

No. 598

## AN ACT

SB 498

Providing for the licensure and regulation of certain homes, hospitals and day care centers; prescribing powers and duties of the Department of Public Welfare, imposing license fees and providing penalties.

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

Section 1. Definitions.—As used in this act—

(1) "Department" means the Department of Public Welfare of the Commonwealth of Pennsylvania.

(2) "Person" means any individual, partnership, association or corporation operating a facility defined in this section.

(3) "Relative" means parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.

(4) "Adult Day Care Center" means any premises operated for profit, in which adult day care is simultaneously provided for four or more adults who are not relatives of the operator.

(5) "Adult Day Care" means care given for part of the twenty-four hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.

(6) "Child Day Care Center" means any premises operated for profit in which child day care is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices.

(7) "Family Day Care Home" means any premises operated for profit in which child day care is provided simultaneously to more than three unrelated children and to fewer than seven children who are not relatives of the operator, except such homes operated under social service auspices.

(8) "Child Day Care" means care in lieu of parental care given for part of the twenty-four hour day to children under sixteen years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services.

(9) "Boarding Home for Children" means any premises operated for profit in which care is provided for a period exceeding twenty-four hours for any child or children under sixteen years of age, who are not relatives of the operator and who are not accompanied by par-

ent, individual standing in loco parentis or legal guardian. The term shall not be construed to include any such premises selected for care of such child or children by a parent, individual standing in loco parentis or legal guardian for a period of thirty days or less, nor any such premises conducted under social service auspices.

(10) "Mental Health Establishment" means any premises or part thereof, private or public, for the care of individuals who require care because of mental illness, mental retardation or inebriety but shall not be deemed to include the private home of a person who is rendering such care to a relative.

(11) "Personal Care Home for Adults" means any premises operated for profit in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four hours for more than two adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self administration.

(12) "Nursing Home" means any premises operated for profit in which nursing care and related medical or other health services are provided, for a period exceeding twenty-four hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

(13) "Hospital" means any premises, other than a mental health establishment as defined herein, operated for profit, having an organized medical staff and providing equipment and services primarily for inpatient care for two or more individuals who require definitive diagnosis and/or treatment for illness, injury or other disability or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic X-ray services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illnesses or conditions.

(14) "Maternity Home" means any premises operated for profit in which, within a period of six months, any person receives more than one woman or girl, not a relative of the operator, for care during pregnancy or immediately after delivery.

(15) "Facility" means an adult day care center, child day care center, family day care home, boarding home for children, mental health establishment, personal care home for adults, nursing home, hospital or maternity home, as defined herein, and shall not include those operated by the State or Federal governments or those supervised by the Department of Public Welfare under "The Administrative Code of 1929."

(16) "Social Service Auspices" means any nonprofit agency regularly engaged in the affording of child or adult care.

Section 2. Operation and Maintenance Without License Prohibited.—No person shall maintain, operate or conduct any facility, as defined herein, without having a license therefor issued by the department.

Section 3. Application for License.—Any person desiring to secure a license for maintaining, operating and conducting a facility as defined herein shall submit an application therefor to the department upon forms prepared and furnished by the department, together with such other information as the department shall require. Application for annual renewal of license shall be made in the same manner as application for original licensure.

Section 4. Fees.—Annual licenses shall be issued when the proper fee, if required, is received by the department and all the other conditions prescribed by this act are met. The fees shall be :

Facility	Annual License Fee
Adult day care center	\$ 15
Mental health establishment	50
Personal care home	10
Hospital	100
Nursing home—under 30 beds	15
—over 30 but under 50 beds	25
—50 but under 100 beds	50
—100 or more beds	75
Maternity home	15

No fee shall be required for the annual license in the case of <sup>1</sup> child day care centers, family day care homes, boarding homes for children or for public or non-profit mental institutions.

Section 5. Issuance of License.—When, after investigation, the department is satisfied that the applicant or applicants for a license are responsible persons, that the place to be used as a facility is suitable for the purpose, is appropriately equipped and that the applicant or applicants and the place to be used as a facility meet all the requirements of this act and of the applicable statutes, ordinances and regulations, it shall issue a license and shall keep a record thereof and of the application.

