

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 193 Session of
2007

INTRODUCED BY KASUNIC, COSTA, KITCHEN, C. WILLIAMS, RAFFERTY,
TARTAGLIONE, FONTANA, WOZNIAK, LOGAN, BROWNE, STACK, BOSCOLA,
STOUT, MUSTO AND FERLO, MARCH 7, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 7, 2007

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," further providing for
10 administration by Department of Health.

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

13 Section 1. Section 804 of the act of July 19, 1979 (P.L.130,
14 No.48), known as the Health Care Facilities Act, amended
15 December 18, 1992 (P.L.1602, No.179), is amended to read:

16 Section 804. Administration.

17 (a) Discrimination prohibited.--Except as otherwise provided
18 by law, no provider shall discriminate in the operation of a
19 health care facility on the basis of race, creed, sex or
20 national origin.

21 (b) Prevention of duplication.--In carrying out the

1 provisions of this chapter and other statutes of this
2 Commonwealth relating to health care facilities, the department
3 and other departments and agencies of the State and local
4 governments shall make every reasonable effort to prevent
5 duplication of inspections and examinations. The department may
6 make the dates of licensure expiration coincide with medical
7 assistance and Medicare certification or applicable nationally
8 recognized accrediting agencies accreditation and shall combine
9 these surveys and inspections where practical.

10 (c) Health care innovation.--The department shall administer
11 this chapter so as to encourage innovation and experimentation
12 in health care and health care facilities consistent with the
13 provisions of this chapter and shall encourage contributions of
14 private funds and services to health care facilities.

15 (d) Reports.--

16 (1) The department shall report annually to the General
17 Assembly on the effectiveness of the licensing and
18 enforcement of this chapter. [Such report shall include
19 appropriate data according to nature of facility relating to
20 provisional licenses issued, nature of violations of
21 regulations and number of facilities against which sanctions
22 had to be taken.] The report shall include:

23 (i) the total number of facilities licensed in this
24 Commonwealth;

25 (ii) the number of facilities inspected during the
26 preceding year;

27 (iii) the number of residents occupying the
28 facilities;

29 (iv) the number of new licenses issued in the
30 previous year;

1 (v) the number of facilities cited for violations of
2 law or regulation;

3 (vi) the total number of violations found by the
4 department;

5 (vii) a numerical breakdown of the violations
6 according to type, scope and nature;

7 (viii) the number of facilities sanctioned,
8 including:

9 (A) the number of facilities fined;

10 (B) the total amount of fines collected and
11 expended;

12 (C) the number of facilities issued provisional
13 licenses;

14 (D) the number of facilities where admissions
15 were suspended or banned;

16 (E) the number of facilities where temporary
17 management was appointed;

18 (F) the number of facilities closed for
19 deficiencies posing an immediate and serious threat
20 to the health or safety of the patients or residents;

21 (G) the reasons for the sanctions;

22 (H) whether the sanctions were amended or waived
23 by the department; and

24 (I) the reasons for the amendment or waiver;

25 (ix) an overview of the department's complaint
26 resolution system, including:

27 (A) the number of patient care complaints
28 received by the department according to severity;

29 (B) the number of complaint investigations
30 initiated within the time periods prescribed by the

1 department; and

2 (C) the number of complaint investigations that
3 failed to be initiated within the time periods
4 prescribed by the department; and

5 (x) any other information the department deems
6 pertinent.

7 (2) The department's initial report shall cover calendar
8 year 2006 and shall be submitted to the General Assembly
9 within 30 days of the effective date of this subsection. The
10 department shall issue an annual report each year thereafter
11 which shall be submitted to the General Assembly not later
12 than January 30 of the year following the year covered in the
13 report.

14 Section 2. This act shall take effect immediately.