

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 154      Session of  
2008

---

INTRODUCED BY DERMODY, MELIO, READSHAW, THOMAS, WALKO,  
CALTAGIRONE, CONKLIN, KORTZ, BRENNAN, BLACKWELL, SIPTROTH,  
MCILVAINE SMITH, STABACK, LONGIETTI, MURT, GALLOWAY, FRANKEL,  
MAHONEY AND CURRY, SEPTEMBER 12, 2008

---

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
SEPTEMBER 12, 2008

---

AN ACT

1 Providing for joint training and continuing education of nursing  
2 care providers and nursing facility surveyors, assisted  
3 living service providers and assisted living residence  
4 surveyors and for joint training and continuing education of  
5 personal care providers and personal care home surveyors.

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

8 CHAPTER 1

9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

11 This act shall be known and may be cited as the Joint  
12 Provider and Surveyor Training and Continuing Education Act.

13 Section 102. Purpose.

14 The purpose of this act is to provide joint training and  
15 continuing education opportunities to nursing care providers and  
16 nursing facility surveyors, joint training and continuing  
17 education to assisted living providers and assisted living  
18 residence surveyors and joint training and continuing education

1 to personal care providers and personal care home surveyors. The  
2 joint training and continuing education opportunities shall be  
3 designed to allow providers and surveyors to interact with one  
4 another and to promote a common understanding of applicable laws  
5 and regulations.

6 CHAPTER 3

7 NURSING CARE PROVIDERS AND NURSING FACILITY SURVEYORS

8 Section 301. Definitions.

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

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

13 "Nursing care provider." An individual who owns, operates or  
14 staffs a nursing facility.

15 "Nursing facility." A long-term care nursing facility, as  
16 defined under section 802.1 of the act of July 19, 1979  
17 (P.L.130, No.48), known as the Health Care Facilities Act.

18 "Nursing facility surveyor." An agent of the Department of  
19 Health authorized to conduct a survey of a nursing facility.

20 "Region." A geographic area composed of counties, as  
21 determined by the Department of Health.

22 "Survey." Inspection of a nursing facility conducted in  
23 accordance with section 1919(g)(2) of the Social Security Act  
24 (49 Stat. 620, 42 U.S.C. § 1396r(g)(2)).

25 Section 302. Joint provider-surveyor program.

26 (a) Training.--The department shall semiannually in each  
27 region provide for joint training for nursing care providers and  
28 nursing facility surveyors, to be conducted at the same time,  
29 place and by the same instructor that shall:

30 (1) Outline the ten most frequently issued citations in

1 this Commonwealth during the previous calendar year.

2 (2) Substantively analyze at least one of the ten most  
3 frequently issued citations in this Commonwealth during the  
4 previous year and how to avoid, correct or remediate the  
5 conditions that would result in the citation.

6 (3) Review any regulation, regulatory guideline,  
7 interpretation, program letter, memorandum or any other  
8 material that could be used as a reference by nursing  
9 facility surveyors during the survey process that has been  
10 published since the most recent joint training session in  
11 each region or has been approved to be published within the  
12 next six months.

13 (b) Consultation.--The department shall consult with nursing  
14 care providers and other experts in long-term care to design the  
15 curriculum for each joint training session.

16 Section 303. Continuing education credit application.

17 Joint training sessions provided by the department shall be  
18 approved by the Department of State and its respective licensing  
19 boards for application toward continuing education requirements  
20 for professionals and clinicians in long-term care, including,  
21 but not limited to, nursing home administrators, registered  
22 nurses and other direct care workers.

23 Section 304. Report by department.

24 The department shall submit a report no later than February 1  
25 of each year to the Governor and the General Assembly that  
26 summarizes the joint training and continuing education program  
27 under this chapter for the prior calendar year.

28 Section 305. Funding.

29 The department shall identify and, to the fullest extent  
30 possible, utilize funds collected as civil monetary penalties

1 from nursing facilities in accordance with section 817 of the  
2 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
3 Facilities Act to offset costs associated with the development  
4 and implementation of the joint training and continuing  
5 education program under this chapter.

