

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1930 Session of
1999

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ARGALL, BROWNE, CURRY, DALEY, DeLUCA, FRANKEL, FREEMAN,
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THOMAS, TRELLO, TRUE, VANCE, WALKO, WILT, YOUNGBLOOD AND
YUDICHAK, OCTOBER 6, 1999

REFERRED TO COMMITTEE ON AGING AND YOUTH, OCTOBER 6, 1999

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," providing for State plan
4 for regulations and licensing of assisted living residences;
5 further providing for intragovernmental council on long-term
6 care, for definitions and for fees; providing for appeals,
7 for relocation, for rules and regulations for assisted living
8 residences, for classification of violations and for
9 revocation or renewal of license; repealing provisions
10 relating to personal care homes; and making editorial
11 changes.

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

14 Section 1. Section 211 of the act of June 13, 1967 (P.L.31,
15 No.21), known as the Public Welfare code, is repealed.

16 Section 2. The act is amended by adding a section to read:

17 Section 211.1. State Plan for Regulating and Licensing
18 Assisted Living Residences.--(a) In accordance with the
19 statutory authority and responsibility vested in the department
20 to regulate nonprofit homes for adults which provide personal

care and services and to license for profit assisted living residences for adults, pursuant to Articles IX and X, the department shall develop and implement a State plan for regulating and licensing assisted living residences.

(b) In developing rules and regulations for the State plan, the department shall:

(1) Distinguish between assisted living residences serving less than eight persons and assisted living residences serving more than eight persons.

(2) Within 90 days of the effective date of this section, adopt rules relating to the conduct of owners and employees of assisted living residences relative to the endorsement or delivery of public or private welfare, pension or insurance checks by a resident of an assisted living residence.

(3) Not regulate or require the registration of boarding homes which merely provide room, board and laundry services to persons who do not need assisted living residence services.

(c) Within three months following the effective date of this section, the department shall submit to the General Assembly for comment and review, and publish in the Pennsylvania Bulletin in accordance with the provisions of the Commonwealth Documents Law relating to the publication of regulations, a preliminary State plan for regulating and licensing assisted living residences.

(d) The preliminary plan shall include, but is not limited to, the following:

(1) Coordination of the department's statutory responsibilities with those of other State and local agencies having statutory responsibilities relating to assisted living residences, with particular attention given to the Department of Labor and Industry, the Department of Environmental Protection,

the Department of Conservation and Natural Resources, the Department of Aging and the Pennsylvania Human Relations Commission. The Department of Labor and Industry shall promulgate rules and regulations applicable to assisted living residences on a Statewide basis consistent with size distinctions set forth in subsection (b) pertaining to construction and means of egress.

(2) Recommendations for changes in existing State law and proposed legislation to:

(i) Resolve inconsistencies that hinder the department's implementation of the State plan.

(ii) Promote the cost efficiency and effectiveness of visitations and inspections.

(iii) Delegate to other State and local agencies responsibility for visitations, inspections, referral, placement and protection of adults residing in assisted living residences.

(iv) Evaluate the State's fire and panic laws as applied to assisted living residences.

(3) Recommendations for implementation of fire safety and resident care standards relating to assisted living residences by cities of the first class, second class and second class A.

(4) A programmatic and fiscal impact statement regarding the effect of the plan on existing residential programs for the disabled, including but not limited to skilled nursing homes, intermediate care facilities, domiciliary care homes, adult foster care homes, community living arrangements for the mentally retarded and group homes for the mentally ill and the effect of the plan on recipients of Supplemental Security Income.

(5) Cost analysis of the entire plan and of all regulations

1 that will be proposed pursuant to the plan.

2 (6) Number of personnel at the State, regional and county
3 level required to inspect assisted living residences and monitor
4 and enforce final rules and regulations adopted by the
5 department.

6 (7) Process for relocating residents of assisted living
7 residences whose health and safety are in imminent danger.

8 (e) If the department deems that it is in the best interest
9 of the Commonwealth to develop a plan for implementation on a
10 phased basis, the department shall submit a detailed schedule of
11 the plan to the General Assembly which shall be part of the
12 preliminary State plan.

