

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1853 Session of 2023

INTRODUCED BY SHUSTERMAN, MARCELL, BOROWSKI, CEPEDA-FREYTIZ, ECKER, EMRICK, HILL-EVANS, KUTZ, MADDEN, MULLINS, PROBST, SANCHEZ, GREEN AND CERRATO, NOVEMBER 15, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 10, 2024

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, further providing for administration.

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

13 Section 1. Section 804 of the act of July 19, 1979 (P.L.130,
14 No.48), known as the Health Care Facilities Act, is amended by
15 adding a subsection to read:

16 Section 804. Administration.

17 * * *

18 ~~(c.1) Annual meeting. The department shall annually convene <--
19 a meeting of long term care nursing facilities to receive input
20 regarding the department's conduct of surveys, with the goal of
21 promoting cooperation and communication between long term care~~

1 nursing facilities and the department.

2 (C.1) ANNUAL MEETING.--

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3 (1) THE DEPARTMENT SHALL ANNUALLY CONVENE A MINIMUM OF
4 ONE MEETING OF LONG-TERM CARE NURSING FACILITIES TO RECEIVE
5 INPUT REGARDING THE DEPARTMENT'S CONDUCT OF SURVEYS, WITH THE
6 GOAL OF PROMOTING COOPERATION AND COMMUNICATION BETWEEN LONG-
7 TERM CARE NURSING FACILITIES AND THE DEPARTMENT. THE
8 DEPARTMENT SHALL ENSURE THAT EACH MEETING UNDER THIS
9 SUBSECTION OCCUR AT A REGIONAL FIELD OFFICE OF THE DEPARTMENT
10 AND ALLOW LONG-TERM CARE NURSING FACILITIES WITHIN THE REGION
11 TO PARTICIPATE IN EACH MEETING. THE DEPARTMENT MAY CONDUCT
12 EACH MEETING UNDER THIS SUBSECTION VIRTUALLY OR IN-PERSON.

13 (2) INFORMATION PROVIDED TO THE DEPARTMENT AT EACH
14 MEETING UNDER THIS SUBSECTION MAY NOT BE DISCOVERABLE, USED
15 AS A BASIS FOR CRIMINAL ACTION OR USED AS A BASIS FOR CIVIL
16 OR ADMINISTRATIVE LIABILITY UNDER THE LAWS OF THIS
17 COMMONWEALTH, UNLESS ANY OF THE FOLLOWING APPLY:

18 (I) THE INFORMATION IS UNRELATED TO THE PERFORMANCE
19 OF THE DUTIES AND FUNCTIONS OF A LONG-TERM CARE NURSING
20 FACILITY.

21 (II) THE INFORMATION IS FALSE AND THE PERSON WHO
22 PROVIDED THE INFORMATION KNEW, OR HAD REASON TO BELIEVE,
23 THAT THE INFORMATION WAS FALSE TO AVOID A CRIMINAL ACTION
24 OR CIVIL OR ADMINISTRATIVE LIABILITY.

25 (III) THE INFORMATION IS INDEPENDENTLY CORROBORATED.

26 (3) INFORMATION, DATA OR RECORDS OBTAINED BY THE
27 DEPARTMENT UNDER THIS SUBSECTION SHALL NOT BE ACCESSIBLE
28 UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
29 THE RIGHT-TO-KNOW LAW.

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