

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2291 Session of 2018

INTRODUCED BY PRIME SPONSOR WITHDREW, DUNBAR, DeLISSIO, NELSON, MILLARD, ROTHMAN, PICKETT, IRVIN, TOPPER, RYAN, WHEELAND, HEFFLEY, MENTZER, OBERLANDER, GREINER, STEPHENS, WARD, ZIMMERMAN, KAUFFMAN, B. MILLER, FEE, CUTLER, KLUNK, HARPER, ROEBUCK, HICKERNELL, BRIGGS, DIAMOND, NEILSON, READSHAW, MASSER, METCALFE AND DERMODY, APRIL 23, 2018

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 2018

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," in departmental powers and
4 duties as to licensing, further providing for definitions AND <--
5 FOR RIGHT TO ENTER AND INSPECT.

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

8 Section 1. The definition of "personal care home" in section
9 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the
10 Human Services Code, is amended AND THE SECTION IS AMENDED BY <--
11 ADDING A DEFINITION to read:

12 Section 1001. Definitions.--As used in this article--

13 * * *

14 "OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN" MEANS THE <--
15 OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN ESTABLISHED IN THE
16 DEPARTMENT OF AGING OF THE COMMONWEALTH.

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2 "Personal care home" means any premises in which food,
3 shelter and personal assistance or supervision are provided for
4 a period exceeding twenty-four hours for four or more adults who
5 are not relatives of the operator, who do not require the
6 services in or of a licensed long-term care facility but who do
7 require assistance or supervision in such matters as dressing,
8 bathing, diet, financial management, evacuation of a residence
9 in the event of an emergency or medication prescribed for self
10 administration. The term shall not include: A PREMISES OR PART <--
11 OF A PREMISES THAT DOES NOT PROVIDE SUPERVISION OR PERSONAL
12 ASSISTANCE FOR A CONTINUOUS PERIOD EXCEEDING TWENTY-FOUR HOURS,
13 INCLUDING:

14 (1) A living unit as defined in section 3 of the act of June
15 18, 1984 (P.L.391, No.82), known as the "Continuing-Care
16 Provider Registration and Disclosure Act."

17 (2) A senior multifamily housing unit provided by the
18 Department of Housing and Urban Development, the United States
19 Department of Agriculture Rural Housing Service or the Low-
20 Income Housing Tax Credit Program.

21 (3) Any other independent living setting or apartment
22 privately leased or rented to an individual without the <--
23 provision or coordination of support or care as part of the
24 lease or rental agreement.

25 * * *

26 SECTION 2. SECTION 1016 OF THE ACT IS AMENDED TO READ: <--

27 SECTION 1016. RIGHT TO ENTER AND INSPECT.--(A) FOR THE
28 PURPOSE OF DETERMINING THE SUITABILITY OF THE APPLICANTS AND OF
29 THE PREMISES OR WHETHER OR NOT ANY PREMISES IN FACT QUALIFIES AS
30 A FACILITY AS DEFINED IN SECTION 1001 OF THIS ACT OR THE

1 CONTINUING CONFORMITY OF THE LICENSEES TO THIS ACT AND TO THE
2 APPLICABLE REGULATIONS OF THE DEPARTMENT, ANY AUTHORIZED AGENT
3 OF THE DEPARTMENT SHALL HAVE THE RIGHT TO ENTER, VISIT AND
4 INSPECT ANY FACILITY LICENSED OR REQUIRING A LICENSE UNDER THIS
5 ACT AND SHALL HAVE FULL AND FREE ACCESS TO THE RECORDS OF THE
6 FACILITY AND TO THE INDIVIDUALS THEREIN AND FULL OPPORTUNITY TO
7 INTERVIEW, INSPECT OR EXAMINE SUCH INDIVIDUALS.

8 (B) IN ADDITION TO THE DEPARTMENT, THE OFFICE OF THE STATE
9 LONG-TERM CARE OMBUDSMAN MAY ADVOCATE ON BEHALF OF A RESIDENT
10 CHALLENGING AN OPERATOR WHO INTENTIONALLY DEVELOPS A PROGRAM OF
11 SERVICES AND CARE DELIVERY TO AVOID LICENSURE UNDER THIS ACT.

12 (C) AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL ALSO CONFER
13 WITH THE OPERATORS OF FACILITIES REGARDING THE MINIMUM STANDARDS
14 OF THE DEPARTMENT, ENCOURAGE THE ADOPTION OF HIGHER STANDARDS
15 AND RECOMMEND METHODS OF IMPROVING CARE AND SERVICES.

16 Section 2 3. This act shall take effect immediately.

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