Section 6. Provisional License.—When there has been substantial but not complete compliance with all the applicable statutes, ordinances and regulations and when the applicant has taken appropriate steps to

<sup>1</sup> "child" not in original.

correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed three times. Upon full compliance, a regular license shall be issued immediately.

Section 7. Term and Content of License.—All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable, shall be issued only to the person for the premises and for the facility named in the application and shall specify the maximum number of individuals who may be cared for in the facility at any one time. The license shall at all times be posted in a conspicuous place on the applicant's premises.

Section 8. Right to Enter and Inspect.—For the purpose of determining the suitability of the applicants and of the premises or the continuing conformity of the licensees to this act and to the applicable regulations of the department, any authorized agent of the department shall have the right to enter, visit and inspect any facility licensed or requiring a license under this act and shall have full and free access to the records of the facility and to the individuals therein and full opportunity to interview, inspect or examine such individuals.

An authorized agent of the department shall also confer with the operators of facilities regarding the minimum standards of the department, encourage the adoption of higher standards and recommend methods of improving care and services.

Section 9. Records.—Every person licensed under this act to maintain, operate and conduct a facility shall keep such records and make such reports as are required by the department.

Section 10. Regulations.—The department is hereby authorized and empowered to adopt regulations, establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses.

Section 11. Refusal to Issue License; Revocation; Notice.—(a) Whenever the department, upon inspection or investigation, shall learn of violation of this act or of regulations adopted by the department pursuant to this act, it shall give written notice thereof to the offending person. Such notice shall require the offending person to take action to bring the facility into compliance with this act or with the relevant regulations within a specified time.

(b) The department shall refuse to issue a license or shall revoke a license for any of the following reasons:

(1) Violation of or non-compliance with the provisions of this act or of regulations pursuant thereto;

(2) Fraud or deceit in obtaining or attempting to obtain a license;

(3) Lending, borrowing or using the license of another, or in any way knowingly aiding or abetting the improper granting of a license;

(4) Gross incompetence, negligence or misconduct in operating the facility;

(5) Mistreating or abusing individuals cared for in the facility.

(c) Whenever the department revokes or refuses to issue a license, it shall give written notice thereof by certified mail. Such notice shall specify the reason for the refusal or revocation.

Section 12. **Penalty.**—Any person operating a facility within this Commonwealth without a license required by this act, shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), and costs of prosecution, and in default of the payment thereof to undergo imprisonment for not less than ten days nor more than thirty days. Each day of operating a facility without a license required by this act shall constitute a separate offense.

Section 13. **Specific Repeals.**—The following acts and parts of acts are repealed absolutely:

(1) The act of April 14, 1925 (P. L. 234), entitled, as amended, "An act relating to Boarding Houses for Children; providing for the licensing thereof and the adoption of rules and regulations for the maintenance, operation, and conduct thereof, by the Department of Public Welfare; and fixing penalties."

(2) The act of June 12, 1931 (P. L. 510), entitled, as amended, "An act providing for the licensure and regulation of certain private nursing homes, private convalescent homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties."

(3) Sections 211, 212 and 214, act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951."

(4) The act of September 26, 1951 (P. L. 1536), entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged; conferring certain powers and duties upon the Department of Welfare; imposing license fees; and providing penalties."

(5) The act of October 22, 1959 (P. L. 1353), known as the "Adult Day Care Center License Act."

(6) The act of November 9, 1959 (P. L. 1395), known as the "Child Day Care License Act."

Section 14. Effective Date.—This act shall take effect in ninety days; provided that all licenses issued pursuant to the acts repealed by section 13 herein shall remain valid for the period for which they were issued.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

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No. 599

AN ACT

SB 925

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," repealing provisions relating to scholarships.

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

Section 1. Section 1612, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is repealed.

Section 2. All scholarships heretofore awarded or to which appointments have heretofore been made shall not be affected by the provisions of this act, nor shall this act affect the awarding of scholarships to or the appointment to scholarships of persons who become eligible therefor prior to August 31, 1967.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON

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No. 600

AN ACT

SB 1192

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for the issuance of limited operators' licenses or learners' permits to certain persons under suspension, and providing for special examinations for such persons.

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