

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 838

Session of 1981

INTRODUCED BY SNYDER AND KUSSE, MAY 27, 1981

SENATOR SNYDER, PUBLIC HEALTH AND WELFARE, AS AMENDED, JUNE 23, 1981

AN ACT

1 ~~Repealing Chapters 1 and 61 of Title 67 (Public Welfare) of the~~ <—
 2 ~~Pennsylvania Consolidated Statutes.~~
 3 AMENDING THE ACT OF JULY 19, 1979 (P.L.130, NO.48), ENTITLED "AN <—
 4 ACT RELATING TO HEALTH CARE; PRESCRIBING THE POWERS AND
 5 DUTIES OF THE DEPARTMENT OF HEALTH; ESTABLISHING AND
 6 PROVIDING THE POWERS AND DUTIES OF THE STATE HEALTH
 7 COORDINATING COUNCIL, HEALTH SYSTEMS AGENCIES AND HEALTH CARE
 8 POLICY BOARD IN THE DEPARTMENT OF HEALTH, AND STATE HEALTH
 9 FACILITY HEARING BOARD IN THE DEPARTMENT OF JUSTICE;
 10 PROVIDING FOR CERTIFICATION OF NEED OF HEALTH CARE PROVIDERS
 11 AND PRESCRIBING PENALTIES," DELETING CERTAIN DEFINITIONS AND
 12 REQUIREMENTS.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Chapters 1 (relating to general provisions) and~~ <—
 16 ~~61 (relating to nonprofit charitable institutions) of Title 67,~~
 17 ~~act of November 25, 1970 (P.L.707, No.230), known as the~~
 18 ~~Pennsylvania Consolidated Statutes, are repealed.~~

19 ~~Section 2. This act shall take effect immediately.~~

20 SECTION 1. SECTION 801.1, ACT OF JULY 19, 1979 (P.L.130, <—
 21 NO.48), KNOWN AS THE "HEALTH CARE FACILITIES ACT," ADDED JULY
 22 12, 1980 (P.L.655, NO.136), IS AMENDED TO READ:

1 SECTION 801.1. PURPOSE.

2 IT IS THE PURPOSE OF THIS CHAPTER TO PROTECT AND PROMOTE THE
3 PUBLIC HEALTH AND WELFARE THROUGH THE ESTABLISHMENT AND
4 ENFORCEMENT OF REGULATIONS SETTING MINIMUM STANDARDS IN THE
5 CONSTRUCTION, MAINTENANCE AND OPERATION OF HEALTH CARE
6 FACILITIES. SUCH STANDARDS ARE INTENDED BY THE LEGISLATURE TO
7 ASSURE SAFE, ADEQUATE AND EFFICIENT FACILITIES AND SERVICES, AND
8 TO PROMOTE THE HEALTH, SAFETY AND ADEQUATE CARE OF THE PATIENTS
9 OR RESIDENTS OF SUCH FACILITIES. IT IS ALSO THE PURPOSE OF THIS
10 CHAPTER TO ASSURE QUALITY HEALTH CARE THROUGH APPROPRIATE AND
11 NONDUPLICATIVE REVIEW AND INSPECTION WITH DUE REGARD TO THE
12 PROTECTION OF THE HEALTH AND RIGHTS OF PRIVACY OF PATIENTS AND
13 WITHOUT UNREASONABLY INTERFERING WITH THE OPERATION OF THE
14 HEALTH CARE FACILITY [OR HOME HEALTH AGENCY].

15 SECTION 2. THE DEFINITIONS OF "HEALTH CARE FACILITY" AND
16 "HOME HEALTH CARE AGENCY" IN SECTION 802.1 OF THE ACT, ADDED
17 JULY 12, 1980 (P.L.655, NO.136), ARE AMENDED TO READ:

18 SECTION 802.1. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
20 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
21 MEANINGS GIVEN THEM IN THIS SECTION:

22 * * *

23 "HEALTH CARE FACILITY." A GENERAL, TUBERCULOSIS, CHRONIC
24 DISEASE OR OTHER TYPE OF HOSPITAL, A SKILLED NURSING FACILITY, A
25 HOME HEALTH CARE AGENCY, AN INTERMEDIATE CARE FACILITY, AN
26 AMBULATORY SURGICAL FACILITY, BIRTH CENTER REGARDLESS OF WHETHER
27 SUCH HEALTH CARE FACILITY IS OPERATED FOR PROFIT, NONPROFIT OR
28 BY AN AGENCY OF THE COMMONWEALTH OR LOCAL GOVERNMENT. THE TERM
29 HEALTH CARE FACILITY SHALL NOT INCLUDE AN OFFICE USED PRIMARILY
30 FOR THE PRIVATE PRACTICE OF MEDICINE, OSTEOPATHY, OPTOMETRY,