13 (f) Within six months of the effective date of this section,
14 the department shall adopt a final State plan which shall be
15 submitted and published in the same manner as the preliminary
16 plan.

17 (g) The final plan shall include the information required in
18 the preliminary plan and, in addition, the cost to operators of
19 assisted living residences for compliance with the regulations.

20 (h) At no time may the department change, alter, amend or
21 modify the final State plan, except in emergency situations,
22 without first publishing such change in the Pennsylvania
23 Bulletin in accordance with the Commonwealth Documents Law
24 relating to publication of regulations and without first
25 submitting the proposed change to the General Assembly for
26 comment and review. In an emergency, the department may change,
27 alter, amend or modify the State plan without publishing the
28 change or submitting the change to the General Assembly; but,
29 within thirty days, the department shall submit and publish the
30 change as otherwise required.

1 (i) The State plan shall not apply to any assisted living
2 residence operated by a religious organization for the care of
3 clergymen or other persons in a religious profession.

4 (j) Any regulations by the department relating to the
5 funding of residential care for the mentally ill or mentally
6 retarded adults and any regulations of the Department of Aging
7 relating to domiciliary care shall use as their base,
8 regulations established in accordance with this section.
9 Supplementary requirements otherwise authorized by law may be
10 added.

11 (k) After initial approval, assisted living residences shall
12 be visited or inspected annually.

13 (l) Regulations specifically related to personal care homes,
14 assisted living residences or personal care home or assisted
15 living residence services adopted prior to the effective date of
16 this section shall remain in effect until superseded by a final
17 plan adopted in accordance with this section.

18 Section 3. Section 212 of the act, added December 21, 1988
19 (P.L.1883, No.185), is amended to read:

20 Section 212. Intra-Governmental Council on Long-Term Care.--

21 (a) The General Assembly hereby establishes the Intra-
22 Governmental Council on Long-Term Care.

23 (b) The Intra-Governmental Council on Long-Term Care shall
24 be composed of and appointed in accordance with the following:

25 (1) The Secretary of Aging.

26 (2) The Secretary of Community [Affairs] and Economic
27 Development.

28 (3) The Secretary of Health.

29 (4) The Secretary of Public Welfare.

30 (5) The Insurance Commissioner.

(6) Two members of the Senate, one appointed by the President pro tempore and one by the Minority Leader.

(7) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one by the Minority Leader.

(8) One representative from the Pennsylvania Council on Aging.

(9) One representative of the [personal care home] assisted living residence industry, who shall be an owner or administrator of a licensed [personal care home] assisted living residence, appointed by the Governor.

(10) Such other members of the public who represent special needs populations, provider communities, business, labor and consumers as the Governor shall appoint.

(c) The Secretary of Aging shall serve as chairperson.

(d) (1) The terms of the Secretary of Aging, the Secretary of Community [Affairs] and Economic Development, the Secretary of Health, the Secretary of Public Welfare and the Insurance Commissioner shall be concurrent with their holding of public office.

(2) The terms of the members of the Senate and the House of Representatives shall be concurrent with the terms of the appointing officer.

(3) Nongovernmental members shall be recommended by the Secretary of Aging for appointment by the Governor and shall serve until their successors are appointed.

(e) The Intra-Governmental Council on Long-Term Care shall have the following powers and duties:

(1) To consult with the department and make recommendations on regulations, licensure and any other responsibilities of the

1 department relating to [personal care homes] assisted living
2 residences.

3 (2) To perform such other duties as the Governor may assign
4 in planning for long-term care services.

5 (f) The department, in developing rules and regulations for
6 licensure of [personal care homes] assisted living residences,
7 shall work in cooperation with the Department of Aging and shall
8 take into consideration the recommendations of the Intra-
9 Governmental Council on Long-Term Care.

10 Section 4. Section 213 of the act is repealed.

11 Section 5. The act is amended by adding a section to read:

12 Section 213.1. Assisted Living Residence Administrator.--(a)
13 Ninety days after the effective date of this section, all
14 assisted living residences shall identify and appoint an
15 assisted living residence administrator or administrators who
16 meet the qualifications provided in this section.