6 CHAPTER 5

7 PERSONAL CARE HOME AND ASSISTED LIVING PROVIDERS AND SURVEYORS  
8 Section 501. Definitions.

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

12 "Assisted living service provider." An individual who owns,  
13 operates or staffs an assisted living residence.

14 "Assisted living residence." As defined under section 1001  
15 of the act of June 13, 1967 (P.L.31, No.21), known as the Public  
16 Welfare Code.

17 "Assisted living residence surveyor." An agent of the  
18 Department of Public Welfare authorized to conduct a survey of  
19 an assisted living residence.

20 "Department." The Department of Public Welfare of the  
21 Commonwealth.

22 "Personal care home." As defined under section 1001 of the  
23 act of June 13, 1967 (P.L.31, No.21), known as the Public  
24 Welfare Code.

25 "Personal care provider." An individual who owns, operates  
26 or staffs a personal care home.

27 "Personal care home surveyor." An agent of the Department of  
28 Public Welfare authorized to conduct a survey of a personal care  
29 home.

30 "Region." A geographic area composed of counties, as

1 determined by the Department of Public Welfare.

2 "Survey." Inspection of a personal care home conducted in  
3 accordance with section 211 of the act of June 13, 1967 (P.L.31,  
4 No.21), known as the Public Welfare Code.

5 Section 502. Personal care home joint provider-surveyor  
6 program.

7 (a) Training.--The department shall semiannually in each  
8 region provide for joint training for personal care providers  
9 and personal care home surveyors, to be conducted at the same  
10 time, place and by the same instructor that shall:

11 (1) Outline the ten most frequently issued citations in  
12 this Commonwealth during the previous calendar year.

13 (2) Substantively analyze at least one of the ten most  
14 frequently issued citations in this Commonwealth during the  
15 previous year and how to avoid, correct or remediate the  
16 conditions that would result in the citation.

17 (3) Review any regulation, regulatory guideline,  
18 licensing measurement instrument, interpretation, program  
19 letter, memorandum or any other material that could be used  
20 as a reference by personal care home surveyors during the  
21 survey process that has been published since the most recent  
22 joint training session in each region or has been approved to  
23 be published within the next six months.

24 (b) Consultation.--The department shall consult with  
25 personal care providers and experts in long-term care to design  
26 the curriculum for each joint training session.

27 Section 503. Assisted living joint provider-surveyor program.

28 (a) Training.--The department shall semiannually in each  
29 region provide for joint training for assisted living service  
30 providers and assisted living residence surveyors, to be

1 conducted at the same time, place and by the same instructor  
2 that shall:

3 (1) Outline the ten most frequently issued citations in  
4 this Commonwealth during the previous calendar year.

5 (2) Substantively analyze at least one of the ten most  
6 frequently issued citations in this Commonwealth during the  
7 previous year and how to avoid, correct or remediate the  
8 conditions that would result in the citation.

9 (3) Review any regulation, regulatory guideline,  
10 licensing measurement instrument, interpretation, program  
11 letter, memorandum or any other material that could be used  
12 as a reference by assisted living residence surveyors during  
13 the survey process that has been published since the most  
14 recent joint training session in each region or has been  
15 approved to be published within the next six months.

16 (b) Consultation.--The department shall consult with  
17 assisted living service providers and experts in long-term care  
18 to design the curriculum for each joint training session.

19 Section 504. Continuing education credit application.

20 Joint training sessions provided by the department shall be  
21 approved by the Department of State and its respective licensing  
22 boards and, when necessary, the Department of Public Welfare,  
23 for application toward continuing education requirements for  
24 professionals and clinicians in long-term care, including, but  
25 not limited to, nursing home administrators, assisted living  
26 residence administrators, personal care home administrators,  
27 registered nurses and other direct care workers.

28 Section 505. Report by department.

29 The department shall submit an annual report no later than  
30 February 1 of each year to the Governor and the General Assembly

1 that summarizes the personal care home joint training and  
2 continuing education program and the assisted living residence  
3 joint training and continuing education program under this  
4 chapter for the prior calendar year.

5 CHAPTER 21

6 MISCELLANEOUS PROVISIONS

7 Section 2101. Effective date.

8 This act shall take effect in 60 days.