



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

June 18, 2020

Dear Nursing Home Administrator:

I would like to once again take this opportunity to express my appreciation to you for your continued efforts to protect and maintain the health and safety of your residents and staff during the ongoing novel coronavirus (COVID-19) outbreak. The Department of Health (Department) remains ready to help you in any way that it can.

As you are aware, in order to protect the safety of residents and staff in skilled nursing facilities (SNF) the Secretary of Health issued an [Order dated May 14, 2020](#) requiring all SNFs within the Commonwealth to provide important data to the Department.

Unfortunately, some facilities have either failed to report accurately or have failed to report at all. To be clear, failure to comply with the Order will result in action taken against your facilities. Pursuant to the Administrative Code of 1929, 71 P. S. § 1409, any person who violates any order or regulation of the Department is guilty of a summary offense, the penalty for which is a maximum fine of \$300.00 or a period of thirty days incarceration.

Additionally, pursuant to the Disease Prevention and Control Law, refusal to follow state-ordered control measures is a summary offense, the penalty for which is a maximum fine of \$300.00. See 35 P.S. § 521.20(a). **Each day a facility fails to report or reports inaccurately, shall be deemed a separate violation.**

Finally, as you are aware, your facilities are licensed by the Department. Pursuant to the regulations promulgated under the Health Care Facilities Act, 35 P.S. § 448.801-904(b), long-term care facilities, such as skilled nursing facilities, are required to comply with applicable state laws. *See* 28 Pa. Code § 201.13(g). Nursing care facilities must maintain minimum standards as set by the Department. *See* 28 Pa. Code § 201.14(a). Maintaining minimum standards requires following any disease control measure ordered by the Secretary of Health under the authority afforded to her by statute and regulation. Failure to comply with the Order is a violation of the Health Care Facilities Act (Act) and the Department's regulations, and each SNF that fails to comply is subject to any and all sanctions authorized under the Act, including revocation of the facilities' licenses and imposition of a civil monetary penalty. Please consider this letter your notice pursuant to Section 817 of the Act, 35 P.S. § 448.817(b).

Thank you again for the work you do for the vulnerable populations you serve. Together we can work through this challenging outbreak.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RL Levine'.

Rachel L. Levine, MD
Secretary of Health