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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 838**

Session of  
1981

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INTRODUCED BY SNYDER AND KUSSE, MAY 27, 1981

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JANUARY 20, 1982

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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

1 shall have, unless the context clearly indicates otherwise, the  
2 meanings given them in this section:

3 \* \* \*

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

10 \* \* \*

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

21 \* \* \*

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

24 Section 906. Effective date.

25 [This] (a) Except as provided in subsection (b) this act  
26 shall take effect October 1, 1979; provided that implementation  
27 of reviews pursuant to this act shall not begin until April 1,  
28 1980.

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

1 regulations adopted pursuant to this act relating to home health  
2 care agencies shall take effect July 12, 1982.

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

21 SECTION 4. THE AUTHORITY CONTAINED IN CLAUSES (3), (7), (11) <—  
22 AND (14) OF SECTION 201, SECTIONS 603, 701 AND 702 AND ANY OTHER  
23 PROVISION OF THE ACT RELATING TO CERTIFICATE OF NEED SHALL  
24 EXPIRE ON THE DAY FOLLOWING THE EFFECTIVE DATE OF ANY  
25 EXPIRATION, AMENDMENT OR REPEAL HAVING THE EFFECT OF DELETING  
26 THE MANDATORY REQUIREMENT OF A STATE CERTIFICATE OF NEED PROGRAM  
27 UNDER SECTIONS 1522(B) OR 1523(A)(4)(B) OF THE FEDERAL ACT OF  
28 JANUARY 4, 1975, P.L.93-641, 88 STAT. 2244, AS AMENDED OCTOBER  
29 4, 1979, P.L.96-79, 93 STAT. 592, INSO FAR AS IT CONCERNS  
30 CERTIFICATE OF NEED.

1 Section 4 5. This act shall take effect immediately.

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