactory proof of financial ability to operate and conduct the facility in accordance with this act.~~

~~(b) Action pending. A licensee against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the department of such proceedings. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional permit for the duration of the judicial proceeding.~~

~~Section 10. Injunction proceedings authorized.~~

~~(a) Institution of proceedings. The department may institute injunction proceedings in a court of competent jurisdiction to:~~

~~(1) Enforce the provisions of this act or any standard, rule or order issued or entered into pursuant thereto.~~

~~(2) Terminate the operation of a PPEC center if the licensee has:~~

~~(i) Not taken preventive or corrective measures in accordance with any order of the department.~~

~~(ii) Failed to abide by any final order of the department once it has become effective and binding.~~

~~(iii) Committed a violation of any provision of this act or of any rule adopted pursuant thereto, which violation constitutes an emergency requiring immediate action.~~

~~(b) Duration of relief. Such injunctive relief may be~~

1 ~~temporary or permanent.~~

2 Section ~~11~~ 13. Closing of PPEC ~~center~~ PECC. <—

3 (a) Notice.--Whenever a PPEC PEDIATRIC EXTENDED CARE center <—  
4 voluntarily discontinues operation, it shall inform the  
5 department in writing at least 30 days before the discontinuance  
6 of operation. The PPEC PEDIATRIC EXTENDED CARE center shall <—  
7 also, at such time, inform each child's legal guardian of the  
8 fact and the proposed time of such discontinuance.

9 (b) Surrender license.--Immediately upon discontinuance of  
10 the operation of a PPEC PEDIATRIC EXTENDED CARE center, the <—  
11 owner or operator shall surrender the license therefor to the  
12 department, and the license shall be canceled.

13 Section ~~12~~ 14. Right of entry and inspection. <—

14 ~~Any duly designated officer or employee of the department~~ <—  
15 ~~have the right to enter upon and into the premises of any PPEC~~  
16 ~~center licensed pursuant to this act, at any reasonable time, in~~  
17 ~~order to determine the state of compliance with the provisions~~  
18 ~~of this act and of rules or standards in force pursuant thereto.~~  
19 ~~The right of entry and inspection shall also extend to any~~  
20 ~~premises which the department has reason to believe are being~~  
21 ~~operated or maintained as a PPEC center without a license, but~~  
22 ~~no such entry or inspection of any premises shall be made~~  
23 ~~without the permission of the owner or operator in charge~~  
24 ~~thereof unless a warrant is first obtained from the circuit~~  
25 ~~court authorizing the entry and inspection. Any application for~~  
26 ~~PPEC center license or renewal made pursuant to this act shall~~  
27 ~~constitute permission for and complete acquiescence in any entry~~  
28 ~~or inspection of the premises for which the license is sought in~~  
29 ~~order to facilitate verification of the information submitted on~~  
30 ~~or in connection with the application.~~

1 FOR THE PURPOSE OF DETERMINING THE SUITABILITY OF THE <—  
2 APPLICANTS AND OF THE PREMISES OR FOR DETERMINING THE ADEQUACY  
3 OF THE CARE AND TREATMENT PROVIDED OR THE CONTINUING CONFORMITY  
4 OF THE LICENSEES TO THIS ACT AND TO APPLICABLE FEDERAL, STATE  
5 AND LOCAL REGULATIONS, AN AUTHORIZED AGENT OF THE DEPARTMENT HAS  
6 THE RIGHT TO ENTER, INSPECT AND INVESTIGATE THE BUILDING,  
7 GROUNDS, EQUIPMENT AND SUPPLIES OF A PECC LICENSED UNDER THIS  
8 ACT; TO HAVE ACCESS TO THE RECORDS OF THE PECC AND TO THE  
9 CHILDREN AND EMPLOYEES.

10 ~~Section 13. Rules establishing standards.~~ <—

11 SECTION 15. REGULATIONS. <—

12 (a) Standards.--Pursuant to the intention of the General  
13 Assembly to provide safe and sanitary facilities and healthful  
14 programs, the department ~~shall~~ MAY adopt and publish rules and <—  
15 regulations to implement the provisions of this act, which shall  
16 include reasonable and fair standards. Any conflict between  
17 these standards and those that may be set forth in local, county  
18 or city ordinances shall be resolved in favor of those having  
19 Statewide effect. Such standards shall ~~relate to~~, AT A MINIMUM, <—  
20 INCLUDE:

21 ~~(1) The assurance that PPEC services are family centered~~ <—  
22 ~~and provide individualized medical, developmental and family~~  
23 ~~training services.~~

24 (1) ADOPTION AND IMPLEMENTATION OF POLICIES AND <—  
25 PROCEDURES WHICH ASSURE THE HEALTH AND SAFETY OF CHILDREN.

