

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1630 Session of
2001

INTRODUCED BY SATHER, SCHULER, PISTELLA, ZIMMERMAN, ARMSTRONG,
SAMUELSON, WATSON, B. SMITH, GRUCELA, PALLONE AND YUDICHAK,
MAY 21, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 15, 2001

AN ACT

1 Providing for the training and certification of qualified
2 assessors of individuals needing long-term care services and, <—
3 for the powers and duties of the Department of Aging AND FOR <—
4 REPORT TO GENERAL ASSEMBLY.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Long-Term
9 Care Assessor Training and Certification Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Comprehensive assessment." A thorough AND INDEPENDENT <—
15 review and analysis of a consumer's functional status AND <—
16 FINANCIAL RESOURCES. The term includes a personal history,
17 assessment of physical and emotional health, ability to carry
18 out activities of daily living, informal supports, environmental

1 factors and cognitive functioning, including immobility
2 assessment.

3 "Comprehensive service plan." A plan developed to meet a
4 consumer's individual needs, as determined by a comprehensive
5 assessment and developed by an interdisciplinary team that
6 includes the consumer, the consumer's legal representatives and, <—
7 the consumer's family member AND AN APPROPRIATE PROFESSIONAL ON <—
8 AGING AS DEFINED BY REGULATION OF THE DEPARTMENT.

9 "Consumer." An individual ~~needing~~ SEEKING long-term care <—
10 services.

11 "Department." The Department of Aging of the Commonwealth.

12 "Long-term care services." Functionally necessary or
13 medically necessary diagnostic, preventive, therapeutic,
14 rehabilitative, maintenance or personal care services provided
15 in a setting other than an acute care unit of a hospital.

16 "Options program." The Long-Term Care Preadmission
17 Assessment Program and the Community Services for Nursing
18 Facility Eligibility Program administered by the Department of
19 Aging and operated by the local area agencies on aging.

20 "Qualified assessor." A person approved by the Department of
21 Aging as qualified to conduct assessments of consumers and
22 ~~develop service plans based thereon. The term includes an~~ <—
23 ~~employee of an area agency on aging, an employee of a licensed~~
24 ~~entity providing long term care services or an independent~~
25 DEVELOP SERVICE PLANS BASED THEREON. THE TERM INCLUDES A <—
26 QUALIFIED EMPLOYEE OF AN AREA AGENCY ON AGING; A QUALIFIED
27 EMPLOYEE OF A LICENSED ENTITY PROVIDING LONG-TERM CARE SERVICES
28 OR A QUALIFIED INDEPENDENT entity. The term does not include a
29 hospital discharge planner or other staff or employee of an
30 insured's health or long-term care insurance company.

1 Section 3. Duties of department.

2 (a) Development of qualified assessor program.--The
3 department shall develop a training and certification program
4 for qualified assessors. Only those qualified assessors trained
5 and certified by the department shall be permitted to conduct
6 assessments that identify the services a consumer requires and
7 that serve as the basis for a comprehensive service plan. This
8 program shall be separate from the Options program. However,
9 ~~nothing in this act shall preclude a qualified assessor from~~ <—
10 ~~eligibility to perform an Options program assessment.~~ NOTHING IN <—
11 THIS ACT SHALL BE CONSTRUED TO PERMIT A QUALIFIED ASSESSOR,
12 OTHER THAN A LOCAL AREA AGENCY ON AGING, TO PERFORM AN OPTIONS
13 PROGRAM ASSESSMENT.

14 (b) List of qualified assessors.--The department shall
15 develop and make available to the public a listing of qualified
16 assessors. The listing shall be updated at least monthly and
17 shall be available on the department's Internet World Wide Web
18 site and through the local area agencies on aging.

19 Section 4. Duties of qualified assessors.

20 (a) Certification required.--

21 (1) A qualified assessor shall certify that any
22 assessment OR REASSESSMENT the qualified assessor conducts is <—
23 true and correct to the best of that qualified assessor's
24 knowledge and skill AT THE TIME OF ASSESSMENT. <—

25 (2) The department shall revoke the certification of any
26 qualified assessor who falsely certifies a need for services.

27 (b) Standardized screening instrument.--A qualified assessor
28 shall utilize a standardized screening instrument. The
29 ~~instrument shall be developed by the Department of Public~~ <—
30 ~~Welfare, in cooperation with the department, the Department of~~

1 INSTRUMENT SHALL BE DEVELOPED BY THE DEPARTMENT, IN COOPERATION <—
2 WITH THE DEPARTMENT OF PUBLIC WELFARE, THE DEPARTMENT OF Health
3 and the Intra-Governmental Council on Long-Term Care, within six
4 months of the effective date of this act.

5 SECTION 5. REPORT TO GENERAL ASSEMBLY. <—

6 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE
7 DEPARTMENT SHALL PROVIDE TO THE GENERAL ASSEMBLY A REPORT ON
8 PROGRAMS WITHIN THIS COMMONWEALTH AND THROUGHOUT THE UNITED
9 STATES THAT SEEK TO MAXIMIZE THE EFFECTIVENESS OF CHARITABLE
10 PHARMACEUTICAL PROGRAMS AND TO PROVIDE RECOMMENDATIONS FOR NEW
11 LAWS AND INITIATIVES WITHIN THIS COMMONWEALTH TO ENHANCE THE
12 ABILITY OF PENNSYLVANIANS TO TAKE ADVANTAGE OF SUCH PROGRAMS.

13 Section 5 6. Rules and regulations. <—

14 The department shall work in cooperation with the Department
15 of Public Welfare, the Department of Health and the Intra-
16 Governmental Council on Long-Term Care to develop rules and
17 regulations to implement this act. Within six months of the
18 effective date of this act, the department shall promulgate
19 regulations to implement this act.

20 Section 6 7. Effective date. <—

21 This act shall take effect ~~in one year~~. AS FOLLOWS: <—

22 (1) SECTION 5 SHALL TAKE EFFECT IMMEDIATELY.

23 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

24 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN ONE
25 YEAR.