17 (b) An assisted living residence administrator shall:

18 (1) be at least twenty-one years of age and be of good moral
19 character; and

20 (2) have knowledge, education and training in all of the
21 following:

22 (i) fire prevention and emergency planning;

23 (ii) first aid, medications, medical terminology and
24 personal hygiene;

25 (iii) local, State and Federal laws and regulations;

26 (iv) nutrition, food handling and sanitation;

27 (v) recreation;

28 (vi) mental illness and gerontology;

29 (vii) community resources and social services; and

30 (viii) staff supervision, budgeting, financial record

1 keeping and training; or

2 (3) be a licensed nursing home administrator who has
3 completed a course of instruction in the administration of an
4 assisted living residence as prescribed by the department.

5 (c) The department may promulgate regulations requiring
6 orientation and training for all direct care staff in an
7 assisted living residence.

8 (d) Within 90 days of the effective date of this section,
9 the department shall by regulation develop such standards for
10 knowledge, education or training to meet the standards of this
11 section.

12 (e) If not otherwise available, the department shall
13 schedule, and offer at cost, training and educational programs
14 for a person to meet the knowledge, educational and training
15 requirements established by this act.

16 Section 6. Sections 1001, 1006, 1051, 1057.1 and 1057.2 of
17 the act, amended or added December 21, 1998 (P.L.1883, No.185),
18 are amended to read:

19 Section 1001. Definitions.--As used in this article--

20 "Adult day care" means care given for part of the twenty-four
21 hour day to adults requiring assistance to meet personal needs
22 and who, because of physical or mental infirmity, cannot
23 themselves meet these needs, but who do not require nursing
24 care.

25 "Adult day care center" means any premises operated for
26 profit, in which adult day care is simultaneously provided for
27 four or more adults who are not relatives of the operator.

28 "Assisted living residence" means a residential setting that
29 offers, provides or coordinates a combination of personal care
30 services, 24-hour supervision and scheduled or unscheduled

1 assistance activities or health-related services and has a
2 service program and physical environment designed to minimize
3 the need for residents to move within or from the setting to
4 accommodate changing needs and preferences; has an
5 organizational mission, service programs and a physical
6 environment designed to maximize residents' dignity, autonomy,
7 privacy and independence; encourages family and community
8 involvement; and will disclose services offered, provided or
9 coordinated and the costs thereof. The term includes a basic
10 assisted living residence, an extended assisted living residence
11 and a specialty assisted living residence. The term also
12 includes a personal care home that has a current license on the
13 effective date of this definition, and the holder of that
14 license shall be granted a license as an assisted living
15 residence if the holder is in good standing with the department.

16 "Assisted living residence administrator" means an individual
17 who is charged with the general administration of an assisted
18 living residence, whether or not such individual has an
19 ownership interest in the residence or his functions and duties
20 are shared with other individuals.

21 "Basic assisted living residence" means an assisted living
22 residence that provides the following services:

23 (1) Housing services, such as rent for unit, use of common
24 areas and utilities.

25 (2) Hospitality, such as meals, housekeeping and laundry
26 services.

27 (3) Basic assisted living residence services, including 24-
28 hour onsite supervision, assistance with activities and tasks of
29 daily living, medication supervision, nutritional requirements,
30 activities/socialization, transportation, emergency call and

1 monitoring systems.

2 "Boarding home for children" means any premises operated for
3 profit in which care is provided for a period exceeding twenty-
4 four hours for any child or children under sixteen years of age,
5 who are not relatives of the operator and who are not
6 accompanied by parent, individual standing in loco parentis or
7 legal guardian. The term shall not be construed to include any
8 such premises selected for care of such child or children by a
9 parent, individual standing in loco parentis or legal guardian
10 for a period of thirty days or less, nor any such premises
11 conducted under social service auspices.

12 "Child day care" means care in lieu of parental care given
13 for part of the twenty-four hour day to children under sixteen
14 years of age, away from their own homes, but does not include
15 child day care furnished in places of worship during religious
16 services.