26 (2) The maintenance of PPEC PEDIATRIC EXTENDED CARE <—  
27 centers based upon the size of the structure and number of  
28 children, relating to plumbing, heating, lighting,  
29 ventilation and other building conditions, including adequate  
30 space, which will ensure the health, safety, comfort and

1 protection from fire of the children served.

2 (3) The appropriate provisions of ~~the most recent~~ <—  
3 ~~edition of~~ the "Life Safety Code" (NFPA-101); THE NATIONAL <—  
4 FIRE PROTECTION ASSOCIATION REQUIREMENTS AND STATE BUILDING  
5 CODE REQUIREMENTS. THIS PARAGRAPH APPLIES TO RENOVATION AND  
6 REMODELING OF A PECC.

7 (4) The number and qualifications of all personnel who  
8 have responsibility for the care of the children served.

9 (5) All sanitary conditions within the ~~PPEC~~ PEDIATRIC <—  
10 EXTENDED CARE center and its surroundings, including water  
11 supply, sewage disposal, food handling and general hygiene,  
12 and maintenance thereof, which will ensure the health and  
13 comfort of children served.

14 ~~(6) Programs and basic services promoting and~~ <—  
15 ~~maintaining the health and development of the children served~~  
16 ~~and meeting the training needs of the children's legal~~  
17 ~~guardians.~~

18 ~~(7)~~ (6) Supportive, contracted, other operational and  
19 transportation services. STAFF PROVIDING TRANSPORTATION <—  
20 SERVICES SHALL NOT BE COUNTED IN DIRECT CAREGIVING STAFF  
21 RATIO UNDER THIS PARAGRAPH.

22 ~~(8)~~ (7) Maintenance of appropriate medical records, data <—  
23 and information relative to the children and programs. Such  
24 records shall be maintained in the facility for inspection by  
25 the department.

26 ~~(b) Rules and regulations. The department shall adopt rules~~ <—  
27 ~~to ensure that:~~

28 (B) REQUIREMENTS.-- <—

29 (1) FOR EMERGENCY TRANSPORTATION, ARRANGEMENTS SHALL BE  
30 MADE WITH THE COUNTY EMERGENCY TRANSPORTATION SERVICES. THE

1 PECC SHALL ASSURE THAT ANY CHILD BEING PLACED IN AN AMBULANCE  
2 FOR TRANSPORT FOR EMERGENCY SERVICES IS ACCOMPANIED BY A  
3 DIRECT CAREGIVER OF THE PECC WHO IS FAMILIAR WITH THE CHILD'S  
4 TREATMENT PLAN. THE DIRECT CAREGIVER SHALL STAY WITH THE  
5 CHILD UNTIL THE PARENT ARRIVES TO RELIEVE THE DIRECT  
6 CAREGIVER OF THE PECC.

7 (2) THE DEPARTMENT SHALL REQUIRE THAT THE PECC HAS  
8 EMPLOYED AN ADMINISTRATOR WHOSE QUALIFICATIONS ARE THAT OF A  
9 PHYSICIAN WHO HAS A CURRENT, ACTIVE, UNRESTRICTED LICENSE IN  
10 THIS COMMONWEALTH, A CERTIFIED REGISTERED NURSE PRACTITIONER  
11 LICENSED TO PRACTICE IN THIS COMMONWEALTH, A LICENSED NURSING  
12 HOME ADMINISTRATOR, PERSONAL CARE HOME ADMINISTRATOR, A CHILD  
13 DAY-CARE ADMINISTRATOR OR A REGISTERED NURSE WITH FIVE YEARS  
14 OF DOCUMENTED EXPERIENCE IN PEDIATRIC MEDICINE. THE  
15 ADMINISTRATOR SHALL BE RESPONSIBLE FOR THE OPERATION OF THE  
16 PECC.

17 (3) THE PECC SHALL EMPLOY OR CONTRACT WITH A MEDICAL  
18 DIRECTOR. THE MEDICAL DIRECTOR'S QUALIFICATIONS ARE THAT OF A  
19 PHYSICIAN WHO HAS A CURRENT, ACTIVE, UNRESTRICTED LICENSE IN  
20 THIS COMMONWEALTH WITH PEDIATRIC SPECIALTY BOARD  
21 CERTIFICATION OR OTHER POSTGRADUATE PREPARATION ACCEPTABLE TO  
22 THE DEPARTMENT OR A CERTIFIED REGISTERED NURSE PRACTITIONER  
23 LICENSED TO PRACTICE IN THIS COMMONWEALTH WITH FIVE YEARS OF  
24 DOCUMENTED EXPERIENCE IN PEDIATRIC MEDICINE. THE MEDICAL  
25 DIRECTOR SHALL BE RESPONSIBLE FOR THE BASIC AND SUPPORTIVE  
26 SERVICES INCLUDING MEDICAL, PHARMACEUTICAL AND NURSING  
27 SERVICES PROVIDED BY THE PECC.