1 CHIROPRACTIC, PODIATRY OR DENTISTRY, NOR A PROGRAM WHICH RENDERS
2 TREATMENT OR CARE FOR DRUG OR ALCOHOL ABUSE OR DEPENDENCE UNLESS
3 LOCATED WITHIN A HEALTH FACILITY, NOR A HOME HEALTH CARE AGENCY,
4 NOR A FACILITY PROVIDING TREATMENT SOLELY ON THE BASIS OF PRAYER
5 OR SPIRITUAL MEANS. A MENTAL RETARDATION FACILITY IS NOT A
6 HEALTH CARE FACILITY EXCEPT TO THE EXTENT THAT IT PROVIDES
7 SKILLED NURSING CARE. THE TERM HEALTH CARE FACILITY SHALL NOT
8 APPLY TO A FACILITY WHICH IS CONDUCTED BY A RELIGIOUS
9 ORGANIZATION FOR THE PURPOSE OF PROVIDING HEALTH CARE SERVICES
10 EXCLUSIVELY TO CLERGYMEN OR OTHER PERSONS IN A RELIGIOUS
11 PROFESSION WHO ARE MEMBERS OF A RELIGIOUS DENOMINATION.

12 * * *

13 ["HOME HEALTH CARE AGENCY." AN ORGANIZATION OR PART THEREOF
14 STAFFED AND EQUIPPED TO PROVIDE NURSING AND AT LEAST ONE
15 THERAPEUTIC SERVICE TO DISABLED, AGED, INJURED OR SICK PERSONS
16 IN THEIR PLACE OF RESIDENCE. THE AGENCY MAY ALSO PROVIDE OTHER
17 HEALTH-RELATED SERVICES TO PROTECT AND MAINTAIN PERSONS IN THEIR
18 OWN HOME.]

19 * * *

20 SECTION 3. SUBSECTION (D) OF SECTION 806, SUBSECTION (B) OF
21 SECTION 808 AND SUBSECTION (A) OF SECTION 820 OF THE ACT, ADDED
22 JULY 12, 1980 (P.L.655, NO.136), ARE AMENDED TO READ:
23 SECTION 806. LICENSURE.

24 * * *

25 [(D) HOME HEALTH CARE AGENCY REGULATIONS.--IN DEVELOPING
26 RULES AND REGULATIONS FOR LICENSURE OF HOME HEALTH CARE AGENCIES
27 THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE STANDARDS OF
28 THE NATIONAL ASSOCIATION OF HOME HEALTH AGENCIES, NATIONAL
29 LEAGUE OF NURSING, JOINT COMMISSION ON THE ACCREDITATION OF
30 HOSPITALS AND NATIONAL COUNCIL FOR HOMEMAKERS, HOME HEALTH AIDES

1 AND OTHER ACCREDITING BODIES AS THE DEPARTMENT MAY FIND
2 APPROPRIATE. HOME HEALTH CARE AGENCIES CERTIFIED AS PROVIDERS BY
3 THE DEPARTMENT TO THE FEDERAL GOVERNMENT FOR PURPOSES OF THE
4 MEDICARE PROGRAM SHALL BE DEEMED TO COMPLY WITH AND SATISFY THE
5 DEPARTMENT'S REGULATIONS GOVERNING HOME HEALTH CARE AGENCIES.]

6 * * *

7 SECTION 808. ISSUANCE OF LICENSE.

8 * * *

9 (B) SEPARATE AND LIMITED LICENSES.--SEPARATE LICENSES SHALL
10 NOT BE REQUIRED FOR DIFFERENT SERVICES WITHIN A SINGLE HEALTH
11 CARE FACILITY EXCEPT THAT [HOME HEALTH CARE OR] SKILLED OR
12 INTERMEDIATE NURSING CARE WILL REQUIRE SEPARATE LICENSES. A
13 SINGLE FACILITY PROVIDING BOTH SKILLED AND INTERMEDIATE CARE
14 SHALL NEED ONLY ONE SEPARATE LICENSE TO COVER THOSE SERVICES. A
15 LIMITED LICENSE, EXCLUDING FROM ITS TERMS A PARTICULAR SERVICE
16 OR PORTION OF A HEALTH CARE FACILITY, MAY BE ISSUED UNDER THE
17 PROVISIONS OF THIS ACT.

18 * * *

19 SECTION 820. EXISTING RULES AND REGULATIONS.

20 (A) CONTINUATION OF RULES AND REGULATIONS.--EXISTING RULES
21 AND REGULATIONS APPLICABLE TO HEALTH CARE FACILITIES NOT CLEARLY
22 INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER, SHALL REMAIN
23 IN EFFECT UNTIL REPLACED, REVISED OR AMENDED. IN DEVELOPING
24 REGULATIONS, THE DEPARTMENT SHALL GIVE PRIORITY TO DEVELOPING
25 MINIMUM STANDARDS FOR [HOME HEALTH AGENCIES AND] OTHER HEALTH
26 CARE FACILITIES NOT PREVIOUSLY SUBJECT TO REGULATION. SECTIONS
27 103.2 AND 103.6 OF TITLE 28 OF THE PENNSYLVANIA CODE ARE
28 REPEALED.

29 * * *

30 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.