



Senate Aging & Youth Committee

Senator Randy Vulakovich, Chairman

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Bill Summary

Bill Number: HB 1702, P.N. 3132

Prime Sponsor: Ross

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A. Synopsis

HB 1702 would enact the PA Community Adult Respite Services Program Act under the Department of Aging.

B. Summary of Legislation

Section 1 (Short Title) - The "Pennsylvania Community Adult Respite Services Program Act."

Section 2 (Definitions) - Activities of Daily Living (ADL), Applicant, Area Agency on Aging (AAA), Assisted Living Residence, Community Adult Respite Services, Community Adult Respite Services Participant (Participant), Community Adult Respite Services Program (Program), Community Adult Respite Services Provider (Provider), Community Senior Center, Continuing-Care Provider, Cueing, Department, Designated Person, Licensed Long-Term Care Service Provider, Life Program, Local Program Administrator, Long-Term Care Nursing Facility, Mild Cognitive Impairment, Older Adult Daily Living Center, Personal Care Home, and Program Coordinator.

Section 3 (Legislative Findings and Declaration) -

- (1) This Commonwealth is rich in its diverse culture and demographic configuration.
- (2) Geographically, Pennsylvania's older adults live in a variety of settings and it is essential that every possible effort is made to help ensure that Pennsylvanians age and live well and that communities will be places to help them age and live well.
- (3) It is in the best interest of all Pennsylvanians to support policies that help older individuals maintain independence and dignity in their homes and communities, while also providing assurance to their loved ones that they are safe and afforded access to care and services at the right time, in the right setting and at the right intensity.
- (4) It is in the best interest of the Commonwealth to establish community ADULT respite services programs that provide programming designed to support independence of individuals, while also providing peace of mind to their loved ones who may have concerns that leaving them alone may jeopardize their health, safety and well-being.

Section 4 (Program Offered by Licensed Long-Term Care Service Providers) by stipulating that notwithstanding any other act to the contrary, an individual, agency, partnership, association, organization or corporate entity licensed as a long-term care service provider shall not be required to obtain a separate license to maintain, operate or conduct a community adult respite services program in accordance with the provisions of this act, provided that the individual, agency, partnership, association, organization or corporate entity so licensed notifies the department by letter of its intent to establish and operate a community adult respite services program, in accordance with the provisions of this act.

Section 5 (License Applicant Letter of Intent Required) - In order to obtain a license to maintain, operate or conduct a community adult respite services program, the applicant must notify the Department by letter of its intent to apply for a license to establish and operate a community adult respite services program.

Section 6 (Program Operation and Maintenance Without License Prohibited) - Except for licensed long-term care service providers, no individual, agency, partnership, association, organization or corporate entity may maintain, operate, conduct or hold itself out as a community adult respite services program provider without having a license issued by the Department.

Section 7 (License Term and Content and Designation of a Program Coordinator) - Requires the Department, after an investigation and a determination that the applicant complies with the provisions of this act, to issue an applicant a license to operate a program.

A license shall:

1. Be issued for a specified period of not more than 12 months.
2. Be on a form prescribed by the Department.
3. Not be transferable.
4. Be issued only to the entity for the program named in the application.

Furthermore, the bill would:

1. Permit the Department to issue an interim license in accordance with department regulations.
2. Require the Department to keep a record of all applications and all licenses issued.
3. Require the applicant to identify and designate a program coordinator who shall be on site and serve as the official representative and contact for a community adult respite services program.
4. Prohibit a program coordinator and any employee of the program from being assigned power of attorney or guardianship for any participant.
5. Require the program coordinator to be responsible for the intake and enrollment of participants through a process that ensures the eligibility of the participants in the program.

Section 8 (Right to Enter & Inspect) - The Department -- or AAAs as its agent -- may enter, visit and inspect any program licensed or requiring a license. The Department shall have free access to the records of a community adult respite services program and to the participants to interview and evaluate such participants.

Section 9 (Determination & Eligibility) - The Department shall work in cooperation with the AAA to develop a standard application packet for prospective participants. The program shall include a process whereby participants shall be monitored regularly to ensure that they do not become ineligible for community adult respite services.

Section 10 (Conditions of Ineligibility) - An enrolled participant who no longer meets the definition of a community adult respite services participant must be disenrolled from the program. In the event that a participant is determined ineligible for community adult respite services, the program coordinator of a program shall:

1. Provide the participant or designated person with written notice of ineligibility and a list of community resources that may be available.
2. Work with the participant or designated person and local program administrator to develop a transition plan before the participant is disenrolled from the community adult respite services program.

When a participant is determined to be ineligible for community adult respite services while in a program, the program coordinator shall contact the AAA to request an eligibility assessment.

Section 11 (Regulations & Statements of Policy) - The Department shall work in cooperation with the AAAs, representatives of the licensed long-term care service providers and representatives of community senior centers to promulgate guidance such as regulations or statements of policy no later than one year after the effective date. The regulations shall establish minimum standards, including, but not limited to:

1. Building, equipment, operation, care and assessment processes for functional and cognitive status of clients;
2. Staff credentials and staffing requirements, including staff-to-participant ratios;
3. Programs and services in order to implement a process for issuance of licenses and interim licenses;
4. A licensing appeal process, and to establish and collect fees to offset the cost of issuing licenses; and
5. A referral system for participants who are determined to be ineligible to enter a community adult respite services program.

Regulations shall be promulgated in accordance with the provisions of the Regulatory Review Act.

Section 12 (Construction) - Nothing in this act shall be construed to preclude continued participation by individuals under 60 years of age who are participating in a community adult respite services program on the effective date of this act section.

Section 13 (Effective Date) - Effective in 180 days.

C. Summary of Relevant Existing Law

The following long-term care service providers are subject to State licensure, as follows:

- “Assisted Living Residence.” The Public Welfare Code (Act 21 of 1967).
- “Continuing-Care Provider.” The Continuing-Care Provider Registration and Disclosure Act (Act 82 of 1984).
- “Long-Term Care Nursing Facility.” The Health Care Facilities Act (Act 48 of 1979).
- “Older Adult Daily Living Center.” The Older Adult Daily Living Centers Licensing Act (Act 118 of 1990).
- “Personal Care Home.” The Public Welfare Code (Act 21 of 1967).

In addition, “Community Senior Centers” are operated in accordance with provisions of Article XXII-A of The Administrative Code (Act 175 of 1929).

“LIFE Programs” are subject to Federal CMS (Centers for Medicare and Medicaid Services) regulatory guidelines

D. Additional Information

HB 1703 was unanimously passed by the House. The Administration (Department of Aging), Leading Age PA, PA LIFE Provider Alliance, the PA Health Care Association support HB 1703.