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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1894 Session of  
2013

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INTRODUCED BY SACCONI, JAMES, V. BROWN, KINSEY, DAVIDSON, COX,  
COHEN AND ROCK, DECEMBER 9, 2013

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REFERRED TO COMMITTEE ON HEALTH, DECEMBER 9, 2013

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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," further providing for  
4 right to enter and inspect.

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

7 Section 1. Section 1016 of the act of June 13, 1967 (P.L.31,  
8 No.21), known as the Public Welfare Code, amended July 15, 1976  
9 (P.L.993, No.202), is amended to read:

10 Section 1016. Right to Enter and Inspect.--(a) For the  
11 purpose of determining the suitability of the applicants and of  
12 the premises or whether or not any premises in fact qualifies as  
13 a facility as defined in section 1001 of this act or the  
14 continuing conformity of the licensees to this act and to the  
15 applicable regulations of the department, any authorized agent  
16 of the department shall have the right to enter, visit and  
17 inspect any facility licensed or requiring a license under this  
18 act and shall have full and free access to the records of the  
19 facility and to the individuals therein and full opportunity to

1 interview, inspect or examine such individuals.

2 (b) An authorized agent of the department shall also confer  
3 with the operators of facilities regarding the minimum standards  
4 of the department, encourage the adoption of higher standards  
5 and recommend methods of improving care and services.

6 (c) If the department finds evidence of gross incompetence,  
7 negligence, misconduct in operating the facility or agency,  
8 mistreatment or abuse of clients, likely to constitute an  
9 immediate and serious danger to the life or health of the  
10 clients, the department shall take immediate action to remove  
11 the clients from the facility or agency. If physical obstruction  
12 is offered to prevent removal of the clients the department  
13 shall request law enforcement authorities to assist in the  
14 removal of the clients.

15 (d) In the event of gross incompetence, negligence,  
16 misconduct in operating the facility or agency or mistreatment  
17 or abuse of clients, likely to constitute an immediate and  
18 serious danger to the life or health of the clients which  
19 results in immediate action to remove the clients from the  
20 facility or agency, the department shall provide immediate  
21 notice of the violations to the owner of the facility or agency  
22 in writing.

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