

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2203 Session of 2020

INTRODUCED BY CEPHAS, KENYATTA, KINSEY, HOHENSTEIN, HILL-EVANS, McNEILL, YOUNGBLOOD, SCHLOSSBERG, MURT, SHUSTERMAN, WEBSTER AND T. DAVIS, JANUARY 10, 2020

REFERRED TO COMMITTEE ON HEALTH, JANUARY 10, 2020

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," in administration of the act,
10 further providing for promulgation of rules and regulations.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 601 of the act of July 19, 1979 (P.L.130,
14 No.48), known as the Health Care Facilities Act, is amended by
15 adding subsections to read:

16 Section 601. Promulgation of rules and regulations.

17 * * *

18 (c) Regulations for long-term care nursing facilities, which
19 shall apply to all staff, administration and persons contracted
20 by the long-term care nursing facility to deliver care, shall
21 provide the following rights to residents:

1 (1) A resident may not be discriminated against because
2 of race, color, religious creed, disability, ancestry, sexual
3 orientation, gender identity, national origin, age or sex.

4 (2) A resident may not be neglected, intimidated,
5 physically or verbally abused, mistreated, subjected to
6 corporal punishment or disciplined in any way. A resident
7 shall be free from mental, physical and sexual abuse and
8 exploitation, neglect, financial exploitation and involuntary
9 seclusion.

10 (3) A resident shall be treated with dignity and
11 respect.

12 (4) A resident shall be informed of the rules of the
13 long-term care nursing facility and given 30 days' written
14 notice prior to the effective date of a new rule.

15 (5) A resident shall have access to a telephone in the
16 long-term care nursing facility to make calls in privacy.
17 Nontoll calls shall be without charge to the resident.

18 (6) A resident has the right to receive and send mail.
19 The following shall apply:

20 (i) Outgoing mail may not be opened or read by long-
21 term care nursing facility staff unless upon request of
22 the resident.

23 (ii) Incoming mail may not be opened or read by
24 long-term care nursing facility staff unless upon request
25 of the resident or the resident's personal
26 representative.

27 (7) A resident has the right to communicate privately
28 with and access the local ombudsman.

29 (8) A resident has the right to practice the religion or
30 faith of the resident's choice, or to not practice any

1 religion or faith.

2 (9) A resident shall receive assistance in accessing
3 health care services, including supplemental health care
4 services.

5 (10) A resident shall receive assistance in obtaining
6 and keeping clean, seasonal clothing. A resident's clothing
7 may not be shared with other residents.

8 (11) A resident, resident's personal representative and
9 other individuals upon the resident's written approval shall
10 have the right to access, review and request corrections to
11 the resident's record on file with the long-term care nursing
12 facility.

13 (12) A resident has the right to furnish the resident's
14 living unit and purchase, receive, use and retain personal
15 clothing and possessions.

16 (13) A resident has the right to leave and return to the
17 long-term care nursing facility at times consistent with the
18 long-term care nursing facility rules and the resident's
19 support plan. An individual appointed by the resident,
20 including the resident's personal representative, may place
21 or remove the resident according to the resident's support
22 plan.

23 (14) A resident has the right to relocate and to request
24 and receive assistance from the long-term care nursing
25 facility in relocating to another facility. The assistance
26 shall include helping the resident get information about
27 living arrangements, making telephone calls and transferring
28 records.

29 (15) A resident has the right to freely associate,
30 organize and communicate privately with the resident's

1 friends, family, physician, attorney and other persons.

2 (16) A resident shall be free from restraints.

3 (17) A resident shall be compensated in accordance with
4 Federal and State labor laws for labor performed on behalf of
5 the long-term care nursing facility. A resident may
6 voluntarily and without coercion perform tasks related
7 directly to the resident's personal space or common areas of
8 the long-term care nursing facility.

9 (18) A resident has the right to receive visitors at any
10 time provided that the visits do not adversely affect other
11 residents. A long-term care nursing facility may adopt
12 reasonable policies and procedures related to visitors and
13 access. If the long-term care nursing facility adopts such
14 policies and procedures, the policies and procedures shall be
15 binding on all residents.

16 (19) A resident has the right to privacy of self and
17 possessions. Privacy shall be provided to the resident during
18 bathing, dressing, changing and medical procedures.

19 (20) A resident has the right to file complaints,
20 grievances or appeals with any individual or agency and
21 recommend changes in policies, facility rules and services of
22 the facility without intimidation, retaliation or threat of
23 discharge.

24 (21) A resident has the right to remain in the long-term
25 care nursing facility, as long as it is operating with a
26 license.

27 (22) A resident has the right to receive services
28 contracted for in the resident's contract with the long-term
29 care nursing facility.

30 (23) A resident has the right to use both the long-term

1 care nursing facility's procedures and external procedures to
2 appeal involuntary discharge.

3 (24) A resident has the right to a system to safeguard
4 the resident's money and personal property.

5 (25) A long-term care nursing facility may require a
6 resident to use providers of supplemental health care
7 services. When the long-term care nursing facility does not
8 designate, the resident may choose the supplemental health
9 care service provider. The actions and procedures utilized by
10 a supplemental health care service provider chosen by a
11 resident shall be consistent with the long-term care nursing
12 facility's systems for caring for residents, which includes
13 the handling and assisting with the administration of
14 residents' medications, and may not conflict with Federal
15 laws governing residents.

16 (26) The resident has the right to choose the resident's
17 primary care physician.

18 (27) The resident has the right to have publicly posted
19 the telephone numbers and addresses for the department's
20 long-term care nursing facility licensing office, local
21 ombudsman or protective services unit in the area agency on
22 aging, the Disability Rights Network or law enforcement
23 agency.

24 (28) The resident has the right to make choices
25 concerning the resident's daily life in the long-term care
26 nursing facility.

27 (29) The resident has the right to share a room with the
28 resident's spouse or domestic partner or an individual of the
29 resident's choice when both spouses, partners or residents
30 live in the same facility and consent to the agreement.

1 (30) The resident has the right to be protected from
2 involuntary transfers, discharges and evictions in violation
3 of State law and regulation.

4 (31) The resident has the right to receive written
5 information on the right to establish an advanced health care
6 directive.

7 (32) The resident has the right to receive written
8 notice of any room changes at least 30 days in advance unless
9 the request for a change is agreed to by the resident,
10 required to fill a vacant bed or necessary due to an
11 emergency.

12 (33) The resident has the right to reasonable
13 accommodation of individual needs and preferences in all
14 aspects of life in the long-term care nursing facility,
15 except when the health or safety of the individual or other
16 residents would be endangered.

17 (34) The resident has the right to reasonable
18 accommodation of resident preferences concerning room and
19 roommate choices.

20 (35) A resident may not be subject to unequal, unfair or
21 inflated pricing for accommodations, amenities and
22 applications based on race, color, religious creed,
23 disability, ancestry, sexual orientation, gender identity,
24 national origin, age or sex.

25 (d) As used in this section, "personal representative" means
26 an executor or administrator of any description appointed by the
27 resident in writing which shall be kept on file by the long-term
28 care nursing facility.

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