

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1016 Session of
2021

INTRODUCED BY DeLUCA, HILL-EVANS, FREEMAN, PISCIOTTANO AND LEWIS
DELROSSO, MARCH 29, 2021

REFERRED TO COMMITTEE ON HEALTH, MARCH 29, 2021

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 departmental
4 powers and duties as to small 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
8 as the Human Services Code, is amended by adding an article to
9 read:

10 ARTICLE IX-A

11 DEPARTMENTAL POWERS AND DUTIES AS TO

12 SMALL PERSONAL CARE HOMES

13 Section 901-A. Definitions.

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

17 "Relative." A parent, child, stepparent, stepchild,
18 grandparent, grandchild, brother, sister, half brother, half
19 sister, aunt, uncle, niece or nephew.

1 "Small personal care home." As follows:

2 (1) A premises where food, shelter and personal
3 assistance or supervision are provided in exchange for
4 compensation for a period exceeding 24 hours for three or
5 fewer adults who meet the following criteria:

6 (i) They are not relatives of the operator.

7 (ii) They do not require the services of a licensed
8 long-term care facility.

9 (iii) They do require assistance or supervision in
10 such matters as dressing, bathing, diet, financial
11 management, evacuation of a residence in the event of an
12 emergency or medication prescribed for self
13 administration.

14 (2) The term does not include a personal care home as
15 defined in section 1001.

16 "Small personal care home administrator." An individual who
17 is charged with the general administration of a small personal
18 care home, whether or not the individual has an ownership
19 interest in the home or the individual's functions and duties
20 are shared with other individuals.

21 Section 902-A. Right of department to enter and inspect.

22 For the purpose of determining the suitability of a small
23 personal care home or whether the small personal care home is in
24 compliance with the regulations promulgated under section 907-A,
25 the following shall apply:

26 (1) In addition to the required annual inspection under
27 section 905-A, an authorized agent of the department may
28 enter, visit and inspect the small personal care home.

29 (2) An authorized agent of the department shall have
30 full and free access to the records of the small personal

1 care home and the individuals residing in the small personal
2 care home, including the full opportunity to interview,
3 inspect or examine the individuals.

4 (3) An authorized agent of the department may confer
5 with the small personal care home administrator regarding the
6 minimum standards of the department, encourage the adoption
7 of higher standards and recommend methods of improving care
8 and services.

9 Section 903-A. Duties of small personal care home
10 administrators.

11 A small personal care home administrator shall have the
12 following duties:

13 (1) Maintaining, operating and conducting a small
14 personal care home in accordance with the regulations
15 promulgated under section 907-A.

16 (2) Keeping records and making reports as may be
17 required by the department.

18 Section 904-A. Criminal history record information.

19 No person shall provide assistance or supervision in a small
20 personal care home unless the person submits criminal history
21 record information from the Pennsylvania State Police to the
22 department.

23 Section 905-A. Required annual inspection.

24 The department shall annually conduct at least one
25 unannounced onsite inspection of each small personal care home.

26 Section 906-A. Registry.

27 The department shall establish a small personal care home
28 registry. An individual who seeks to become a small personal
29 care home administrator or is designated as a small personal
30 care home administrator by the department shall register with

1 the department on a form prescribed by the department.

2 Section 907-A. Regulations.

3 The department shall promulgate regulations establishing
4 minimum standards for building, equipment, operation, care,
5 programs and services, training and staffing of small personal
6 care homes.

7 Section 908-A. Penalties.

8 If a person violates the provisions of this article or
9 regulations promulgated under section 907-A, the department,
10 upon the advice of the Attorney General, may maintain an action
11 in the name of the Commonwealth for an injunction or other
12 process restraining or prohibiting the person from engaging in
13 such activity.

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