
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1613 Session of
2019

INTRODUCED BY MULLINS, MARKOSEK, HILL-EVANS, SCHLOSSBERG,
A. DAVIS, CALTAGIRONE, KORTZ, READSHAW, KIRKLAND, FREEMAN,
CIRESI, MILLARD, DeLUCA AND McCLINTON, JUNE 11, 2019

REFERRED TO COMMITTEE ON HEALTH, JUNE 11, 2019

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 actions against violations
11 of law, rules and regulations.

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

14 Section 1. Section 817(b) of the act of July 19, 1979
15 (P.L.130, No.48), known as the Health Care Facilities Act, is
16 amended by adding a paragraph to read:

17 Section 817. Actions against violations of law, rules and
18 regulations.

19 * * *

20 (b) Civil penalty.--[Any]

21 (1) Except as provided in paragraph (2), any person,
22 regardless of whether such person is a licensee, who has

1 committed a violation of any of the provisions of this
2 chapter or of any rule or regulation issued pursuant thereto,
3 including failure to correct a serious licensure violation
4 (as defined by regulation) within the time specified in a
5 deficiency citation, may be assessed a civil penalty by an
6 order of the department of up to \$500 for each deficiency for
7 each day that each deficiency continues. Civil penalties
8 shall be collected from the date the facility receives notice
9 of the violation until the department confirms correction of
10 such violation.

11 (2) In the case of a long-term care nursing facility,
12 the following civil penalties may be assessed:

13 (i) The civil penalty for violations resulting in
14 actual harm or a serious and immediate threat of harm may
15 not exceed the greater of:

16 (A) \$10,000 per violation; or

17 (B) \$5,000 per day for an ongoing pattern of
18 deficiencies until the long-term care skilled nursing
19 facility is in compliance with this act.

20 (ii) The civil penalty for violations with the
21 potential for more than minimal harm may not exceed:

22 (A) \$10,000 per violation; or

23 (B) \$1,000 per day for an ongoing pattern of
24 deficiencies until the long-term care skilled nursing
25 facility is in compliance with this act.

26 (iii) The civil penalty for nonhealth and safety
27 violations may not exceed \$1,250 per day.

28 * * *

29 Section 2. This act shall take effect in 90 days.