
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 838

Session of
1981

INTRODUCED BY SNYDER AND KUSSE, MAY 27, 1981

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 21, 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," changing the definition of "home
10 health care agency" and further providing for the effective
11 date.

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

14 Section 1. The definitions of "home health care agency" and
15 "intermediate care facility" in section 802.1, act of July 19,
16 1979 (P.L.130, No.48), known as the "Health Care Facilities
17 Act," added July 12, 1980 (P.L.655, No.136), are amended to
18 read:

19 Section 802.1. Definitions.

20 The following words and phrases when used in this chapter
21 shall have, unless the context clearly indicates otherwise, the

1 meanings given them in this section:

2 * * *

3 "Home health care agency." An organization or part thereof
4 staffed and equipped to provide skilled nursing and at least one
5 therapeutic service to disabled, aged, injured or sick persons
6 in their place of residence. The agency may also provide other
7 health-related services to protect and maintain persons in their
8 own home.

9 * * *

10 "Intermediate care facility." An institution which provides
11 on a regular basis health-related care and services to resident
12 individuals who do not require the degree of care and treatment
13 which a hospital or skilled nursing facility is designed to
14 provide, but who because of their mental or physical condition
15 require health-related care and services above the level of room
16 and board. †Intermediate care facilities exclusively for the <—
17 mentally retarded commonly called ICF/MR shall not be considered
18 intermediate care facilities for the purpose of this act and
19 shall be licensed by the Department of [Public Welfare.] HEALTH. <—

20 * * *

21 Section 2. Section 906 of the act, amended December 13, 1979
22 (P.L.532, No.118), is amended to read:

23 Section 906. Effective date.

24 [This] (a) Except as provided in subsection (b) this act
25 shall take effect October 1, 1979; provided that implementation
26 of reviews pursuant to this act shall not begin until April 1,
27 1980.

28 (b) The provisions of this act relating to requirements for
29 the operation of a home health care agency and any rules and
30 regulations adopted pursuant to this act relating to home health

1 care agencies shall take effect July 12, 1982.

2 Section 3. Section 11 of the act of July 12, 1980 (P.L.655,
3 No.136) entitled, "An act amending the act of July 19, 1979
4 (P.L.130, No.48), entitled 'An act relating to health care;
5 prescribing the powers and duties of the Department of Health;
6 establishing and providing the powers and duties of the State
7 Health Coordinating Council, health systems agencies and Health
8 Care Policy Board in the Department of Health, and State Health
9 Facility Hearing Board in the Department of Justice; providing
10 for certification of need of health care providers and
11 prescribing penalties,' amending and adding certain definitions;
12 further providing for powers and duties of the department, for
13 the encouragement of competition and innovation, for cooperation
14 with the department; further providing for certificates of need,
15 for the promulgation of regulations and other procedural
16 matters, for major medical equipment and for the licensure and
17 regulation of health care facilities, and providing penalties,"
18 is repealed insofar as it is inconsistent with the provisions of
19 section 2 of this act.

20 Section 4. This act shall take effect immediately.