28 (4) A MINIMUM OF ONE SUPERVISOR SHALL BE EMPLOYED FOR  
29 EVERY SIX CHILDREN. THE SUPERVISOR MAY HAVE DIRECT CAREGIVING  
30 RESPONSIBILITIES AND MAY BE COUNTED IN THE ONE DIRECT

1 CAREGIVING STAFF TO EVERY THREE CHILDREN RATIO. THE  
2 SUPERVISOR SHALL COMPLY WITH ALL HEALTH CARE PROFESSIONAL  
3 LICENSING STATUTES AND REGULATIONS PROMULGATED BY THE  
4 APPROPRIATE LICENSING BOARDS. A SUPERVISOR SHALL HOLD A VALID  
5 PROFESSIONAL LICENSE ISSUED BY THE STATE BOARD OF MEDICINE,  
6 STATE BOARD OF NURSING, STATE BOARD OF OCCUPATIONAL THERAPY  
7 EDUCATION AND LICENSURE, STATE BOARD OF OSTEOPATHIC MEDICINE,  
8 STATE BOARD OF PHARMACY, STATE BOARD OF PHYSICAL THERAPY,  
9 STATE BOARD OF PODIATRY OR STATE BOARD OF EXAMINERS IN  
10 SPEECH-LANGUAGE AND HEARING.

11 (5) A MINIMUM OF ONE DIRECT CAREGIVING STAFF SHALL BE  
12 AVAILABLE FOR EVERY THREE CHILDREN AT ALL TIMES INCLUDING THE  
13 TRANSPORTATION OF THE CHILD FOR SERVICES NOT PROVIDED IN THE  
14 PECC, BUT PROVIDED TO THE CHILD WHILE UNDER THE CARE OF THE  
15 PECC. DIRECT CAREGIVING STAFF MUST BE A LICENSED PRACTICAL  
16 NURSE, A REGISTERED NURSE, A PHYSICAL THERAPIST, AN  
17 OCCUPATIONAL THERAPIST, A SPEECH LANGUAGE PATHOLOGIST OR AN  
18 INDIVIDUAL WHO HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT  
19 AND AT LEAST ONE YEAR OF DOCUMENTED AND SUPERVISED EXPERIENCE  
20 IN A HEALTH CARE OR CHILD-CARE SETTING. ADDITIONAL STAFF MAY  
21 PROVIDE OTHER SUPPORT SERVICES. BASIC AND SUPPORTIVE SERVICES  
22 PROVIDED AT A PECC SHALL COMPLY WITH ALL HEALTH CARE  
23 PROFESSIONAL LICENSING STATUTES AND ANY REGULATIONS  
24 PROMULGATED BY THE APPROPRIATE LICENSING BOARDS.

25 (6) EACH CHILD SHALL HAVE AN INDIVIDUALIZED CARE PLAN  
26 WHICH IS DESIGNED BY THE ATTENDING PHYSICIAN; THE PECC  
27 TREATMENT TEAM; A PARENT OR LEGAL GUARDIAN; AND, WHEN  
28 APPROPRIATE, THE CHILD. THE CARE PLAN SHALL BE REVIEWED AT  
29 LEAST MONTHLY AND REVISED AS THE CHILD'S CARE NEEDS CHANGE.  
30 STAFFING SHALL BE ADEQUATE TO PROVIDE FOR THE NEEDS OF EACH

1 CHILD AS IDENTIFIED ON THE CHILD'S CARE PLAN. FOR ANY CHILD  
2 ENROLLED IN THE EARLY INTERVENTION PROGRAM OR THE LOCAL  
3 SCHOOL DISTRICT'S PROGRAM UNDER THE INDIVIDUALS WITH  
4 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §  
5 1400 ET SEQ.), THE PECC SHALL DO ALL OF THE FOLLOWING:

6 (I) IN THE DEVELOPMENT OF THE CARE PLAN, CONSIDER  
7 THE COMPONENTS OF THE INDIVIDUALIZED FAMILY SERVICES PLAN  
8 FOR CHILDREN UNDER FOUR YEARS OF AGE OR THE  
9 INDIVIDUALIZED EDUCATION PLAN FOR CHILDREN UNDER NINE  
10 YEARS OF AGE. THE PECC SHALL NOT DUPLICATE SERVICES  
11 ALREADY PROVIDED THROUGH THE EARLY INTERVENTION PROGRAM  
12 OR THE LOCAL SCHOOL DISTRICT.

