

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1119 Session of  
2001

INTRODUCED BY VANCE, SCHULER, MICOZZIE, DeWEESE, ADOLPH, ARMSTRONG, BARD, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, BUNT, BUXTON, CALTAGIRONE, CAPPABIANCA, CLARK, L. I. COHEN, COLAFELLA, CORRIGAN, CRUZ, CURRY, DAILEY, DeLUCA, EGOLF, FAIRCHILD, FLICK, FRANKEL, FREEMAN, GEIST, GEORGE, GRUCELA, HALUSKA, HARHAI, HENNESSEY, HERMAN, HESS, HORSEY, JAMES, JOSEPHS, KELLER, KENNEY, LAUGHLIN, LEDERER, LEH, MACKERETH, MAHER, MANDERINO, MANN, MARKOSEK, MARSICO, McNAUGHTON, MELIO, R. MILLER, S. MILLER, MUNDY, NAILOR, NICKOL, ORIE, PETRARCA, READSHAW, ROEBUCK, ROHRER, ROSS, RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCHRODER, SHANER, B. SMITH, SOLOBAY, STABACK, STAIRS, STEELMAN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, TRELLO, TRICH, WALKO, WATSON, J. WILLIAMS, WILT, WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK, ZUG, CLYMER AND SAMUELSON, MARCH 21, 2001

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2001

## AN ACT

1 Requiring public notices relating to certain matters affecting  
2 long-term care facilities; and providing for compliance and  
3 enforcement.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Long-Term  
8 Care Facility Public Notice Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "DESIGNATED PARTY." AN INDIVIDUAL DESIGNATED BY A RESIDENT <—  
3 OR RESIDENT'S RESPONSIBLE PARTY WHO RECEIVES NOTICES AS REQUIRED  
4 BY SECTION 5.

5 "Licensing authority." A Commonwealth department that  
6 licenses long-term care facilities.

7 "Long-term care." The provision of assessment, care  
8 management and diagnostic, preventative, therapeutic,  
9 rehabilitative, support and maintenance services for older  
10 adults and other adults with functional limitations.

11 "Long-term care facility." A facility that is licensed by  
12 the Commonwealth to provide long-term care. The term includes,  
13 but is not limited to, a long-term care nursing facility,  
14 personal care home, community residential rehabilitation service  
15 provider, community home for individuals with mental  
16 retardation, intermediate care facility for individuals with  
17 mental retardation or adult daily living center.

18 Section 2 3. License and operational postings. <—

19 A long term care facility shall:

20 (1) Display the license or certificate of compliance  
21 permitting its operation in a public and conspicuous location  
22 where it may be easily observed and read.

23 (2) Display all reports of inspections; lists of  
24 citations; statements of deficient operation; notices of  
25 action taken, or to be taken by the licensing authority;  
26 plans for correcting any practice, procedure or other issue  
27 identified by the licensing authority, or its agent, issued  
28 during the preceding 12-month period of time, in a public and  
29 conspicuous location where these documents may be easily  
30 observed and read.

1 (3) Maintain a current list of:

2 (i) all persons, their addresses and Social Security  
3 numbers, receiving service or enrolled within the  
4 programs operated by the facility;

5 (ii) any orders of court entered regarding the  
6 decisional capacity or service status of any person  
7 receiving service or enrolled within the programs  
8 operated by the facility;

9 (iii) the names, addresses and telephone numbers of:  
10 the representative payee or next of kin or responsible  
11 party and person named as power of attorney or guardian,  
12 responsible for any person receiving service or enrolled  
13 within the facility's programs;

14 (iv) The name, address, contact person and telephone  
15 number of the agency, organization or person providing  
16 payment, in whole or in part, for the services provided  
17 to the persons enrolled within the programs operated by  
18 the facility.

19 (4) Maintain the list identified in paragraph (3) in  
20 current status at all times, keeping it distinct and separate  
21 from, the client service or treatment record and shall  
22 contain in correlated form all of the information in this  
23 section on any and all persons enrolled in the facility's  
24 programs.

25 (5) Shall provide the list identified in paragraph (3)  
26 to the issuing authority, its representative or agent,  
27 responsible for issuing the license or certificate of  
28 compliance for the facility, at any time when requested by  
29 the licensing authority.

30 Section 3 4. Notice to long-term care facility.

<—

1 A licensing authority shall notify a long-term care facility  
2 in writing that the licensing authority plans to take, or has  
3 taken, any of the following actions:

4 (1) Revocation, refusal to reissue or suspension of the  
5 facility's license or certificate of compliance.

