

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 196**      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 term and  
10 content of licenses.

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

13 Section 1. Section 809 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 809. Term and content of license.

17 (a) Contents.--All licenses issued by the department under  
18 this chapter shall:

19 (1) be issued for a specified length of time as follows,  
20 including the provision of section 804(b):

21 (i) all health care facilities other than hospitals

1 for a period of one year, and for hospitals for a period  
2 of two years with the expiration date to be the last day  
3 of the month in which license is issued;

4 (ii) provisional licenses for the length of time to  
5 be determined by the department upon issuance of the  
6 provisional license;

7 (2) be on a form prescribed by the department;

8 (3) not be transferable except upon prior written  
9 approval of the department;

10 (4) be issued only to the health care provider and for  
11 the health care facility or facilities named in the  
12 application;

13 (5) specify the maximum number of beds, if any, to be  
14 used for the care of patients in the facility at any one  
15 time; and

16 (6) specify limitations which have been placed on the  
17 facility.

18 (b) Posting.--The license shall at all times be posted in a  
19 conspicuous place on the provider's premises.

20 (c) Visitation.--Whenever practicable, the department shall  
21 [make]:

22 (1) Conduct its visitations and other reviews necessary  
23 for licensure contemporaneously with similar visitations and  
24 other reviews necessary for provider certification in the  
25 Medicare and medical assistance programs and the department  
26 shall endeavor to avoid duplication of effort by the  
27 department and providers in the certificate of need, medical  
28 assistance and Medicare provider certification and licensure  
29 procedures. This shall not preclude the department from  
30 unannounced visits.

1           (2) Prepare and maintain an inspection report for every  
2           long-term care nursing facility visited. The inspection  
3           report shall contain:

4           (i) the date the inspection was completed;

5           (ii) the number, nature and scope of violations  
6           found, if any;

7           (iii) the nature of the sanctions assessed against  
8           the long-term care nursing facility, if any;

9           (iv) the date(s) the long-term care nursing facility  
10          is to be brought into compliance with the law or  
11          regulation; and

12          (v) any other information the department deems  
13          pertinent.

14          (d) Use of beds in excess of maximum.--Except in case of  
15 extreme emergency, no license shall permit the use of beds for  
16 inpatient use in the licensed facility in excess of the maximum  
17 number set forth in the license without first obtaining written  
18 permission from the department: Provided, That during the period  
19 of a license, a health care facility may without the prior  
20 approval of the department increase the total number of beds by  
21 not more than ten beds or 10% of the total bed capacity,  
22 whichever is less.

23          (e) Publication of annual inspection reports.--In accordance  
24          with 45 Pa.C.S. Ch. 3 (relating to legal advertising), the  
25          department shall, within 30 days of completion of each long-term  
26          care nursing facility inspection, publish in a newspaper of  
27          general circulation within the county where the long-term care  
28          nursing facility is located a summary of the inspection report  
29          completed under subsection (c). The inspection report summary  
30          shall list the name, address, telephone number and county where

1 the long-term care nursing facility is located.

2 Section 2. This act shall take effect immediately.