
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 372 Session of
2009

INTRODUCED BY STABACK, BELFANTI, BOBACK, FABRIZIO, FREEMAN,
GEORGE, GRUCELA, HORNAMAN, JOSEPHS, KORTZ, KOTIK, KULA,
McGEEHAN, MUNDY, M. O'BRIEN, PASHINSKI, READSHAW, SEIP,
SIPTROTH, K. SMITH, WALKO, WANSACZ, WATSON, YOUNGBLOOD,
YUDICHAK AND MOUL, FEBRUARY 10, 2009

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 10, 2009

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," in licensing of health care
10 facilities, further providing for definitions; and providing
11 for complaint investigations.

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

14 Section 1. Section 802.1 of the act of July 19, 1979 (P.L.
15 130, No.48), known as the Health Care Facilities Act, is amended
16 by adding definitions to read:

17 Section 802.1. Definitions.

18 The following words and phrases when used in this chapter
19 shall have, unless the context clearly indicates otherwise, the
20 meanings given them in this section:

1 * * *

2 "General complaint." A complaint that does not allege
3 immediate jeopardy.

4 * * *

5 "Immediate jeopardy." A situation in which a long-term care
6 nursing facility's noncompliance with one or more requirements
7 of participation has caused or is likely to cause serious
8 injury, harm, impairment or death to a resident.

9 * * *

10 "Priority complaint." A complaint that alleges immediate
11 jeopardy.

12 Section 2. The act is amended by adding a section to read:
13 Section 813.1. Complaint investigations.

14 (a) Initial inspection.--The department shall initiate
15 investigations of complaints at long-term care nursing
16 facilities as follows:

17 (1) If the complaint is a priority complaint, the onsite
18 inspection shall be initiated within 24 hours of the receipt
19 of the complaint.

20 (2) If the complaint is a general complaint, the
21 inspection shall be initiated or a surveyor shall be assigned
22 to initiate an inspection within 48 hours of the receipt of
23 the complaint. The department shall have the discretion to
24 conduct an onsite inspection depending upon the severity of
25 the complaint.

26 (b) Follow-up inspection.--Once the plan of correction
27 submitted in accordance with section 814 has been approved by
28 the department, the follow-up inspection shall be conducted
29 after the longest target date for compliance has been reached as
30 noted on the plan of correction but no later than 90 days after

1 the department's initial inspection to ensure compliance with
2 the plan of correction.

3 Section 3. This act shall take effect in 60 days.