

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1788

Session of
2007

INTRODUCED BY McILVAINE SMITH, BELFANTI, BLACKWELL, CARROLL,
DeLUCA, GIBBONS, GINGRICH, GOODMAN, HENNESSEY, JOSEPHS,
KOTIK, KULA, LEACH, MANDERINO, McGEEHAN, R. MILLER, MILNE,
MOUL, MUNDY, MURT, PARKER, PETRONE, REICHLEY, RUBLEY,
K. SMITH, STABACK, SURRA, WALKO, YOUNGBLOOD, FRANKEL, KORTZ,
FREEMAN AND SIPTROTH, AUGUST 1, 2007

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 25, 2007

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," requiring a report on~~
4 ~~licensing of personal care homes.~~
5 REQUIRING THE DEPARTMENT OF PUBLIC WELFARE TO PREPARE AND SUBMIT <—
6 A REPORT ON LICENSING OF PERSONAL CARE HOMES.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. The act of June 13, 1967 (P.L.31, No.21), known~~ <—
10 ~~as the Public Welfare Code, is amended by adding a section to~~
11 ~~read:~~

12 ~~Section 1088. Report to Governor and General Assembly. By~~
13 ~~February 1, the department shall submit an annual report~~
14 ~~relating to the licensing and inspection of personal care homes~~
15 ~~to the Governor, the Chief Clerk of the Senate and the Chief~~
16 ~~Clerk of the House of Representatives. The report shall include~~
17 ~~the following information covering the preceding calendar year:~~

~~(1) Number of licensed personal care homes.~~
~~(2) Number of residents in licensed personal care homes.~~
~~(3) Number of personal care homes which have received an~~
~~annual inspection.~~
~~(4) Number of licensing inspectors, Statewide and by county.~~
~~(5) Ratio of licensing staff per licensed personal care~~
~~home.~~
~~(6) Number of personal care homes operating with a~~
~~provisional license, Statewide and by county.~~
~~(7) Number of personal care homes operating with a full~~
~~license, Statewide and by county.~~
~~(8) Number of personal care homes which the department has~~
~~closed or taken legal action to close.~~
~~(9) Description of types of violations of this article,~~
~~frequency of violations and length of time to correct~~
~~deficiencies.~~
~~(10) Extent to which the department assessed financial~~
~~penalties against licensed personal care homes as provided for~~
~~in this article.~~
~~(11) Specific plans of the department to ensure compliance~~
~~with this act regarding inspection of licensed personal care~~
~~homes and enforcement of regulations.~~
~~(12) Other information the department deems pertinent.~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PERSONAL CARE
HOMES LICENSING AND INSPECTION REPORTING ACT.

SECTION 2. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "DEPARTMENT." THE DEPARTMENT OF PUBLIC WELFARE OF THE
3 COMMONWEALTH.

4 "PERSONAL CARE HOME." AS DEFINED IN SECTION 1001 OF THE ACT
5 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE
6 CODE.

7 "RELATIVE." AS DEFINED IN SECTION 1001 OF THE ACT OF JUNE
8 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.
9 SECTION 3. REPORT TO GOVERNOR AND GENERAL ASSEMBLY.

10 BY MARCH 1, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT
11 RELATING TO THE LICENSING AND INSPECTION OF PERSONAL CARE HOMES
12 TO THE GOVERNOR, THE CHIEF CLERK OF THE SENATE AND THE CHIEF
13 CLERK OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE
14 THE FOLLOWING INFORMATION COVERING THE PRECEDING CALENDAR YEAR:

15 (1) NUMBER OF LICENSED PERSONAL CARE HOMES.

16 (2) NUMBER OF RESIDENTS IN LICENSED PERSONAL CARE HOMES.

17 (3) NUMBER OF PERSONAL CARE HOMES WHICH HAVE RECEIVED AN
18 ANNUAL INSPECTION.

19 (4) NUMBER OF LICENSING INSPECTORS, STATEWIDE AND BY
20 REGION, AS DEFINED BY THE DEPARTMENT TO IDENTIFY COUNTIES.

21 (5) RATIO OF LICENSING STAFF PER LICENSED PERSONAL CARE
22 HOME.

23 (6) NUMBER OF PERSONAL CARE HOMES OPERATING WITH A
24 PROVISIONAL LICENSE, STATEWIDE AND BY COUNTY.

25 (7) NUMBER OF PERSONAL CARE HOMES OPERATING WITH A FULL
26 LICENSE, STATEWIDE AND BY COUNTY.

27 (8) NUMBER OF PERSONAL CARE HOMES WHICH THE DEPARTMENT
28 HAS CLOSED OR TAKEN LEGAL ACTION TO CLOSE.

29 (9) DESCRIPTION OF VIOLATIONS OF ARTICLE X OF THE ACT OF
30 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE

1 CODE, CLASSIFICATION OF VIOLATIONS UNDER SECTION 1085 OF THE
2 PUBLIC WELFARE CODE AND FREQUENCY OF VIOLATIONS.

3 (10) EXTENT TO WHICH THE DEPARTMENT ASSESSED FINANCIAL
4 PENALTIES AGAINST LICENSED PERSONAL CARE HOMES AS PROVIDED
5 FOR IN ARTICLE X OF THE PUBLIC WELFARE CODE.

6 (11) SPECIFIC PLANS OF THE DEPARTMENT TO ENSURE
7 COMPLIANCE WITH THE PUBLIC WELFARE CODE REGARDING INSPECTION
8 OF LICENSED PERSONAL CARE HOMES AND ENFORCEMENT OF
9 REGULATIONS.

10 (12) OTHER INFORMATION THE DEPARTMENT DEEMS PERTINENT.
11 SECTION 4. EFFECTIVE DATE.

12 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.