

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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NOVEMBER 24, 1987

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 2, 1987

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 Department of Aging, for the Pennsylvania Council on Aging
22 and for services and programs for older citizens; and
23 reestablishing the Department of Aging.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Sections 2202-A, 2203-A, 2204-A, 2205-A, 2206-A,

1 2207-A, 2208-A, 2209-A, 2210-A and 2212-A of the act of April 9,
2 1929 (P.L.177, No.175), known as The Administrative Code of
3 1929, added June 20, 1978 (P.L.477, No.70), are amended to read:

4 Section 2202-A. Definitions.--As used in this article:

5 "Area agency" means the single local agency designated within
6 each planning and service area to administer the delivery of a
7 comprehensive and coordinated plan of social and other services
8 and activities.

9 "Area plan" means the plan submitted to the department by an
10 area agency describing the methods by which it will ensure a
11 coordinated and comprehensive plan of social and other services
12 and activities in the planning and service area.

13 ["Boarding home" means any institution or facility, however
14 named which is operated for profit or otherwise and which is
15 advertised, announced or maintained for the express or implied
16 purpose of providing shelter, services or supervision for two or
17 more persons, unrelated to the proprietor of the facility, who
18 require some level of supervision or assistance in carrying out
19 daily routine activities, but who are not so ill, aged or
20 disabled as to require institutionalization in a facility
21 providing a higher level of care.]

22 "Council" means the Pennsylvania Council on Aging.

23 "Department" means the Department of Aging.

24 "Domiciliary care" is a protected living arrangement in the
25 community which [includes room, board and services for persons
26 eighteen and older who cannot live independently because of
27 their social and economic situation] provides a safe,
28 supportive, homelike residential setting for three or less
29 adults who are unrelated to the domiciliary care provider, who
30 cannot live independently in the community, and who are placed

1 by a designated placement agency.

2 "Federal Older Americans Act of 1965" means Public Law 89-73,
3 79 Stat. 218.

4 ["Local authority" means the county commissioners.]

5 "Long-term care" means those services designed to provide
6 diagnostic, therapeutic, rehabilitative, supportive and
7 maintenance services for individuals who have chronic functional
8 impairments in a variety of institutional and noninstitutional
9 care settings, including the home.

10 ["Nonprofit sponsor" means any nonprofit corporation
11 designated as an area agency on aging or as the sponsor of any
12 aging service or activity.]

13 "Older adults, older persons, aged, aging ,elderly" [means]
14 mean those persons residing within Pennsylvania who are age
15 sixty or over, [or, as the secretary may determine appropriate,
16 persons below this age] or as otherwise authorized by law.

17 ["Personal care home for adults" means any premises operated
18 for profit in which food, shelter and personal assistance or
19 supervision are provided for a period exceeding twenty-four
20 hours for more than two adults who are not relatives of the
21 operator and who require assistance or supervision in such
22 matters as dressing, bathing, diet or medication prescribed for
23 self administration.]

24 "Planning and service area" means the geographic unit within
25 the State, as authorized by the Federal Older Americans Act of
26 1965, as amended, for allocation of funds for the delivery of
27 social services.

28 "Secretary" means the Secretary of Aging.

29 "Sole State agency" means that State agency as designated
30 under the Federal Older Americans Act of 1965, as amended.

1 "Unit of general purpose local government" means, as used
2 with reference to the designation of area agencies on aging, a <—
3 unit of general purpose local government, a county or other unit
4 which carries general government authority for an area
5 designated as a planning and service area under this act or a
6 combination of such units.

7 Section 2203-A. Powers and Duties in General.--(a) The
8 Department of Aging hereinafter referred to in this article as
9 the department shall, subject to any inconsistent provisions in
10 this act contained, have the power and its duty shall be to:

11 (1) Evaluate the need for services for the aged within the
12 State and determine the extent to which public and private
13 programs meet such a need with special emphasis on the needs and
14 participation of the minority elderly.

15 (2) [Develop, in consultation with the council and
16 administer a comprehensive State plan for services, programs,
17 and activities for the aging furnished by State agencies.]
18 Assist with planning and provide consultation to State agencies
19 with respect to services, programs and activities which they may
20 furnish to older citizens.

21 (2.1) Develop and periodically update a comprehensive plan
22 for coordinating all major Commonwealth services, programs and
23 activities which are directed towards persons with chronic
24 physical or mental impairments which necessitate long-term care.

25 (3) Provide for services to the aging through area agencies
26 for the aging and other appropriate agencies, organizations and
27 institutions authorized in accordance with the Federal Older
28 Americans Act of 1965, related Federal acts, and applicable
29 State law and to stimulate services and opportunities for the
30 aging which are not otherwise available.

