

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1345 Session of
2001

INTRODUCED BY E. Z. TAYLOR, SCHULER, HARPER, TIGUE, ALLEN,
BEBKO-JONES, BELARDI, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI,
CORRIGAN, COSTA, CREIGHTON, CURRY, DAILEY, DeLUCA, EGOLF,
FEESE, FICHTER, FREEMAN, GEIST, GEORGE, GRUCELA, HARHAI,
HARHART, HENNESSEY, HERMAN, HORSEY, JAMES, JOSEPHS, KELLER,
KIRKLAND, LAUGHLIN, LEDERER, LUCYK, MAITLAND, McCALL, MCGILL,
MELIO, R. MILLER, MUNDY, PIPPY, PRESTON, RAYMOND, ROSS,
RUBLEY, SAINATO, SATHER, SAYLOR, SCRIMENTI, SHANER, SOLOBAY,
STABACK, STURLA, SURRA, TRICH, WALKO, WATSON, WOJNAROSKI,
YOUNGBLOOD AND YUDICHAK, APRIL 17, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 17, 2001

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," requiring the Department of
10 Health to make inspections of long-term nursing facilities on
11 an unannounced basis and not near the time of the facilities'
12 annual license renewal.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 809 of the act of July 19, 1979 (P.L.130,
16 No.48), known as the Health Care Facilities Act, amended
17 December 18, 1992 (P.L.1602, No.179), is amended to read:
18 Section 809. Term and content of license.

(a) Contents.--All licenses issued by the department under this chapter shall:

(1) be issued for a specified length of time as follows, including the provision of section 804(b):

(i) all health care facilities other than hospitals for a period of one year, and for hospitals for a period of two years with the expiration date to be the last day of the month in which license is issued;

(ii) provisional licenses for the length of time to be determined by the department upon issuance of the provisional license;

(2) be on a form prescribed by the department;

(3) not be transferable except upon prior written approval of the department;

(4) be issued only to the health care provider and for the health care facility or facilities named in the application;

(5) specify the maximum number of beds, if any, to be used for the care of patients in the facility at any one time; and

(6) specify limitations which have been placed on the facility.

(b) Posting.--The license shall at all times be posted in a conspicuous place on the provider's premises.

(c) Visitation.--Whenever practicable, the department shall make its visitations and other reviews necessary for licensure contemporaneously with similar visitations and other reviews necessary for provider certification in the Medicare and medical assistance programs and the department shall endeavor to avoid duplication of effort by the department and providers in the

1 certificate of need, medical assistance and Medicare provider
2 certification and licensure procedures. [This shall not preclude
3 the department from unannounced visits.] The department shall
4 ensure that its inspections of long-term care nursing facilities
5 are on an unannounced basis. The department shall also ensure a
6 minimum of one annual unannounced visitation which does not
7 occur near the time of the facility's annual license renewal.

8 (d) Use of beds in excess of maximum.--Except in case of
9 extreme emergency, no license shall permit the use of beds for
10 inpatient use in the licensed facility in excess of the maximum
11 number set forth in the license without first obtaining written
12 permission from the department: Provided, That during the period
13 of a license, a health care facility may without the prior
14 approval of the department increase the total number of beds by
15 not more than ten beds or 10% of the total bed capacity,
16 whichever is less.

17 Section 2. This act shall take effect in 60 days.