

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 838**Session of
1981

INTRODUCED BY SNYDER AND KUSSE, MAY 27, 1981

AS AMENDED ON SECOND CONSIDERATION, JUNE 29, 1981

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," deleting certain definitions and
10 requirements.

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

13 Section 1. Section 801.1, act of July 19, 1979 (P.L.130,
14 No.48), known as the "Health Care Facilities Act," added July
15 12, 1980 (P.L.655, No.136), is amended to read:

16 Section 801.1. Purpose.

17 It is the purpose of this chapter to protect and promote the
18 public health and welfare through the establishment and
19 enforcement of regulations setting minimum standards in the
20 construction, maintenance and operation of health care
21 facilities. Such standards are intended by the Legislature to

1 assure safe, adequate and efficient facilities and services, and
2 to promote the health, safety and adequate care of the patients
3 or residents of such facilities. It is also the purpose of this
4 chapter to assure quality health care through appropriate and
5 nonduplicative review and inspection with due regard to the
6 protection of the health and rights of privacy of patients and
7 without unreasonably interfering with the operation of the
8 health care facility [or home health agency].

9 Section 2. The definitions of "health care facility" ~~and~~, <—
10 "home health care agency" AND "INTERMEDIATE CARE FACILITY" in <—
11 section 802.1 of the act, added July 12, 1980 (P.L.655, No.136),
12 are amended to read:

13 Section 802.1. Definitions.

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

17 * * *

18 "Health care facility." A general, tuberculosis, chronic
19 disease or other type of hospital, a skilled nursing facility, a
20 home health care agency, an intermediate care facility, an
21 ambulatory surgical facility, birth center regardless of whether
22 such health care facility is operated for profit, nonprofit or
23 by an agency of the Commonwealth or local government. The term
24 health care facility shall not include an office used primarily
25 for the private practice of medicine, osteopathy, optometry,
26 chiropractic, podiatry or dentistry, nor a program which renders
27 treatment or care for drug or alcohol abuse or dependence unless
28 located within a health facility, nor a home health care agency,
29 nor a facility providing treatment solely on the basis of prayer
30 or spiritual means. A mental retardation facility is not a

1 health care facility except to the extent that it provides
2 skilled nursing care. The term health care facility shall not
3 apply to a facility which is conducted by a religious
4 organization for the purpose of providing health care services
5 exclusively to clergymen or other persons in a religious
6 profession who are members of a religious denomination.

7 * * *

8 ["Home health care agency." An organization or part thereof
9 staffed and equipped to provide nursing and at least one
10 therapeutic service to disabled, aged, injured or sick persons
11 in their place of residence. The agency may also provide other
12 health-related services to protect and maintain persons in their
13 own home.]

14 * * *

15 "INTERMEDIATE CARE FACILITY." AN INSTITUTION WHICH PROVIDES
16 ON A REGULAR BASIS HEALTH-RELATED CARE AND SERVICES TO RESIDENT
17 INDIVIDUALS WHO DO NOT REQUIRE THE DEGREE OF CARE AND TREATMENT
18 WHICH A HOSPITAL OR SKILLED NURSING FACILITY IS DESIGNED TO
19 PROVIDE, BUT WHO BECAUSE OF THEIR MENTAL OR PHYSICAL CONDITION
20 REQUIRE HEALTH-RELATED CARE AND SERVICES ABOVE THE LEVEL OF ROOM
21 AND BOARD. [INTERMEDIATE CARE FACILITIES EXCLUSIVELY FOR THE
22 MENTALLY RETARDED COMMONLY CALLED ICF/MR SHALL NOT BE CONSIDERED
23 INTERMEDIATE CARE FACILITIES FOR THE PURPOSE OF THIS ACT AND
24 SHALL BE LICENSED BY THE DEPARTMENT OF PUBLIC WELFARE.]

25 * * *

26 Section 3. Subsection (d) of section 806, subsection (b) of
27 section 808 and subsection (a) of section 820 of the act, added
28 July 12, 1980 (P.L.655, No.136), are amended to read:
29 Section 806. Licensure.

30 * * *

1 [(d) Home health care agency regulations.--In developing
2 rules and regulations for licensure of home health care agencies
3 the department shall take into consideration the standards of
4 the National Association of Home Health Agencies, National
5 League of Nursing, Joint Commission on the Accreditation of
6 Hospitals and National Council for Homemakers, Home Health Aides
7 and other accrediting bodies as the department may find
8 appropriate. Home health care agencies certified as providers by
9 the department to the Federal Government for purposes of the
10 Medicare program shall be deemed to comply with and satisfy the
11 department's regulations governing home health care agencies.]

12 * * *

13 Section 808. Issuance of license.

14 * * *

15 (b) Separate and limited licenses.--Separate licenses shall
16 not be required for different services within a single health
17 care facility except that [home health care or] skilled or
18 intermediate nursing care will require separate licenses. A
19 single facility providing both skilled and intermediate care
20 shall need only one separate license to cover those services. A
21 limited license, excluding from its terms a particular service
22 or portion of a health care facility, may be issued under the
23 provisions of this act.

24 * * *

25 Section 820. Existing rules and regulations.

26 (a) Continuation of rules and regulations.--Existing rules
27 and regulations applicable to health care facilities not clearly
28 inconsistent with the provisions of this chapter, shall remain
29 in effect until replaced, revised or amended. In developing
30 regulations, the department shall give priority to developing

1 minimum standards for [home health agencies and] other health
2 care facilities not previously subject to regulation. Sections
3 103.2 and 103.6 of Title 28 of the Pennsylvania Code are
4 repealed.

5 * * *

6 Section 4. This act shall take effect immediately.