13 (II) MAKE AVAILABLE UPON REQUEST BY THE EARLY  
14 INTERVENTION PROGRAM OR THE LOCAL SCHOOL DISTRICT ANY  
15 RECORDS NECESSARY TO DEVELOP, REVIEW OR REVISE AN  
16 INDIVIDUALIZED FAMILY SERVICES PLAN OR INDIVIDUALIZED  
17 EDUCATION PLAN UNDER FEDERAL LAW.

18 (7) THE PECC SHALL HAVE A DOCUMENTED ORIENTATION PROGRAM  
19 WHICH ASSURES THAT EMPLOYEES AND CONTRACT STAFF ARE  
20 ADEQUATELY TRAINED TO PROVIDE SERVICES TO CHILDREN.

21 (8) THE PECC SHALL HAVE A DOCUMENTED STAFF DEVELOPMENT  
22 PROGRAM THAT ASSURES THAT EMPLOYEES AND CONTRACT STAFF ARE  
23 ADEQUATELY TRAINED TO PROVIDE SERVICES TO CHILDREN.

24 (9) THE PECC SHALL HAVE A DOCUMENTED PREVENTATIVE  
25 MAINTENANCE PROGRAM WITH SPECIFIC EMPHASIS ON ASSURING THAT  
26 ALL DURABLE MEDICAL EQUIPMENT IS FUNCTIONING CORRECTLY AND  
27 SAFELY SO AS TO ASSURE THE HEALTH AND SAFETY OF THE CHILDREN.

28 (10) THE PECC SHALL HAVE APPROPRIATE EMERGENCY SERVICES  
29 READILY AVAILABLE. THESE SERVICES MAY INCLUDE AN EMERGENCY  
30 DRUG KIT, A CRASH CART WITH A DEFIBRILLATOR APPROPRIATE FOR

1 CHILDREN AND ANY OTHER EMERGENCY SERVICES AS APPROPRIATE  
2 BASED ON THE NEEDS OF THE CHILDREN SERVED IN THE PECC.

3 (11) THE PECC SHALL HAVE ARRANGEMENTS WITH A LICENSED  
4 PHARMACIST TO PROVIDE CONSULTATION SERVICES FOR CHILDREN  
5 ENROLLED IN THE PECC.

6 (12) THE DIRECTOR OF THE PECC SHALL ASSURE THAT THE  
7 GOVERNING BODY HAS DEVELOPED, APPROVED AND IMPLEMENTED  
8 POLICIES AND PROCEDURES REGARDING THE OPERATION OF THE PECC.  
9 AT A MINIMUM, THE PECC SHALL HAVE POLICIES AND PROCEDURES ON  
10 THE PREVENTION, REPORTING AND INVESTIGATION OF ABUSE,  
11 DELIVERY OF MEDICAL AND THERAPEUTIC SERVICES, CONTROL AND  
12 DELIVERY OF PHARMACEUTICAL SERVICE AND PREVENTION OF  
13 INCIDENTS AND ACCIDENTS.

14 (13) THE PECC SHALL HAVE A WRITTEN DISASTER PLAN WHICH,  
15 AT A MINIMUM, ADDRESSES NATURAL DISASTERS, FINANCIAL  
16 DISASTERS, WEATHER EMERGENCIES AND BOMB THREATS. A FIRE DRILL  
17 SHALL BE CONDUCTED AT LEAST ONCE EVERY TWO MONTHS. A DISASTER  
18 DRILL SHALL BE PRACTICED EVERY MONTH, AND A FULL EVACUATION  
19 SHALL OCCUR AT LEAST ONCE EVERY SIX MONTHS.

20 (14) THE PECC SHALL REPORT ANY UNUSUAL INCIDENTS  
21 IMMEDIATELY TO THE DEPARTMENT. UNUSUAL INCIDENTS INCLUDE A  
22 DEATH, ABUSE OR SUSPECTED ABUSE, RAPE, TRANSFER TO A HOSPITAL  
23 AS A RESULT OF INJURY OR ACCIDENT, CHILD ABDUCTION OR CHILD  
24 RELEASED TO WRONG FAMILY, FIRE ON THE PREMISES, A NEED TO  
25 IMPLEMENT A DISASTER PLAN OR RECEIPT OF A STRIKE NOTICE,  
26 MEDICAL ERRORS RESULTING IN INJURY OR HARM TO THE CHILD OR  
27 ANY KNOWLEDGE OF AN UNLICENSED PRACTICE OF A REGULATED  
28 PROFESSION.

