

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," further providing for
4 right to enter and inspect.

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

7 Section 1. Section 1016 of the act of June 13, 1967 (P.L.31,
8 No.21), known as the Public Welfare Code, amended July 15, 1976
9 (P.L.993, No.202), is amended to read:

10 Section 1016. Right to Enter and Inspect.--(a) For the
11 purpose of determining the suitability of the applicants and of
12 the premises or whether or not any premises in fact qualifies as
13 a facility as defined in section 1001 of this act or the
14 continuing conformity of the licensees to this act and to the
15 applicable regulations of the department, any authorized agent
16 of the department shall have the right to enter, visit and
17 inspect any facility licensed or requiring a license under this
18 act and shall have full and free access to the records of the

1 facility and to the individuals therein and full opportunity to
2 interview, inspect or examine such individuals.

3 (b) An authorized agent of the department shall also confer
4 with the operators of facilities regarding the minimum standards
5 of the department, encourage the adoption of higher standards
6 and recommend methods of improving care and services.

7 (c) If the department finds evidence of gross incompetence,
8 negligence, misconduct in operating the facility or agency,
9 mistreatment or abuse of clients, likely to constitute an
10 immediate and serious danger to the life or health of the
11 clients, the department shall take immediate action to remove
12 the clients from the facility or agency. If physical obstruction
13 is offered to prevent removal of the clients the department
14 shall request law enforcement authorities to assist in the
15 removal of the clients.

16 (d) In the event of gross incompetence, negligence,
17 misconduct in operating the facility or agency or mistreatment
18 or abuse of clients, likely to constitute an immediate and
19 serious danger to the life or health of the clients which
20 results in immediate action to remove the clients from the
21 facility or agency, the department shall provide immediate
22 notice of the violations to the owner of the facility or agency
23 in writing.

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