17 "Child day care center" means any premises operated for
18 profit in which child day care is provided simultaneously for
19 seven or more children who are not relatives of the operator,
20 except such centers operated under social service auspices.

21 "Direct care staff" means a person who directly assists
22 residents with activities of daily living; provides services; or
23 is otherwise responsible for the health, safety and welfare of
24 the residents.

25 "Extended assisted living residence" means an assisted living
26 residence that provides:

27 (1) Services of a basic assisted living residence.

28 (2) Extended assisted living residence services which
29 include levels of assisted living residence staffing required
30 due to non-resident managed incontinence, mobility, behavioral

1 modification, general functional limitations, special
2 nutritional requirements and similar conditions.

3 "Facility" means an adult day care center, child day care
4 center, family day care home, boarding home for children, mental
5 health establishment, [personal care home] assisted living
6 residence, nursing home, hospital or maternity home, as defined
7 herein, and shall not include those operated by the State or
8 Federal governments or those supervised by the department.

9 "Hospital" means any premises, other than a mental health
10 establishment as defined herein, operated for profit, having an
11 organized medical staff and providing equipment and services
12 primarily for inpatient care for two or more individuals who
13 require definitive diagnosis and/or treatment for illness,
14 injury or other disability or during or after pregnancy, and
15 which also regularly makes available at least clinical
16 laboratory services, diagnostic X-ray services and definitive
17 clinical treatment services. The term shall include such
18 premises providing either diagnosis or treatment, or both, for
19 specific illnesses or conditions.

20 "Immobile person" means an individual who is unable to move
21 from one location to another or has difficulty in understanding
22 and carrying out instructions without the continued full
23 assistance of other persons, or is incapable of independently
24 operating a device such as a wheelchair, prosthesis, walker or
25 cane to exit a building.

26 "Maternity home" means any premises operated for profit in
27 which, within a period of six months, any person receives more
28 than one woman or girl, not a relative of the operator, for care
29 during pregnancy or immediately after delivery.

30 "Mental health establishment" means any premises or part

1 thereof, private or public, for the care of individuals who
2 require care because of mental illness, mental retardation or
3 inebriety but shall not be deemed to include the private home of
4 a person who is rendering such care to a relative.

5 "Nursing home" means any premises operated for profit in
6 which nursing care and related medical or other health services
7 are provided, for a period exceeding twenty-four hours, for two
8 or more individuals, who are not relatives of the operator, who
9 are not acutely ill and not in need of hospitalization, but who,
10 because of age, illness, disease, injury, convalescence or
11 physical or mental infirmity need such care.

12 "Person" means any individual, partnership, association or
13 corporation operating a facility.

14 ["Personal care home" means any premises in which food,
15 shelter and personal assistance or supervision are provided for
16 a period exceeding twenty-four hours for four or more adults who
17 are not relatives of the operator, who do not require the
18 services in or of a licensed long-term care facility but who do
19 require assistance or supervision in such matters as dressing,
20 bathing, diet, financial management, evacuation of a residence
21 in the event of an emergency or medication prescribed for self
22 administration.

23 "Personal care home administrator" means an individual who is
24 charged with the general administration of a personal care home,
25 whether or not such individual has an ownership interest in the
26 home or his functions and duties are shared with other
27 individuals.]

28 "Relative" means parent, child, stepparent, stepchild,
29 grandparent, grandchild, brother, sister, half brother, half
30 sister, aunt, uncle, niece, nephew.

1 "Social service auspices" means any nonprofit agency
2 regularly engaged in the affording of child or adult care.

3 "Specialty assisted living residence" means an assisted
4 living residence that holds itself out to the public as
5 providing:

6 (1) Services of a basic assisted living residence.

7 (2) Specialty assisted services include levels of assisted
8 living residence staffing required by the residents with
9 specialized needs, including, but not limited to, Alzheimer's
10 disease and dementia, AIDS and hospice care.