29 (15) THE PECC SHALL MAINTAIN A LOG OF ALL INCIDENTS AND  
30 ACCIDENTS. AT A MINIMUM, THE LOG SHALL INCLUDE THE DATE THE



1 INCIDENT OCCURRED, A DESCRIPTION OF THE INCIDENT, THE NAME OF  
2 THE CHILD INVOLVED IN THE INCIDENT AND THE NAME OF THE  
3 EMPLOYEE INVOLVED IN THE INCIDENT. A SYSTEM SHALL BE  
4 DEVELOPED, DOCUMENTED AND IMPLEMENTED TO DEMONSTRATE EVIDENCE  
5 THAT THE INCIDENT OR ACCIDENT HAS BEEN THOROUGHLY  
6 INVESTIGATED AND THAT ANY CORRECTIVE ACTION TO AVOID THE  
7 INCIDENT OR ACCIDENT IN THE FUTURE HAS BEEN IMPLEMENTED.

8 ~~(1) No child attends a PPEC center~~ (16) A PECC MAY NOT <—  
9 SERVE A CHILD for more than 12 hours within a 24-hour period.

10 ~~(2) No PPEC center provides services other than those~~ <—  
11 ~~provided~~ (17) A PECC MAY ONLY PROVIDE SERVICES to medically <—  
12 or technologically dependent children.

13 (18) IF, UPON APPLICATION TO A PECC, THE PECC HAS NO <—  
14 EVIDENCE OF AN APPLICATION TO THE EARLY INTERVENTION PROGRAM  
15 OR THE LOCAL SCHOOL DISTRICT, THE PECC SHALL MAKE A REFERRAL  
16 FOR THE FAMILY TO THE EARLY INTERVENTION PROGRAM OR THE LOCAL  
17 SCHOOL DISTRICT, APPROPRIATE FOR THE CHILD'S RESIDENCE.

18 (19) THE OPERATOR AND ALL EMPLOYEES AND CONTRACT STAFF  
19 OF THE PECC SHALL COMPLY WITH 23 PA.C.S. § 6344 (RELATING TO  
20 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL).

21 (20) THE PECC SHALL ANNUALLY DISCLOSE TO THE DEPARTMENT  
22 AND TO THE PUBLIC THE NAMES OF PERSONS OWNING 5% OR MORE OF  
23 THE PECC AS WELL AS THE PECC'S OFFICERS AND BOARD MEMBERS.

24 (21) ALL OF THE STANDARDS SET FORTH IN THIS SECTION  
25 SHALL APPLY AT ALL TIMES THAT THE PECC IS OPEN AND OPERATING.

26 ~~Section 14. Construction and renovation; requirements.~~ <—

27 ~~The requirements for the construction or renovation of a PPEC~~  
28 ~~center shall comply with:~~

29 ~~(1) all applicable building construction standards,~~  
30 ~~including plumbing, electrical code, glass, manufactured~~

~~buildings, accessibility for the physically disabled; and  
(2) the standards or rules and regulations adopted  
pursuant to this act.~~

Section ~~15~~ 16. Interim license. <—

Until such time as final rules and regulations are adopted  
and published, the department ~~may, upon application by a~~ <—  
~~facility seeking licensing as a PPEC center, and after suitable~~  
~~investigation by the department, grant an interim license which~~  
~~shall be valid until such time that final regulations are~~  
~~adopted and published.~~ SHALL OPERATE THE LICENSING PROGRAM <—

PURSUANT TO THE STANDARDS ESTABLISHED IN THIS ACT.

~~Section 16. Prohibited acts; penalty for violation.~~ <—

SECTION 17. LICENSE REQUIRED. <—

(a) Prohibited acts.--It is unlawful for any person or  
public body to offer or advertise to the public, in any way or  
by any medium, basic services as defined in this act without  
obtaining a valid current license. It is unlawful for any holder  
of a license issued pursuant to this act to advertise or hold  
out to the public that it holds a license for a PPEC PEDIATRIC <—  
EXTENDED CARE center other than that for which it actually holds  
a license.

(b) Penalty.--Any person who violates the provisions of  
subsection (a) commits a misdemeanor of the second degree. Each  
day of continuing violation shall be considered a separate  
offense.

Section ~~17~~ 18. Effective date. <—

This act shall take effect immediately.