
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1119 Session of
2001

INTRODUCED BY VANCE, SCHULER, MICOZZIE, DeWEESE, ADOLPH,
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TRAVAGLIO, TRELLO, TRICH, WALKO, WATSON, J. WILLIAMS, WILT,
WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK AND ZUG,
MARCH 21, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MARCH 21, 2001

AN ACT

1 Requiring public notices relating to certain matters affecting
2 long-term care facilities; and providing for compliance and
3 enforcement.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Long-Term
8 Care Facility Public Notice Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Licensing authority." A Commonwealth department that
3 licenses long-term care facilities.

4 "Long-term care." The provision of assessment, care
5 management and diagnostic, preventative, therapeutic,
6 rehabilitative, support and maintenance services for older
7 adults and other adults with functional limitations.

8 "Long-term care facility." A facility that is licensed by
9 the Commonwealth to provide long-term care. The term includes,
10 but is not limited to, a long-term care nursing facility,
11 personal care home, community residential rehabilitation service
12 provider, community home for individuals with mental
13 retardation, intermediate care facility for individuals with
14 mental retardation or adult daily living center.

15 Section 2. License and operational postings.

16 A long term care facility shall:

17 (1) Display the license or certificate of compliance
18 permitting its operation in a public and conspicuous location
19 where it may be easily observed and read.

20 (2) Display all reports of inspections; lists of
21 citations; statements of deficient operation; notices of
22 action taken, or to be taken by the licensing authority;
23 plans for correcting any practice, procedure or other issue
24 identified by the licensing authority, or its agent, issued
25 during the preceding 12-month period of time, in a public and
26 conspicuous location where these documents may be easily
27 observed and read.

28 (3) Maintain a current list of:

29 (i) all persons, their addresses and Social Security
30 numbers, receiving service or enrolled within the

1 programs operated by the facility;

2 (ii) any orders of court entered regarding the
3 decisional capacity or service status of any person
4 receiving service or enrolled within the programs
5 operated by the facility;

6 (iii) the names, addresses and telephone numbers of:
7 the representative payee or next of kin or responsible
8 party and person named as power of attorney or guardian,
9 responsible for any person receiving service or enrolled
10 within the facility's programs;

11 (iv) The name, address, contact person and telephone
12 number of the agency, organization or person providing
13 payment, in whole or in part, for the services provided
14 to the persons enrolled within the programs operated by
15 the facility.

16 (4) Maintain the list identified in paragraph (3) in
17 current status at all times, keeping it distinct and separate
18 from, the client service or treatment record and shall
19 contain in correlated form all of the information in this
20 section on any and all persons enrolled in the facility's
21 programs.

22 (5) Shall provide the list identified in paragraph (3)
23 to the issuing authority, its representative or agent,
24 responsible for issuing the license or certificate of
25 compliance for the facility, at any time when requested by
26 the licensing authority.

27 Section 3. Notice to long-term care facility.

28 A licensing authority shall notify a long-term care facility
29 in writing that the licensing authority plans to take, or has
30 taken, any of the following actions:

1 (1) Revocation, refusal to reissue or suspension of the
2 facility's license or certificate of compliance.

3 (2) Removal of any, or all, persons receiving service,
4 or enrolled within the programs operated by the facility,
5 from the physical location of the facility.

6 (3) Refusal to permit the facility to admit, or readmit,
7 any person, to the service programs operated by the facility
8 due to health or safety issues posed by the operation of the
9 facility by the current licensee or holder of the certificate
10 of compliance, or its agent or appointee.

11 (4) Decision to appoint, or seek the appointment of, an
12 entity, other than the current licensee or holder of the
13 certificate of compliance, or its agent or appointee, to
14 operate or maintain the facility due to health or safety
15 issues posed by the operation of the facility.

16 Section 4. Notice to persons receiving services.

17 A licensing authority notifying any facility of any action
18 described in section 3 shall notify in writing, and by other
19 necessary means, all persons receiving long-term care services,
20 or enrolled in the programs of service of a facility and any
21 responsible party for any person receiving long-term care
22 services, or enrolled in programs of service of a facility, as
23 listed in section 2(3)(iii), of such action. This notification
24 shall be delivered in person by a representative or agent of the
25 licensing authority or by the United States Postal Service and
26 shall be written in clear and specific language so as to clearly
27 communicate the action being taken by the issuing authority.

28 Section 5. Notice on premises.

29 A licensing authority notifying any long-term care facility
30 of any action described in section 3 shall post on the entrances

1 to the physical location of the notified facility a public
2 notice, no smaller in size than 24 inches by 24 inches, and
3 printed with type no smaller than 18 points, a public notice
4 specifically stating the action which is being taken pursuant to
5 section 3. This notice shall be posted no later than 24 hours
6 after the licensing authority has delivered, or placed in the
7 United States Postal Service, the notice to the facility as
8 required by section 3. This notice shall remain posted until
9 such time that the action taken by the issuing authority has
10 been resolved. If an appeal is filed of the licensing
11 authority's action, the notice shall be posted when all issues
12 on appeal are determined finally.

13 Section 6. Newspaper publication.

14 A licensing authority notifying any long-term care facility
15 of any action described in section 3 shall place an
16 advertisement in a newspaper of general circulation, published
17 at least weekly, for three separate dates of publication. The
18 public notice shall be no smaller in size than four inches by
19 four inches stating that the licensing authority is taking, or
20 has taken, such action and specifying the long-term care
21 facility, its location, and the operating organization, if other
22 than the named holder of the license or certificate of
23 compliance. In the event that any issue leading to the posting
24 of notices and publication of notices is later reversed or found
25 invalid, the licensing authority shall publish a retraction in
26 the same style and manner prescribed in this section.

27 Section 7. Compliance and enforcement.

28 Notwithstanding any other provision of law, compliance with
29 this act shall operate as a condition of licensure for a long-
30 term care facility and this act shall be enforced against a

1 long-term care facility in the same manner as provided in the
2 act under which the facility is licensed.

3 Section 8. Regulations.

4 Each licensing authority shall promulgate rules or
5 regulations necessary to administer this act within six months
6 of the effective date of this act.

7 Section 9. Effective date.

8 This act shall take effect in 60 days.