

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1030 Session of 2009

INTRODUCED BY McILHINNEY, BOSCOLA, O'PAKE, TARTAGLIONE, ARGALL,
GREENLEAF, WARD, M. WHITE, ALLOWAY, MUSTO, FOLMER, YAW,
VANCE, STACK AND DINNIMAN, JULY 14, 2009

REFERRED TO PUBLIC HEALTH AND WELFARE, JULY 14, 2009

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for violation
4 exceptions for personal care homes.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known as
8 the Public Welfare Code, is amended by adding a section to read:

9 Section 1085.1. Violation Exceptions.--(a) Notwithstanding
10 any other statutory or regulatory provision, no personal care
11 home shall be cited with a violation for not evacuating a
12 resident during a fire drill when:

13 (1) the resident is being treated and cared for by a
14 licensed hospice provider;

15 (2) a licensed clinician has made a determination that the
16 resident may suffer bodily injury as a result of participation
17 in a fire drill or that participating in a fire drill may
18 accelerate or hasten the death of the resident; and

1 (3) the resident, or the resident's power of attorney, has
2 signed a written waiver directing that the resident is not to be
3 evacuated during a fire drill.

4 (b) Nothing in this section shall be construed as relieving
5 the personal care home of responsibility to provide necessary
6 intervention for the evacuation of any resident in the event of
7 an actual emergency.

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