11 Section 1006. Fees.--Annual licenses shall be issued when
12 the proper fee, if required, is received by the department and
13 all the other conditions prescribed in this act are met. For
14 [personal care homes] assisted living residences, the fee shall
15 be an application fee. The fees shall be:

16 Facility	Annual Fee
17 Adult day care center	\$ 15
18 Mental health establishment	50
19 [Personal care home]	
20 <u>Assisted living residence</u> -- 0 - 20 beds	15
21 -- 21 - 50 beds	20
22 -- 51 - 100 beds	30
23 --101 beds and above	50

24 No fee shall be required for the annual license in the case
25 of day care centers, family day care homes, boarding homes for
26 children or for public or nonprofit mental institutions.

27 Section 1051. Definition.--As used in this subarticle--

28 "Private institution" means any of the following facilities
29 by whatever term known and irrespective of the age group served:
30 Mental hospital, institution for the mentally defective, day

1 care center, nursing home, hospital, [personal care home]
2 assisted living residence, and other similar institution which
3 is operated for profit and which requires a license issued by
4 the department.

5 Section 1057.1. Appeals.--(a) An appeal from the decision
6 of the department relating to the licensure or revocation of [a
7 personal care home] an assisted living residence shall not act
8 as a supersedeas but, upon cause shown and where circumstances
9 require it, the reviewing authority shall have the power to
10 grant a supersedeas.

11 (b) If, without good cause, one or more Class I or Class II
12 violations remain uncorrected or when the [home] assisted living
13 residence has demonstrated a pattern of episodes of
14 noncompliance alternating with compliance over a period of at
15 least two years such as would convince a reasonable person that
16 any correction of violations would be unlikely to be maintained,
17 the department may petition the court to appoint a master
18 designated as qualified by the department to assume operation of
19 the [home] assisted living residence at the [home's] assisted
20 living residence's expense for a specified period of time or
21 until all violations are corrected and all applicable laws and
22 regulations are complied with.

23 Section 1057.2. Relocation.--(a) The department, in
24 conjunction with appropriate local authorities, shall relocate
25 residents from [a personal care home] an assisted living
26 residence if any of the following conditions exist:

27 (1) The [home] assisted living residence is operating
28 without a license.

29 (2) The licensee is voluntarily closing [a home] an assisted
30 living residence and relocation is necessary for the health and

1 welfare of the resident or residents.

2 (b) The department shall offer relocation assistance to
3 residents relocated under this section. Except in an emergency,
4 the resident shall be involved in planning his transfer to
5 another placement and shall have the right to choose among the
6 available alternative placements. The department may make
7 temporary placement until final placement can be arranged.
8 Residents shall be provided with an opportunity to visit
9 alternative placement before relocation or following temporary
10 emergency relocation. Residents shall choose their final
11 placement and shall be given assistance in transferring to such
12 place.

13 (c) Residents shall not be relocated pursuant to this
14 section if the secretary determines, in writing, that such
15 relocation is not in the best interest of the resident.

16 Section 7. Section 1057.3 of the act is repealed.

17 Section 8. The act is amended by adding a section to read:

18 Section 1057.4. Rules and Regulations for Assisted Living
19 Residence.--(a) The rules and regulations for the licensing of
20 assisted living residences promulgated by the department shall
21 require that:

22 (1) Prior to a resident's admission to an assisted living
23 residence, an initial standardized screening instrument be
24 completed for that resident by the assisted living residence
25 provider or a human service agency. Such standardized screening
26 instrument shall be developed by the department. This screening
27 will be done to determine that the potential resident does not
28 require the services in or of a long-term care facility or
29 whether the potential resident requires assisted living
30 residence services and, if so, the nature of the services and

1 supervision necessary.

2 (2) In addition to the screening, each resident receive a
3 complete medical examination by a physician prior to, or within
4 thirty days of, admission and that, once admitted, each resident
5 receive a screening and medical evaluation at least annually.

6 (3) An assisted living residence administrator refer an
7 applicant whose needs cannot be met by an assisted living
8 residence to an appropriate assessment agency.

9 (4) Each resident be provided by the administrator with
10 notice of any Class I or Class II violations uncorrected after
11 five days.

