

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 426 Session of 2011

INTRODUCED BY GODSHALL, MICOZZIE, DeLUCA, HENNESSEY, SWANGER AND
J. TAYLOR, FEBRUARY 3, 2011

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 3, 2011

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 issuance of
10 license.

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

13 Section 1. Section 808(a) of the act of July 19, 1979
14 (P.L.130, No.48), known as the Health Care Facilities Act,
15 amended December 18, 1992 (P.L.1602, No.179), is amended and the
16 section is amended by adding a subsection to read:

17 Section 808. Issuance of license.

18 (a) Standards.--The department shall issue a license to a
19 health care provider when it is satisfied that the following
20 standards have been met:

21 (1) that the health care provider is a responsible
22 person;

1 (2) that the place to be used as a health care facility
2 is adequately constructed, equipped, maintained and operated
3 to safely and efficiently render the services offered;

4 (3) that the health care facility provides safe and
5 efficient services which are adequate for the care, treatment
6 and comfort of the patients or residents of such facility;

7 (4) that there is substantial compliance with the rules
8 and regulations adopted by the department pursuant to this
9 act; [and]

10 (5) that a certificate of need has been issued if one is
11 necessary[.]; and

12 (6) that the applicant or health care facility has not
13 been found guilty of, regardless of adjudication, or entered
14 a plea of nolo contendere or guilty to, any offense
15 prohibited under the laws of this Commonwealth or a felony or
16 any substantially comparable offense or crime of another
17 state or of the United States within the past ten years.

18 (a.1) Disclosure.--Each individual, entity or facility
19 required to provide background screening shall disclose an
20 arrest for any crime for which a court disposition other than
21 dismissal has been made within the past ten years. Failure to
22 provide such information shall be considered a material omission
23 in the application process.

24 * * *

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