
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 423 Session of
2007

INTRODUCED BY GINGRICH, BELFANTI, BENNINGTON, BIANCUCCI,
CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, FREEMAN, GEIST,
GILLESPIE, R. MILLER, O'NEILL, PETRONE, RAPP, REICHLEY,
RUBLEY, SAYLOR, J. TAYLOR, WATSON AND YOUNGBLOOD,
FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 13, 2007

AN ACT

1 Requiring public notices to certain matters affecting long-term
2 care providers; providing for compliance and enforcement;
3 requiring providers to submit information annually; and
4 providing for certain information to be posted on the
5 Internet website and for certain duties of Commonwealth
6 entities responsible for licensure, certification and other
7 approval of long-term care providers.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Long-Term
12 Care Consumer Notification Act.

13 Section 2. Definitions.

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

17 "Consumer." A person who receives services from a long-term
18 care provider.

1 "Designated party." An individual designated by a consumer
2 or a consumer's responsible party who receives notices as
3 required by section 4.

4 "Long-term care." Assistance, services or devices provided
5 over an extended period of time and designed to meet medical,
6 personal and social needs associated with aging, chronic disease
7 or disability, acute illness or injury or behavioral health
8 problems that enable a person to live as independently as
9 possible, which services are provided by a nursing facility,
10 assisted living facility, domiciliary care home, personal care
11 home, continuing care retirement community, home care agency,
12 home health agency, adult day-care provider or other home-based
13 and community-based provider.

14 "Long-term care provider" or "provider." An entity licensed,
15 certified or otherwise approved by the Commonwealth to provide
16 long-term care.

17 Section 3. License and operational postings.

18 A long-term care provider shall:

19 (1) Display the following information at the site where
20 the long-term care is provided, in a public and conspicuous
21 location and where the information can be easily observed and
22 read:

23 (i) The license, certification or other evidence of
24 approval by a Commonwealth entity responsible for
25 overseeing its operation.

26 (ii) Any notice of a ban on admissions, revocation
27 of a license or other similar document evidencing a
28 prohibition against a continuation of providing services
29 to consumers.

30 (iii) All reports of inspections issued during the

preceding 12-month period of time.

(iv) Information regarding the Commonwealth's Internet website.

(2) Maintain in current status for each consumer, where applicable, the names, addresses and telephone numbers of the representative payee or next of kin, responsible party or designated party and the person or persons named as power of attorney or guardian.

(3) Provide the information identified in paragraph (2) to the Commonwealth entity responsible for the licensure, certification or other approval of the provider responsible for providing services to the consumer.

Section 4. Notice to consumers receiving long-term care.

(a) Notice of proposed ban.--

(1) Whenever a Commonwealth entity provides notice to a provider of a proposed ban on admissions, license revocation or other prohibition against providing long-term care, the notice shall be delivered by either a representative or agent of the entity or placed in the United States Postal Service, registered mail, return receipt requested.

(2) The notice shall also be transmitted to the responsible party or designated party for each consumer of the provider. The notice to the responsible or designated party shall be either hand delivered by a representative or agent of the Commonwealth entity or postmarked by the United States Postal Service no later than 24 hours after notification to the provider and shall be written in clear and specific language so as to clearly communicate the action being taken by the Commonwealth entity.

(3) The Commonwealth entity shall post the notice on the

Commonwealth's Internet website for long-term care.

(b) Notice of corrective action or appeal resolution.--

(1) In the event that corrections are made or appeals are resolved, the Commonwealth entity shall notify the responsible party or designated party for each consumer of the provider of the corrections or resolution of appeals.

(2) The Commonwealth entity shall post the notice on the Commonwealth's Internet website for long-term care.

Section 5. Notice on premises.

(a) Duty to post notice.--No later than 24 hours after a provider receives notification from the Commonwealth entity of a proposed ban on admission, license revocation or other prohibition against providing long-term care under section 4(a), the provider shall post the notification on any entrance to the physical location of the site at which the long-term care is provided.

(b) Duration of notice.--The notice shall remain posted until such time as the action taken by the Commonwealth entity has been resolved. If an appeal is filed of the action by the Commonwealth entity, the notice shall remain posted until all issues on appeal are determined finally.

Section 6. Compliance and enforcement.

Notwithstanding any other provision of law, compliance with this act shall operate as a condition of licensure, certification or other approval for a provider, and this act shall be enforced against a provider in the same manner as provided in this act, regulation or other similar authority under which the provider is licensed, certified or otherwise approved.

Section 7. Effective date.

1 This act shall take effect in 180 days.