

*Section 328. Falsification In Matters Within Jurisdiction Of State Agencies.—Whoever, in any matter within the jurisdiction of any department, board, commission or agency of the Commonwealth of Pennsylvania, knowingly and willfully falsifies, conceals or covers up, by any trick, scheme or *device, a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) or undergo imprisonment not exceeding one (1) year, or both.*

Act effective
10 days after
final enactment.

Section 2. The provisions of this act shall become effective ten (10) days after its final enactment.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 388

AN ACT

**Providing for the licensure and regulation of commercial boarding homes for the aged; conferring certain powers and duties upon the Department of Welfare; imposing license fees; and providing penalties.

Boarding houses
for aged.

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

Operating such
house for profit
without license
declared unlaw-
ful.

Section 1. It shall be unlawful for any person, copartnership, association or corporation to operate for profit within this Commonwealth a commercial boarding home for the aged without a license as hereinafter required, but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare or the Department of Health under other statutes.

Exceptions.

Definitions.

Section 2. Definitions.—As used in this act:

“Commercial
boarding home
for the aged.”

(a) “Commercial boarding home for the aged” shall mean any institution, however named, which is operated for profit, and advertised, announced or maintained for the express or implied purpose of providing service or domiciliary care for three or more elderly people who are not ill or in need of nursing care.

“boarder.”

(b) A “boarder” shall mean any active individual who needs no service or care other than room and board and who is able to go up and down stairs unassisted and able to bathe and dress without assistance or supervision, who is domiciled in a commercial boarding home for the aged.

* “device” in original.

** “An act” repeated in original.

Section 3. Every person, copartnership, association or corporation desiring to operate for profit such a commercial boarding home for the aged shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed, prepared and furnished by the Department of Welfare, and, together with such other information as the department shall require, shall state:

Application for license to be filed with Department of Welfare.

Form and contents of application.

(a) The name and address of the applicant and the person to be in charge of said home. If the applicant is a copartnership, association or corporation, the application shall state the names and addresses of all the partners and officers, as the case may be.

(b) The location of the commercial boarding home for the aged, and, if the applicant is a corporation, association or partnership, the state of incorporation or organization.

(c) The facilities of the commercial boarding home for the aged for domiciliary care or providing service for boarders, including sanitary and fire protection facilities.

Section 4. Any person, or any or all officers or partners of any partnership, association or corporation maintaining or operating for profit within this Commonwealth a commercial boarding home for the aged without a license required by this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000) or to undergo imprisonment not exceeding one year, or both.

Penalty for operating without a license.

No person who, because of inability to satisfy the character requirements deemed necessary by the department, has been refused a license, shall thereafter be in any way connected with any commercial boarding home for the aged licensed pursuant to the provisions of this act.

Section 5. Upon receipt of an application for a license, the Department of Welfare shall cause a thorough investigation to be made as to the character and qualifications of the applicant and, if the applicant is a partnership, association or corporation, of all the officers or partners, as the case may be, and of the person who is to have the general management of the commercial home for the aged, the adequacy of the facilities of the home to furnish the type of care and service specified in the application, the sanitary and fire protection facilities, and any other matter or thing which the department may deem proper.

Department of Welfare to investigate applicant and premises.

Section 6. The Department of Welfare may, with the approval of the State Welfare Commission, make and enforce reasonable rules and regulations for the issuance and renewal of such licenses for the proper

Rules and regulations.

Department of Welfare to have access to grounds, premises, buildings and records of home.

Visitation and examination.

Duties of Department of Welfare upon learning of violations.

Department to give written notice to offending licensee.

Revocation of license.

Issuance of license.

License fee.

Expiration date of licenses.

Renewals.

Act effective immediately.

maintenance, operation and conduct of such commercial boarding homes for the aged and for the visitation, examination and inspection of all such homes. The Department of Welfare or its duly authorized representative shall have free and full access to the grounds, premises and buildings and to the records of any home licensed under this act, and full opportunity to interrogate or interview any boarder thereof; and all persons connected with any such home as officers, or charged with the management thereof, are hereby directed to give to the Department of Welfare or its duly authorized representatives such means, facilities and opportunity for such visitation, examination and interrogation as is hereby provided and required or as the department, by its duly ordained rules or regulations, may require.

Section 7. Whenever the Department of Welfare shall, upon inspection, investigation or sworn complaint, learn of any violation of rules or regulations adopted by the department, or any failure to establish, provide or maintain standards and facilities required by the department, it shall give written notice thereof to the offending licensee. The department may revoke the license of said licensee, if such violations do not cease or such standards and facilities are not established or brought in conformity with those prescribed by the department, two months after such written notice.

Section 8. The Department of Welfare shall, when satisfied that the applicant or applicants for such license are proper and responsible persons, that the place sought to be used as a commercial boarding home for the aged is a suitable place for such purpose and is properly equipped therefor, and when all the requirements of this act and the rules and regulations of the department have been complied with, issue a license to the applicant, upon the payment of a license fee of ten dollars (\$10.00), which shall be paid into the State Treasury through the Department of Revenue.

All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the applicant's premises, and may be renewed from year to year upon application, investigation and payment of license fee, as in the procurement of an original license.

Section 9. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE