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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 907 Session of  
2005

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INTRODUCED BY S. MILLER, ARGALL, ARMSTRONG, BALDWIN, BROWNE,  
CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, CRUZ, CURRY,  
DENLINGER, FORCIER, FREEMAN, GABIG, GEIST, GEORGE, GERGELY,  
GINGRICH, GOODMAN, HARPER, HERSHEY, KAUFFMAN, W. KELLER,  
LEACH, LEH, MACKERETH, MCGEEHAN, MELIO, R. MILLER, PICKETT,  
PYLE, READSHAW, REICHLEY, ROHRER, RUBLEY, SCAVELLO, STERN,  
E. Z. TAYLOR, THOMAS, TIGUE, WASHINGTON, WATSON AND  
YOUNGBLOOD, MARCH 14, 2005

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
MARCH 14, 2005

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AN ACT

1 Requiring certain facilities to coordinate with licensing  
2 agencies and local long-term care ombudsmen to provide  
3 assistance to residents in circumstances involving relocation  
4 of residents due to voluntary or involuntary closure of the  
5 facilities.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Resident  
10 Relocation Coordination Act.

11 Section 2. Definitions.

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

15 "Area agency on aging." The single local agency designated  
16 by the Department of Aging within each planning and service area

1 to administer the delivery of a comprehensive and coordinated  
2 plan of social and other services and activities.

3 "Department." The Department of Aging of the Commonwealth.

4 "Facility." Any of the following:

5 (1) A home that provides domiciliary care as defined in  
6 section 2202-A of the act of April 9, 1929 (P.L.177, No.175),  
7 known as The Administrative Code of 1929.

8 (2) A long-term care nursing facility as defined in  
9 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),  
10 known as the Health Care Facilities Act.

11 (3) An older adult daily living center as defined in  
12 section 2 of the act of July 11, 1990 (P.L.499, No.118),  
13 known as the Older Adult Daily Living Centers Licensing Act.

14 (4) A personal care home as defined in section 1001 of  
15 the act of June 13, 1967 (P.L.31, No.21), known as the Public  
16 Welfare Code.

17 "Licensing agency." In the case of:

18 (1) A domiciliary care home, the Department of Aging.

19 (2) A long-term care nursing facility, the Department of  
20 Health.

21 (3) An older adult daily living center, the Department  
22 of Aging.

23 (4) A personal care home, the Department of Public  
24 Welfare.

25 "Local long-term care ombudsman" or "local ombudsman." An  
26 agent of the Department of Aging who, pursuant to section 2203-A  
27 of the act of April 9, 1929 (P.L.177, No.175), known as The  
28 Administrative Code of 1929, investigates and seeks to resolve  
29 complaints made by or on behalf of older individuals or adults  
30 with disabilities who are consumers of long-term care

1 facilities, which complaints may relate to action, inaction or  
2 decisions of providers of long-term care services or residences  
3 or of public agencies or of social service agencies or their  
4 representatives and which complaints may adversely affect the  
5 health, safety, welfare, interests, preferences or rights of  
6 consumers.

7 "Resident." A person receiving services in a facility.

8 "Responsible person." A person who:

- 9 (1) (i) is not an employee of a facility;  
10 (ii) is responsible for making decisions on behalf  
11 of a resident; and  
12 (iii) is so designated by the resident or the court,  
13 and documentation is available on the resident's clinical  
14 record to this effect; or  
15 (2) (i) is an employee of a facility; and  
16 (ii) is appointed by the court as the resident's  
17 legal guardian.

18 Section 3. Coordination efforts in relocation situations.

19 (a) General rule.--At least 90 days prior to relocation of  
20 any resident due to voluntary or involuntary closure other than  
21 situations described in subsection (b), a facility shall notify  
22 the appropriate licensing agency and the local ombudsman within  
23 its designated area and provide written notification to the  
24 resident or the resident's responsible person.

25 (b) Exception.--Prior to a relocation situation involving  
26 the imminent removal of a resident in order to ensure the  
27 resident's health and safety, a facility shall notify the  
28 resident and contact the appropriate licensing agency and the  
29 local ombudsman within its designated area. No later than 48  
30 hours after the relocation, the facility shall provide written

1 notification to the resident's responsible person.

2 (c) Administrative cooperation.--The facility, licensing  
3 agency and ombudsman shall:

4 (1) Coordinate efforts to ensure the protection of the  
5 health, safety and rights of residents and ensure smooth  
6 relocation for all residents at the facility.

7 (2) Share all relevant information concerning residents  
8 and the relocation plans and process, including, but not  
9 limited to, conducting site visits for alternative placement.

10 (3) Cooperate in order to ensure that any other agencies  
11 that may serve certain specific populations such as mental  
12 health, mental retardation, Department of Veterans Affairs,  
13 etc., shall be included in the relocation process, as  
14 appropriate.

15 (4) Coordinate the relocation process so that resident  
16 relocation shall only occur between the hours of 7 a.m. and 9  
17 p.m. This requirement shall not apply in emergency situations  
18 where residents must be relocated in order to ensure their  
19 health and safety.

20 (d) Local ombudsman duty.--

21 (1) The local ombudsman shall ensure that the resident,  
22 the resident's attorney-in-fact, guardian or other legal  
23 representative acting within the scope of that person's  
24 authority shall be involved in planning such transfer and  
25 shall have the right to choose among the available  
26 alternative placements.

27 (2) Nothing in this act shall be construed to preclude  
28 the right of the appropriate agency that licenses the  
29 facility to make temporary placement until final placement  
30 can be arranged.

1 (e) Record of relocation incident.--The local ombudsman  
2 shall maintain a record of each relocation incident in which the  
3 local ombudsman is involved and shall, upon request, share that  
4 information with the appropriate licensing agency, the State  
5 Ombudsman and law enforcement officials. The department shall  
6 provide technical assistance and guidance to the local ombudsman  
7 to ensure that laws and regulations regarding confidentiality of  
8 information are strictly adhered to.

9 Section 4. Enforcement.

10 (a) Appropriate licensing agencies.--In a relocation  
11 situation under this act, the appropriate licensing agency shall  
12 ensure that the facility complies with the provisions of this  
13 act as a condition of licensure.

14 (b) Department.--The department shall ensure that the local  
15 long-term care ombudsman in each area agency on aging complies  
16 with the provisions of this act.

17 Section 5. Effective date.

18 This act shall take effect in six months.