

AMENDMENTS TO SENATE BILL NO. 704

Sponsor:

Printer's No. 802

- 1 Amend Title, page 1, line 3, by inserting after "for"
2 Intra-Governmental Council on Long-Term Care and for
3 Amend Bill, page 1, lines 8 through 11, by striking out all
4 of said lines and inserting
5 Section 1. Section 212(b) of the act of June 13, 1967
6 (P.L.31, No.21), known as the Public Welfare Code, is amended by
7 adding a paragraph to read:
8 Section 212. Intra-Governmental Council on Long-Term Care.--
9 * * *
10 (b) The Intra-Governmental Council on Long-Term Care shall
11 be composed of and appointed in accordance with the following:
12 * * *
13 (9.1) Two representatives of the assisted living residence
14 community, one of whom shall be an owner or administrator of a
15 licensed assisted living residence and one of whom shall be a
16 consumer of a licensed assisted living residence.
17 * * *
18 Section 1.1. Section 213 heading and (c) of the act, added
19 December 21, 1988 (P.L.1883, No.185), are amended and the
20 section is amended by adding a subsection to read:
21 Amend Sec. 2 (Sec. 1001), page 2, line 17, by striking out
22 "or" where it appears the first time and inserting
23 for
24 Amend Sec. 2 (Sec. 1001), page 3, line 8, by striking out
25 "service" and inserting
26 services
27 Amend Sec. 3, page 3, lines 15 through 30; page 4, lines 1
28 through 3, by striking out all of said lines on said pages and
29 inserting
30 Section 3. Section 1021 of the act is amended to read:

1 Section 1021. Regulations.--(a) The department is hereby
2 authorized and empowered to adopt regulations establishing
3 minimum standards for building, equipment, operation, care,
4 program and services and for the issuance of licenses.

5 (b) The department shall, by regulation, set fees for
6 application for assisted living residence licensure and
7 licensure renewal to ensure that the Commonwealth's
8 administration and oversight of assisted living residence
9 licensure is self-funded. Fees received by the department shall
10 augment the department's funding for quality assurance and shall
11 be used for the purposes of this article.

12 (c) The department shall develop regulations under this
13 article in collaboration with industry stakeholders, consumers
14 and other interested parties.

15 Amend Sec. 5 (Sec. 1057.3), page 6, line 4, by striking out
16 "service" and inserting

17 services

18 Amend Sec. 5 (Sec. 1057.3), page 6, line 15, by striking out
19 "service" and inserting

20 services

21 Amend Sec. 5 (Sec. 1057.3), page 6, by inserting between
22 lines 26 and 27

23 (3.1) Priority for Medicaid-funded home and community-based
24 waiver services shall be given to prospective or current
25 residents of assisted living residences for whom placement in a
26 skilled nursing facility is imminent absent access to said
27 waiver.

28 Amend Sec. 5 (Sec. 1057.3), page 9, line 13, by inserting
29 after "needs"

30 unless an exception is granted by the department

31 Amend Sec. 5 (Sec. 1057.3), page 9, line 15, by striking out
32 ", or multiple stage II"

33 Amend Sec. 5 (Sec. 1057.3), page 9, lines 25 and 26, by
34 striking out all of said lines

35 Amend Sec. 5 (Sec. 1057.3), page 9, line 27, by striking out
36 "(7)" and inserting

37 (6)

38 Amend Sec. 5 (Sec. 1057.3), page 9, lines 28 through 30; page

1 10, lines 1 through 30; page 11, lines 1 through 3, by striking
2 out all of said lines on said pages and inserting

3 (d) Any of the following individuals may certify that a
4 consumer may not be admitted or retained in an assisted living
5 residence and the department shall establish the standards
6 required for the certification:

7 (1) The assisted living residence administrator acting in
8 consultation with supplemental health care providers.

9 (2) A consumer's physician or certified registered nurse
10 practitioner.

11 (3) The medical director of the facility.

12 (e) An assisted living residence may admit, retain or serve
13 a consumer for whom a determination is made by the department
14 that the consumer's specific health care needs can be met by a
15 provider of assisted living services or within an assisted
16 living residence, including a consumer requiring:

17 (1) gastric tubes, except that a determination shall not be
18 required if the consumer is capable of self-care of the gastric
19 tube or a licensed health care professional or other qualified
20 individual cares for the gastric tube;

21 (2) tracheostomy, except that a determination shall not be
22 required if the consumer is independently capable of self-care
23 of the tracheostomy;

24 (3) skilled nursing care twenty-four hours a day, except
25 that a determination shall not be required if the skilled
26 nursing care is provided on a temporary or intermittent basis;

27 (4) a sliding scale insulin administration, except that a
28 determination shall not be required if the consumer is capable
29 of self-administration or a licensed health care professional or
30 other qualified individual administers the insulin;

31 (5) intermittent intravenous therapy, except that a
32 determination shall not be required if a licensed health care
33 professional manages the therapy;

34 (6) insertions, sterile irrigation and replacement of a
35 catheter, except that a determination shall not be required for
36 routine maintenance of a urinary catheter, if the consumer is
37 capable of self-administration or a licensed health care
38 professional administers the catheter;

39 (7) oxygen, except a determination shall not be required if
40 the consumer is capable of self-administration or a licensed
41 health care professional or other qualified individual
42 administers the oxygen;

43 (8) inhalation therapy, except that a determination shall
44 not be required if the consumer is capable of self-
45 administration or a licensed health care professional or other
46 qualified individual administers the therapy;

47 (9) other types of supplemental health care services that an
48 assisted living residence administrator, acting in consultation
49 with supplemental health care providers, determines can be
50 provided in a safe and effective manner by the assisted living
51 residence; or

52 (10) other types of care that can be provided in a safe and
53 effective manner in an assisted living residence as determined
54 by regulations adopted by the department.

55 Amend Sec. 5 (Sec. 1057.3), page 11, line 4, by striking out

1 "(d)" and inserting

2 (f)

3 Amend Sec. 5 (Sec. 1057.3), page 11, line 11, by striking out

4 "for"

5 Amend Sec. 5 (Sec. 1057.3), page 11, line 13, by striking out

6 "service" where it appears the first time and inserting

7 services

8 Amend Sec. 7, page 15, line 23, by striking out "in 60 days"

9 and inserting

10 January 1, 2009