12 (5) All residents sign a standard written admission
13 agreement which shall include the disclosure to each resident of
14 the actual rent and other charges for services provided by the
15 assisted living residence.

16 (6) For residents eligible for Supplemental Security Income
17 (SSI) benefits, actual rent and other charges not exceed the
18 resident's actual current monthly income reduced by a personal
19 needs allowance for the resident in an amount to be determined
20 by the department, but not less than twenty-five dollars (\$25).

21 (7) An assisted living residence not seek or accept any
22 payments from a resident who is a Supplemental Security Income
23 (SSI) recipient in excess of one-half of any funds received by
24 the resident under the act of March 11, 1971 (P.L.104, No.3),
25 known as the "Senior Citizens Rebate and Assistance Act."

26 (8) An assisted living residence not seek or accept from a
27 resident who is eligible for Supplemental Security Income (SSI)
28 benefits any payment from any funds received as lump sum awards,
29 gifts or inheritances, gains from the sale of property, or
30 retroactive government benefits: Provided, however, That an

1 owner or operator may seek and accept payments from funds
2 received as retroactive awards of Social Security or
3 Supplemental Security Income (SSI) benefits, but only to the
4 extent that the retroactive awards cover periods of time during
5 which the resident actually resided in the assisted living
6 residence.

7 (9) Each resident who is a recipient of, or an eligible
8 applicant for, Supplemental Security Income (SSI) benefits be
9 provided, at no additional charge to the resident, necessary
10 personal hygiene items and personal laundry services. This
11 requirement does not include cosmetic items.

12 (10) All residents may leave and return to the assisted
13 living residence, receive visitors, have access to a telephone
14 and mail and participate in religious activities.

15 (11) Assisted living residence owners, administrators or
16 employees be prohibited from being assigned power of attorney or
17 guardianship for any resident.

18 (b) The department shall not prohibit immobile persons who
19 do not require the services of a licensed long-term care
20 facility, but who require assisted living residence services,
21 from residing in an assisted living residence, provided that the
22 design, construction, staffing or operation of the assisted
23 living residence allows for safe emergency evacuation.

24 Section 9. The heading of subarticle (d) of Article X and
25 sections 1085, 1086 and 1087 of the act are repealed.

26 Section 10. Article X of the act is amended by adding a
27 subarticle to read:

28 (e) Assisted Living Residence

29 Section 1088. Classification of Violations.--The department
30 shall classify each violation of its regulations on assisted

living residences into one of the following categories:

(1) Class I. A violation which indicates a substantial probability that death or serious mental or physical harm to any resident may result.

(2) Class II. A violation which has a substantial adverse effect upon the health, safety or well-being of any resident.

(3) Class III. A minor violation which has an adverse effect upon the health, safety or well-being of any resident.

Section 1089. Penalties.--(a) The department shall assess a penalty for each violation of this subarticle or regulations of the department. Penalties shall be assessed on a daily basis from the date on which the citation was issued until the date such violation is corrected except in the case of Class II violations. In the case of Class II violations, assessment of a penalty shall be suspended for a period of five days from the date of citation provided that, except for good cause, the provider has corrected the violation. If the violation has not been corrected within the five-day period, the fine shall be retroactive to the date of citation.

(b) The department shall assess a penalty of twenty dollars (\$20) per resident per day for each Class I violation.

(c) The department shall assess a minimum penalty of five dollars (\$5) per resident per day, up to a maximum of fifteen dollars (\$15) per resident per day, for each Class II violation.

(d) There shall be no monetary penalty for Class III violations unless the provider fails to correct the Class III violation within fifteen days. Failure to correct the violation within fifteen days may result in an assessment of up to three dollars (\$3) per resident per day for each Class III violation, retroactive to the date of the citation.

1 (e) An assisted living residence found to be operating
2 without a license shall be assessed a penalty of five hundred
3 dollars (\$500). If, after fourteen days, a provider of an
4 assisted living residence cited for operating without a license
5 fails to file an application for a license, the department shall
6 assess an additional twenty dollars (\$20) for each resident for
7 each day in which the assisted living residence fails to make
8 such application.

