

No. 64

AN ACT

Providing for compliance with Federal law and the approval of certain institutions; providing for inspections of such institutions; conferring powers and imposing duties on the Department of Welfare; and imposing penalties.

Whereas, the Federal Government by amendment to the Social Security Act (Public Law 734, 81st Congress) has provided that if State plans for old age assistance, aid to the blind and aid to the permanently and totally disabled include payments to individuals in private or public institutions, State authorities shall be responsible for establishing and maintaining standards for such institutions, effective as of the first day of July, one thousand nine hundred fifty-three.

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

Purpose of act. Section 1. The purpose of this act is to comply with Federal law and regulations, particularly the Social Security amendments of one thousand nine hundred fifty, and to promote the public health, safety and welfare, by providing for the establishment, enforcement and application of standards for the safe and adequate care of individuals in institutions herein defined.

It is not the purpose of this act to authorize the duplication of the work of any State department heretofore, now or hereafter charged with responsibilities and authority with reference to standards herein authorized. To prevent such duplication, the Department of Welfare may call upon any other department, board or commission of the Commonwealth of Pennsylvania to cooperate with it in the performance of its duties and responsibilities hereunder.

Section 2. Definitions.—As used in this act—

“Institution” shall mean an establishment which furnishes (in single or multiple facilities) food and shelter to three or more persons unrelated to the proprietor and which provides some care or service which meet some need beyond the basic provisions of food, shelter and laundry.

“Institution” shall include, but not be limited to, the following: homes for the aged and infirm, nursing homes, convalescent homes, rehabilitation centers providing living-in facilities, boarding homes for adults which provide personal care and services, hospitals, and infirmaries providing living-in arrangements.

Section 3. Standards.—The Department of Welfare shall establish standards for the safe and adequate care

of individuals, not inconsistent with the laws of this Commonwealth and the rules and regulations of the various departments of the Commonwealth, for all such institutions within this Commonwealth, which standards shall make adequate and proper provisions for (a) fire protection, (b) water supply and sewage disposal, (c) sanitation, (d) lighting and heating, (e) ventilation, (f) safety, (g) equipment, (h) bed space, (i) keeping of records of identification of residents in the institution and their next of kin, of medical care provided and all pertinent admission and discharge data, and (j) humane care.

In the establishment, amendment or revocation of standards, the Department of Welfare shall confer with an advisory committee of not less than seven or more than eleven persons, to be appointed by the Secretary of Welfare with the consent of the Governor, from representatives of recognized agencies and religious organizations conducting institutions and from the public at large. The Secretary of Welfare or someone designated by him shall be the chairman of the advisory committee.

Section 4. Inspection.—(a) The Department of Welfare shall be responsible for the maintenance of the standards herein provided; and for that purpose the Department of Welfare or its duly authorized representative shall have free and full access to the premises and records mentioned in Section 3 above of any such institution and full opportunity to interrogate or interview any officer, employe or resident thereof.

The Department of Welfare shall also be responsible for the coordination and cooperation in the application of these standards where any other department, board or commission of the Commonwealth of Pennsylvania may be charged either by law or by regulation with the enforcement of any standards herein authorized; and where any department, board or commission of the Commonwealth of Pennsylvania is charged with responsibilities relative to the enforcement of standards, the Department of Welfare may ask for, and such other department, board or commission shall furnish it with, the proper reports and information in order that the Department of Welfare may be satisfied that the standards are being observed.

When the Department of Welfare calls to the attention of any other department, board or commission of the State government any failure to comply with the standards herein set forth, such other department, board or commission of the Commonwealth of Pennsylvania shall undertake the enforcement of the standards within their responsibility.

(b) The Department of Welfare shall visit and inspect such institutions at least annually.

Section 5. Violations.—Whenever the Department of Welfare shall upon inspection, investigation or complaint find any violation in any institution of rules or regulations adopted by the department, or any failure to establish, provide or maintain standards and facilities required by this act or by the department, it shall give immediate written notice thereof, to the officer or officers charged by law with or in any way having or exercising the control, government or management of such institution, to correct the said objectionable condition in the manner and within the time specified by the department; whereupon, it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith, and the department may withhold any State money available for such institution until such officer or officers comply with such direction.

Section 6. The provisions of this act shall become effective July 1, 1953.

Act effective
July 1, 1953.

APPROVED—The 29th day of June, A. D. 1953.

JOHN S. FINE

No. 65

AN ACT

To further amend sections 889 and 891 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the unauthorized wearing of Civil Air Patrol uniforms or insignia; and providing penalties.

"The Penal
Code."

Section 889, act
of June 24, 1939,
P. L. 872, as last
amended by act
of May 24, 1951,
P. L. 401, further
amended.

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

Section 1. Section 889 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," as last amended by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 401), is hereby further amended to read as follows:

Section 889. Illegally Wearing Military Insignia.—Whoever wilfully wears the insignia, badge, shield or button of the Loyal Legion of the United States, or the Grand Army of the Republic, or the Union Veteran