6 (2) Removal of any, or all, persons receiving service,  
7 or enrolled within the programs operated by the facility,  
8 from the physical location of the facility.

9 (3) Refusal to permit the facility to admit, or readmit,  
10 any person, to the service programs operated by the facility  
11 due to health or safety issues posed by the operation of the  
12 facility by the current licensee or holder of the certificate  
13 of compliance, or its agent or appointee.

14 (4) Decision to appoint, or seek the appointment of, an  
15 entity, other than the current licensee or holder of the  
16 certificate of compliance, or its agent or appointee, to  
17 operate or maintain the facility due to health or safety  
18 issues posed by the operation of the facility.

19 Section 4 5. Notice to persons receiving services. <—

20 A licensing authority notifying any facility of any action  
21 described in section 3 4 shall notify in writing, and by other <—  
22 necessary means, all persons receiving long-term care services,  
23 or enrolled in the programs of service of a facility and any

24 responsible party OR DESIGNATED PARTY for any person receiving <—  
25 long-term care services, or enrolled in programs of service of a  
26 facility, as listed in section ~~2(3)(iii)~~ 3(3)(III), of such <—

27 action. ~~This~~ THE notification shall be delivered in person by a <—  
28 representative or agent of the licensing authority or by the  
29 United States Postal Service and shall be written in clear and  
30 specific language so as to clearly communicate the action being

1 taken by the issuing authority.

2 Section 5 6. Notice on premises. <—

3 A licensing authority notifying any long-term care facility

4 of any action described in section 3 4 shall post on the <—

5 entrances to the physical location of the notified facility a

6 public notice, no smaller in size than 24 inches by 24 inches,

7 and printed with type no smaller than 18 points, ~~a public notice~~ <—

8 specifically stating the action which is being taken pursuant to

9 section 3. ~~This~~ 4. THE PUBLIC notice shall be posted no later <—

10 than 24 hours after the licensing authority has delivered, or

11 placed in the United States Postal Service, the notice to the

12 facility as required by section 3. ~~This~~ 4. THE POSTING MAY NOT <—

13 OCCUR UNTIL THE LICENSING AUTHORITY HAS RECEIVED CONFIRMATION OF

14 RECEIPT OF THE NOTICE BY THE FACILITY. THE PUBLIC notice shall

15 remain posted until such time that the action taken by the

16 issuing authority has been resolved. If an appeal is filed of

17 the licensing authority's action, the PUBLIC notice shall be <—

18 posted when all issues on appeal are determined finally.

19 Section 6 7. Newspaper publication. <—

20 A licensing authority notifying any long-term care facility

21 of any action described in section 3 4 shall place an <—

22 advertisement in a newspaper of general circulation, published

23 at least weekly, for three separate dates of publication. The

24 public notice shall be no smaller in size than four inches by

25 four inches stating that the licensing authority is taking, or

26 has taken, such action and specifying the long-term care

27 facility, its location, and the operating organization, if other

28 than the named holder of the license or certificate of

29 compliance. In the event that any issue leading to the posting

30 of notices and publication of notices is later reversed or found

1 invalid, the licensing authority shall publish a retraction in  
2 the same style and manner prescribed in this section. IN THE  
3 EVENT THAT CORRECTIONS ARE MADE AND APPEALS ARE RESOLVED, THE  
4 LICENSING AUTHORITY SHALL NOTIFY ANY RESPONSIBLE PARTY OR  
5 DESIGNATED PARTY FOR ANY PERSON RECEIVING LONG-TERM CARE  
6 SERVICES, OR ENROLLED IN PROGRAMS OF SERVICE OF SAID FACILITY,  
7 OF SUCH CORRECTIONS AND RESOLUTION OF APPEALS.

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8 Section 7 8. Compliance and enforcement.

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9 Notwithstanding any other provision of law, compliance with  
10 this act shall operate as a condition of licensure for a long-  
11 term care facility and this act shall be enforced against a  
12 long-term care facility in the same manner as provided in the  
13 act under which the facility is licensed.

14 Section 8 9. Regulations.

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15 Each licensing authority shall promulgate rules or  
16 regulations necessary to administer this act within six months  
17 of the effective date of this act.

18 Section 9 10. Effective date.

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19 This act shall take effect in 60 days.