
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 662 Session of
2011

INTRODUCED BY HUGHES, TARTAGLIONE, LEACH, FONTANA, SCARNATI,
GREENLEAF, YUDICHAK, D. WHITE, ERICKSON, WOZNIAK, WARD,
KASUNIC, FARNESE, FERLO AND BROWNE, MARCH 1, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 1, 2011

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for authority
21 relating to medical facilities.

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

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding a
26 section to read:

27 Section 2126. Authority Relating to Medical Facilities.--(a)

1 Notwithstanding any other provision of law, the Department of
2 Health shall have the following powers and duties relating to
3 medical facilities approved by the department under 28 Pa.Code §
4 29.43 (relating to facility approval):

5 (1) To annually conduct an onsite inspection of each medical
6 facility. The inspection shall determine the medical facility's
7 compliance with all laws and regulations governing the facility
8 and that are under the department's jurisdiction. The department
9 annually shall conduct one unannounced onsite inspection of each
10 medical facility. The department shall have the authority to
11 conduct additional announced or unannounced inspections of a
12 facility as it deems necessary. All inspections shall be
13 conducted in a manner that does not significantly impact patient
14 care. The department, by regulation, may provide for an
15 abbreviated annual inspection when a medical facility has
16 established a history of exemplary compliance.

17 (2) To establish a single Statewide toll-free telephone
18 number that a patient, an individual acting on behalf of a
19 patient or a health care worker may use to file a complaint
20 about a medical facility or against a health care worker at the
21 facility and to require each facility to post the telephone
22 number in a conspicuous location within the facility. The toll-
23 free telephone number shall be used solely for accepting
24 complaints identified under this section and shall be in
25 addition to any procedure currently used by the department to
26 accept complaints. In addition to any other power or authority
27 authorized by law, the department shall have the duty to:

28 (i) investigate any complaint received under this paragraph;
29 (ii) refer the complaint to the Bureau of Professional and
30 Occupational Affairs in the Department of State if the complaint

1 involves allegations against a health care worker licensed by
2 the Department of State; or
3 (iii) refer the complaint to an appropriate law enforcement
4 agency for investigation if the department reasonably believes
5 that the allegations contained in the complaint, if true,
6 constitute a criminal violation of the laws of this
7 Commonwealth.

8 (b) For purposes of this section, the term "medical
9 facility" or "facility" shall have the same meaning as the term
10 is used in 18 Pa.C.S. § 3203 (relating to definitions).

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