1 (4) Function as the sole State agency to receive and
2 disburse Federal funds under the Older Americans Act of 1965 and
3 State funds made available for providing services to older
4 persons.

5 (5) [Administer] Develop and administer the State plan for
6 the aging required by Federal law.

7 (5.1) Administer the act of November 4, 1983 (P.L.217,
8 No.63), known as the "Pharmaceutical Assistance Contract for the
9 Elderly Act."

10 (6) Serve as an advocate for the aging at all levels of
11 government and to provide consultation and assistance to
12 communities and civic groups developing local services for older
13 persons.

14 (7) Maintain a clearinghouse of information related to the
15 interests of older persons and provide technical assistance and
16 consultation to all agencies, both public and private with
17 respect to programs and services for older persons.

18 (8) Provide an annual budget as may be reasonably required
19 by the Pennsylvania Council on Aging[, the four] and its
20 regional councils [on aging and the Technical Advisory
21 Committee].

22 (9) Promote community education regarding the problems of
23 older persons through institutes, publications, and use of
24 communications media.

25 (10) Cooperate with agencies of the Federal Government in
26 studies and conferences designed to examine the needs of the
27 aging population and to assist in preparing programs and
28 developing facilities to meet those needs.

29 (11) Promote and support programs, studies and policies, in
30 cooperation with the Departments of Labor and Industry,

1 Education, Commerce, Public Welfare and other agencies, which
2 will enhance the opportunity for continued work, education and
3 training for older persons and for preretirement assistance
4 where appropriate.

5 (12) Promote, through direct grants, contracts and technical
6 assistance, the development of independent senior centers,
7 service organizations, clubs, associations and organizations
8 dedicated to the rights and needs of older persons [and
9 providing activities] when these are not in conflict with State
10 or area plans for the aging.

11 (13) Make recommendations for legislative action to the
12 Governor and the General Assembly.

13 (14) In coordination with the council, develop and conduct
14 research, demonstration programs and training programs to
15 advance the interests of older persons.

16 (15) Publish a description of the organization and function
17 of the department so that all interested agencies and
18 individuals may be better able to solicit assistance from the
19 department.

20 (16) Administer and supervise a domiciliary care program for
21 adults.

22 (17) Conduct, in cooperation with appropriate State and
23 local public and private agencies [yearly] studies and
24 evaluations pertaining to the quality of life, health and social
25 needs, civil rights and status of older persons residing in
26 [boarding homes,] personal care homes and similar residencies
27 and report such findings and recommendations to the General
28 Assembly [annually].

29 (17.1) In cooperation with Federal, State and local
30 organizations and agencies, work toward the development of a

continuum of community-based service and housing options for
impaired and chronically ill older persons designed to maintain
them in the community and avoid or delay institutional care.
System development activities shall include, but not be limited
to, coordinating the Commonwealth's plans for the provision,
expansion and effective administration of:

~~(1)~~ (I) A wide array of personal care and health-related <—
services provided to adults in their homes.

~~(2)~~ (II) A wide array of housing options such as service <—
assisted housing options and personal care homes.

~~(3)~~ (III) Special supports to caregivers who care for <—
impaired older persons.

~~(4)~~ (IV) Adult day-care services, respite services and other <—
community-based services to support care by caregivers.

~~(5)~~ (V) The promotion of informal community supports. <—

~~(6)~~ (VI) Geriatric assessment and nursing home screening <—
programs.

~~(7)~~ (VII) Special services to protect the health, safety and <—
welfare of older persons who lack the capacity to protect
themselves.

~~(8)~~ (VIII) Special advocacy efforts to promote greater <—
awareness of, and more effective response to, the problems of
persons with Alzheimer's disease and other related brain
disorders.

To the extent that the needs of other adults involve and overlap
the needs of older persons addressed by this paragraph, the
department shall serve as an advocate for adults of any age.

(18) Review all proposed Commonwealth program plans and
policies, and administrative regulations that are published in
the Pennsylvania Bulletin for their impact on older persons.

1 Where the secretary believes that they have an impact on older
2 persons, he shall comment in accordance with the provisions of
3 the Commonwealth Documents Law.

4 (19) Make and enforce rules and regulations necessary and
5 proper to the performance of its duties.

6 (20) After July 1, 1979 and at the option of the secretary,
7 to administer those provisions of the act of January 22, 1968
8 (P.L.42, No.8), known as the "Pennsylvania Urban Mass
9 Transportation Assistance Law of 1967," which relate to [free
10 local transit for the elderly] special transit programs for the
11 elderly. The secretary shall confer with the Department of
12 Transportation in order to insure that the regulations
13 promulgated by the Department of Aging do not conflict with
14 those promulgated by the Department of Transportation.

15 (21) Serve as an advocate for the needs of the adult
16 handicapped as such needs involve and overlap the needs and
17 services of older persons.

