

**ARTICLE IX
OF THE PUBLIC
WELFARE CODE**

Act of June 13, 1967, P.L.31, No. 21

62 P.S. § § 901-922 and 1001-1087

PENNSYLVANIA STATUTES
TITLE 62.
CHAPTER 1. PUBLIC WELFARE CODE
ARTICLE IX. DEPARTMENTAL POWERS AND DUTIES AS TO
SUPERVISION

§ 901. Definitions

As used in this article--

"Children's institutions" means any incorporated or unincorporated organization, society, corporation or agency, public or private, which may receive or care for children, or place them in foster family homes, either at board, wages or free; or any individual who, for hire, gain or reward, receives for care a child, unless he is related to such child by blood or marriage within the second degree; or any individual, not in the regular employ of the court or of an organization, society, association or agency, duly certified by the department, who in any manner becomes a party to the placing of children in foster homes, unless he is related to such children by blood or marriage within the second degree, or is the duly appointed guardian thereof. The term shall not include a family day care home in which care is provided in lieu of parental care to six or less children for part of a twenty-four hour day.

"Institution for adults" means any incorporated or unincorporated public or private organization, society or association including any agency of a county, county institution district or municipality which provides for food, shelter and some service to adults, or which provides rehabilitation, training, guidance or counselling to the blind or visually handicapped, or to the physically or mentally handicapped, including but limited to the following: homes for the aged and infirm, nursing homes, convalescent homes, placement agencies for adults, general and special hospitals and institutions for mentally ill and defective adults, rehabilitation centers having living-in arrangements, workshops and facilities for the rehabilitation of the visually, mentally or physically handicapped, and all organizations for the prevention of blindness.

"Maternity home and hospital" means any house, home or place in which, within a period of six months, any person receives for care or treatment during pregnancy, or during or immediately after parturition, more than one woman, except women related to such person by blood or marriage within the second degree.

"State institutions" mean and include all hospitals for the mentally ill, or any other institutions for mentally retarded or epileptic persons, or for juvenile delinquents and dependents, and charitable institutions, within this Commonwealth, maintained in whole by the Commonwealth, and whose boards of trustees are departmental administrative boards within the department.

"Supervised institution" means any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth, either directly or indirectly,

and to which the Governor does not appoint any member of the board of inspectors, managers, trustees or directors; all houses or places within the Commonwealth in which any person of unsound mind is detained, whenever the occupant or owner of the house, or person having charge of such person of unsound mind, receives any compensation for custody, control or attendance, other than as an attendant or nurse; and also all institutions, houses, or places, in which more than one such person is detained, with or without compensation paid for custody or attendance; all children's institutions and maternity homes and hospitals within the Commonwealth; all homes or hospitals for crippled children within the Commonwealth, except the State Hospital for Crippled Children; all hospitals, almshouses, or poor-houses, maintained by any county, city, borough, township or poor district of this Commonwealth; and all institutions, associations and societies within this Commonwealth into whose care the custody of delinquent, dependent or neglected children may be committed, and all houses and places maintained by such institutions, associations or societies in which such children may be kept or detained.

§ 902. Supervisory powers

The department shall have supervision over:

- (1) All State institutions;
- (2) All supervised institutions;
- (3) All children's institutions within this Commonwealth;
- (4) All maternity homes and hospitals within this Commonwealth;
- (5) Any labor or system of labor carried on in the penal, correctional or reformatory institutions of the State;
- (6) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood, or other casualty, and constituting a menace to public safety and welfare;
- (7) All boarding homes for children which have been licensed by the State;
- (8) All institutions for adults within this Commonwealth.

§§ 903 to 910. Reserved for future legislation

§ 911. Visitation and inspection

(a) The department shall have the power, and its duty shall be:

- (1) To make and enforce rules and regulations for a visitation, examination and

inspection of all supervised institutions and said visitation, examination or inspection may occur both before and after the beginning of operation of the supervised facility.

(2) To visit and inspect, at least once in each year, all state and supervised institutions; to inquire and examine into their methods of instruction, discipline, detention, care or treatment, the care, treatment, government or management of their inmates or those committed thereto, or being detained, treated or residing therein, the official conduct of their inspectors, trustees, managers, directors or other officer or officers charged with their management by law or otherwise, or having the management, care, custody or control thereof, the buildings, grounds, premises, and equipment thereof, or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof, or those committed thereto or being detained, treated or residing therein.

(b) For these purposes and for the purpose of determining whether or not a facility should be subject to the supervision of the department in accordance with section 902, the secretary, or other officer, inspector or agent of the department, shall have free and full access to the grounds, premises, and buildings of and to all the records, books or papers of or relating to any such State or supervised institution, and full opportunity to interrogate or interview any inmate thereof, or any person or persons committed to or being detained, treated or residing therein, and all persons connected with any such State or supervised institution as officers, or charged with the management, thereof, by law or otherwise, or in any way having the care, custody, control, or management thereof, or connected therewith as employes, are hereby directed and required to give to the secretary, or to such officer, inspector or agent of the department, such means, facilities and opportunity for such visitation, examination, inquiry and interrogation, as is hereby provided and required, or as the department, by its duly ordained rules or regulations, may require.

