

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 973 Session of 2023

INTRODUCED BY KAZEEM, DELLOSO, BOROWSKI, CURRY, MADDEN, WAXMAN, PARKER, CEPEDA-FREYTIZ, HILL-EVANS, FIEDLER, SANCHEZ, GUENST, HANBIDGE, KHAN, SHUSTERMAN, N. NELSON, HOWARD, D. WILLIAMS AND FREEMAN, APRIL 24, 2023

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 24, 2023

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," in departmental powers and
4 duties as to licensing, further providing for refusal to
5 issue license, revocation and notice; and imposing penalties.

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

8 Section 1. Section 1026(b) and (c) of the act of June 13,
9 1967 (P.L.31, No.21), known as the Human Services Code, is
10 amended and the section is amended by adding a subsection to
11 read:

12 Section 1026. Refusal to Issue License; Revocation;
13 Notice.--* * *

14 (b) The department shall refuse to issue a license, [or]
15 shall revoke a license, shall impose penalties or shall mandate
16 corrective actions for any of the following reasons:

17 (1) Violation of or non-compliance with the provisions of
18 this act or of regulations pursuant thereto;

1 (2) Fraud or deceit in obtaining or attempting to obtain a
2 license;

3 (3) Lending, borrowing or using the license of another, or
4 in any way knowingly aiding or abetting the improper granting of
5 a license;

6 (4) Gross incompetence, negligence or misconduct in
7 operating the facility;

8 (5) Mistreating or abusing individuals cared for in the
9 facility[.];

10 (6) Repeated violations of a child's specific rights as
11 enumerated in 55 Pa. Code § 3800.32 (relating to specific
12 rights); or

13 (7) A violation on the use of restraints as enumerated in
14 55 Pa. Code § 3800.202 (relating to appropriate use of
15 restrictive procedures).

16 (b.1) Penalties and corrective actions may include imposing
17 finances on a facility or mandating disciplinary procedures against
18 a staff member responsible for a violation.

19 (c) Whenever the department revokes or refuses to issue a
20 license, imposes penalties or mandates corrective actions, it
21 shall give written notice thereof by certified mail. Such notice
22 shall specify the reason for the refusal or revocation.

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