

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1223 Session of
2020

INTRODUCED BY DINNIMAN, KILLION, MENSCH, A. WILLIAMS AND
STEFANO, JUNE 30, 2020

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 30, 2020

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, providing for long-term care nursing facilities
11 during proclamation of disaster emergency.

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

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

17 Section 822. Long-term care nursing facilities during
18 proclamation of disaster emergency.

19 (a) Proclamation of disaster emergencies.--Notwithstanding
20 any other provision of law, during a proclamation of disaster
21 emergency issued due to a communicable disease and continuing
22 until 60 days after the expiration or termination of the

1 proclamation of disaster emergency by executive order,
2 proclamation or operation of law, and upon notice issued in
3 accordance with subsection (b), a local board or department of
4 health shall have the option of exercising any of the following
5 powers and duties of the department over long-term care nursing
6 facilities located within the jurisdiction of the local board or
7 department of health:

8 (1) Conducting inspections in accordance with sections
9 806.4 and 813 and investigating complaints.

10 (2) Upon inspection, investigation or complaint and
11 finding a violation of this chapter or regulations adopted by
12 the department or pursuant to Federal law, providing written
13 notice of the violation to a health care provider in
14 accordance with section 814. The following shall apply:

15 (i) The local board or department of health shall
16 simultaneously provide the written notice of the
17 violation to the department.

18 (ii) The department shall consult with the local
19 board or department of health in the course of the
20 department's execution of duties under section 814
21 following the written notice of the violation, including
22 any action or plan of correction required thereafter.

23 (3) Directing the department to maintain actions in the
24 name of the Commonwealth against persons for violations of
25 this chapter or regulations issued pursuant to this chapter,
26 assess civil penalties or direct the closure of a facility
27 and transfer of patients or residents to other long-term care
28 nursing facilities in accordance with section 817.

29 (b) Notice and publication.--A local board or department of
30 health may exercise the powers and duties listed under

1 subsection (a) during a proclamation of disaster emergency
2 issued due to a communicable disease upon notice to the
3 department and each long-term care nursing facility located
4 within the jurisdiction of the local board or department of
5 health. The department shall transmit the notice to the
6 Legislative Reference Bureau for publication in the Pennsylvania
7 Bulletin. The local board or department of health may begin the
8 exercise of the powers and duties on the date that the notice is
9 published in the Pennsylvania Bulletin.

10 (c) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Communicable disease." As defined in section 2(c) of the
14 act of April 23, 1956 (1955 P.L.1510, No.500), known as the
15 Disease Prevention and Control Law of 1955.

16 "Local board or department of health." As defined in section
17 2(f) of the Disease Prevention and Control Law of 1955.

18 "Proclamation of disaster emergency." A declaration by the
19 Governor of disaster emergency under 35 Pa.C.S. § 7301(c)
20 (relating to general authority of Governor).

21 Section 2. This act shall take effect immediately.