(c) Whenever upon the visitation, examination, and inspection of any State or supervised institution, any condition is found to exist therein which, in the opinion of the department, is unlawful, unhygienic, or detrimental to the proper maintenance and discipline of such State or supervised institution, or to the proper maintenance, custody, safety, and welfare of the inmates thereof, or of the persons committed thereto, or being treated, detained or residing therein, to direct the officer or officers charged by law with or in any way having or exercising the control, government, or management of such State or supervised institution, to correct the said objectionable condition in the manner and within the time specified by the department, whereupon it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers shall fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceeding to enforce compliance therewith, or the department may withhold any State money available for such institution until such officer or officers comply with such direction.

(d) To cause to be visited and examined any person found by an inquisition to be insane, and to authorize such visiting and examining by an officer or agent of the

department, or any board of visitors, or by a physician, and to apply to the court having jurisdiction over the committee or guardian of such insane person, or to a judge of a court of common pleas of the county in which the insane person is a resident or detained, to make such orders for the maintenance, custody, or care of the insane person, and for the care and disposition of the property of the insane person as the case may require.

§§ 912 to 915. Reserved for future legislation

§ 916. Recommendations

The department shall have the power, and its duty shall be, from time to time, to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein, whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods.

§§ 917 to 920. Reserved for future legislation

§ 921. Additional provisions respecting certain institutions; purpose; definitions; standards; inspection

(a) The purpose of this section is to comply with Federal law and regulations, particularly the Social Security amendments of 1950 and to promote the public health, safety and welfare, by providing for the establishment, enforcement and application of standards for the safe and adequate care of individuals in institutions herein defined.

It is not the purpose of this section to authorize the duplication of the work of any State department heretofore, now or hereafter charged with responsibilities and authority with reference to standards herein authorized. To prevent such duplication, the department may call upon any other department, board or commission of the Commonwealth of Pennsylvania to cooperate with it in the performance of its duties and responsibilities hereunder.

(b) As used in this section, "institution" means an establishment which furnishes (in single or multiple facilities) food and shelter to three or more persons unrelated to the proprietor, and which provides some care or service which meet some need beyond the basic provisions of food, shelter and laundry. The term "institution" shall include, but not be limited to, homes for the aged and infirm, nursing homes, convalescent homes, rehabilitation centers providing living-in facilities, boarding homes for adults which provide personal care and services, hospitals, and infirmaries providing living-in arrangements.

(c) The department shall establish standards for the safe and adequate care of individuals, not inconsistent with the laws of this Commonwealth and the rules and regulations of the various departments of the Commonwealth, for all such institutions

within this Commonwealth, which standards shall make adequate and proper provisions for (i) fire protection, (ii) water supply and sewage disposal, (iii) sanitation, (iv) lighting and heating, (v) ventilation, (vi) safety, (vii) equipment, (viii) bed space, (ix) keeping of records of identification of residents in the institution and their next of kin, of medical care provided and all pertinent admission and discharge data, and (x) humane care.

In the establishment, amendment or revocation of standards, the department shall confer with an advisory committee of not less than seven or more than eleven persons, to be appointed by the secretary with the consent of the Governor, from representatives of recognized agencies and religious organizations conducting institutions and from the public at large. The secretary or someone designated by him shall be the chairman of the advisory committee.

(d) The department shall be responsible for the maintenance of the standards herein provided; and for that purpose the department or its duly authorized representative shall have free and full access to the premises and records mentioned in subsection (c) of this section of any such institution and full opportunity to interrogate or interview any officer, employe or resident thereof.

The department shall also be responsible for the coordination and cooperation in the application of these standards where any other department, board or commission of the Commonwealth of Pennsylvania may be charged either by law or by regulation with the enforcement of any standards herein authorized; and where any department, board or commission of the Commonwealth of Pennsylvania is charged with responsibilities relative to the enforcement of standards. The department may ask for, and such other department, board or commission shall furnish it with, the proper reports and information in order that the department may be satisfied that the standards are being observed.

When the department calls to the attention of any other department, board or commission of the State government any failure to comply with the standards herein set forth, such other department, board or commission of the Commonwealth of Pennsylvania shall undertake the enforcement of the standards within their responsibility.

The department shall visit and inspect such institutions at least annually.

(e) Whenever the department shall upon inspection, investigation or complaint find any violation in any institution of rules or regulations adopted by the department, or any failure to establish, provide or maintain standards and facilities required by this act or by the department, it shall give immediate written notice thereof, to the officer or officers charged by law with or in any way having or exercising the control, government or management of such institution, to correct the said objectionable condition in the manner and within the time specified by the department; whereupon, it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith, and the

department may withhold any State money available for such institution until such officer or officers comply with such direction.

§ 922. Reorganization Plan No. 5 of 1955

Nothing in this act shall be construed to repeal or affect Reorganization Plan No. 5 of 1955.