9 (f) Any provider charged with violation of this act shall
10 have thirty days to pay the assessed penalty in full, or, if the
11 provider wishes to contest either the amount of the penalty or
12 the fact of the violation, the party shall forward the assessed
13 penalty, not to exceed five hundred dollars (\$500), to the
14 Secretary of Public Welfare for placement in an escrow account
15 with the State Treasurer. If, through administrative hearing or
16 judicial review of the proposed penalty, it is determined that
17 no violation occurred or that the amount of the penalty shall be
18 reduced, the secretary shall within thirty days remit the
19 appropriate amount to the provider with any interest accumulated
20 by the escrow deposit. Failure to forward the payment to the
21 secretary within thirty days shall result in a waiver of rights
22 to contest the fact of the violation or the amount of the
23 penalty. The amount assessed after administrative hearing or a
24 waiver of the administrative hearing shall be payable to the
25 Commonwealth of Pennsylvania and shall be collectible in any
26 manner provided by law for the collection of debts. If any
27 provider liable to pay such penalty neglects or refuses to pay
28 the same after demand, such failure to pay shall constitute a
29 judgment in favor of the Commonwealth in the amount of the
30 penalty, together with the interest and any costs that may

1 accrue.

2 (g) Money collected by the department under this section
3 shall be placed in a special restricted receipt account and
4 shall be first used to defray the expenses incurred by residents
5 relocated under this act. Any moneys remaining in this account
6 shall annually be remitted to the department for enforcing the
7 provisions of this subarticle. Fines collected pursuant to this
8 act shall not be subject to the provisions of 42 Pa.C.S. § 3733
9 (relating to deposits into account).

10 (h) The department shall promulgate regulations necessary
11 for the implementation of this section in order to ensure
12 uniformity and consistency in the application of penalties.

13 Section 1090. Revocation or Nonrenewal of License.--(a) (1)
14 The department shall temporarily revoke the license of an
15 assisted living residence if, without good cause, one or more
16 Class I violations remain uncorrected twenty-four hours after
17 the assisted living residence has been cited for such violation
18 or if, without good cause, one or more Class II violations
19 remain uncorrected fifteen days after being cited for such
20 violation.

21 (2) Upon the revocation of a license pursuant to this
22 subsection, all residents shall be relocated.

23 (3) The revocation may terminate upon the department's
24 determination that its violation is corrected.

25 (4) If, after three months, the department does not issue a
26 new license for an assisted living residence license revoked
27 pursuant to this section:

28 (i) Such revocation or nonrenewal pursuant to this section
29 shall be for a minimum period of five years.

30 (ii) No provider of an assisted living residence who has had

1 a license revoked or not renewed pursuant to this section shall
2 be allowed to operate or staff or hold an interest in an
3 assisted living residence that applies for a license for a
4 period of five years after such revocation or nonrenewal.

5 (b) The department shall revoke or refuse to renew the
6 license of an assisted living residence if, during any two-year
7 period, the assisted living residence, without good cause, on
8 two or more separate occasions, has been found to have violated
9 a regulation of the department which has been categorized as
10 Class I.

11 (c) The power of the department to revoke or refuse to renew
12 or issue a license pursuant to this section is in addition to
13 the powers and duties of the department pursuant to section
14 1026.

15 Section 11. All acts and parts of acts are repealed insofar
16 as they are inconsistent with this act.

17 Section 12. All references to personal care homes in
18 affected acts and portions of acts shall now be deemed to be
19 references to assisted living residences unless otherwise
20 provided by this act.

21 Section 13. This act shall take effect as follows:

22 (1) The amendment or repeal of sections 211, 212, 213,
23 the definitions of "facility," "personal care home" and
24 "personal care home administrator" in section 1001, sections
25 1006, 1051, 1057.1, 1057.2, 1057.3, the heading of subarticle
26 (d) of Article X and sections 1085, 1086, and 1087 of the act
27 shall take effect in 180 days.

28 (2) This section shall take effect immediately.

29 (3) The remainder of this act shall take effect in 90
30 days.