18 (22) Cooperate with the Pennsylvania Office of Planning in
19 the development of local, regional and Statewide solutions to
20 the needs of older persons.

21 (23) Review the activities of regulatory [and] agencies of
22 the Commonwealth which affect the full and fair utilization of
23 State and community resources for programs and benefits for
24 older persons and initiate programs which will help assure such
25 utilization.

26 (24) Conduct, in cooperation with the Department of Health
27 and the Department of Public Welfare, [yearly] periodic studies
28 and evaluations pertaining to the quality of care and related
29 services for [nursing home patients] consumers of long-term care
30 services and report such findings to the General Assembly

1 [annually].

2 (24.1) Conduct, in cooperation with the Department of
3 Health, an ongoing Statewide prescription drug education program
4 designed to inform older adults of the dangers of prescription
5 drug abuse and misuse.

6 (24.2) Establish and administer a State Long Term Care
7 Ombudsman Program, including providing resources to area
8 agencies on aging or other contractors to investigate and
9 resolve complaints related to the health, safety or rights of
10 older individuals who are residents of long-term care facilities
11 (such as nursing homes and personal care homes) and to prepare
12 an annual report containing data and findings regarding the
13 types of problems experienced and complaints investigated.

14 (25) Collaborate with the Department of Community Affairs
15 and the Pennsylvania Housing Finance Agency in the location,
16 design, management and services of housing built for older
17 persons and upon request provide technical assistance to local
18 housing authorities, nonprofit housing and community groups,
19 redevelopment authorities, and other groups with a special
20 emphasis on programs on utility costs, rehabilitation and
21 maintenance of the homes of older persons.

22 (26) Review and comment on all rules, regulations,
23 eligibility or payment standards issued by the Departments of
24 Public Welfare, Environmental Resources, Health or Labor and
25 Industry relating to the licensure and regulation of nursing
26 homes, hospitals, and other health facilities; medical
27 assistance, supplemental security income; homemaking and home-
28 health care or residential care facilities for older adults.
29 Said rules, regulations and standards shall not take effect
30 until they have been submitted to the department for comment.

1 (27) Review and comment on rules, regulations, eligibility
2 standards, or contract provisions issued by the Departments of
3 Revenue and Transportation relating to activities financed in
4 whole or in part by the Pennsylvania Lottery. Said rules,
5 regulations, eligibility standards and contract provisions shall
6 not take effect until they have been submitted to the department
7 for comment.

8 (28) Review and comment on rules, regulations, eligibility
9 standards or contract provisions issued by the Department of
10 Transportation relating to specialized transportation needs of
11 the elderly and the handicapped in rural and urban areas. Said
12 rules, regulations, eligibility standards or contract provisions
13 shall not take effect until they have been submitted to the
14 department for comment.

15 (29) Provide for services to adults under age sixty whose
16 needs for services are similar to those for which the department
17 is responsible with respect to older persons and as may be
18 authorized by law.

19 (b) In filling vacancies authorized to the department, the
20 secretary shall assure that preference is given to persons sixty
21 years of age or older.

22 Section 2204-A. Pennsylvania Council on Aging.--(a) There
23 is hereby created in the Office of the Governor the Pennsylvania
24 Council on Aging which shall consist of [nineteen] twenty-one
25 persons at least [ten] eleven of whom shall be [fifty-five]
26 sixty years of age or older, and [of] which [four] shall [be]
27 include, as ex officio members, the chairpersons of the regional
28 **[council]** COUNCILS on aging [and twelve alternate members]. <—

29 (b) The members of the council shall be appointed by the
30 Governor and shall represent, as far as possible, different

1 geographical sections of the Commonwealth. The members shall be
2 appointed on staggered terms of one to three years. Members
3 shall be eligible for reappointment.

4 (c) The council shall provide for its organization and
5 procedure including the selection of a chairman and such other
6 officers as deemed necessary.

7 (d) The citizen members of the council shall receive no
8 compensation for their services on the council but shall be
9 reimbursed by the department for any ordinary and necessary
10 expenses incurred in the performance of their duties.

11 (e) The council shall meet at least six times per year to
12 review and comment upon all reports of the Department of Aging
13 to the Governor and the General Assembly.

14 (f) The council shall have the following powers and duties:

15 (1) Assist the department in the preparation of the [annual]
16 State plan on aging.

17 (2) To review and comment on rules and regulations
18 promulgated by the department.

19 (3) To prepare and submit to the Governor, the General
20 Assembly, the Secretary of the Department of Aging and the
21 public [an annual] reports evaluating the level and quality of
22 services and programs provided to the aging by Commonwealth
23 agencies together with recommendations for improved, expanded or
24 additional programs and services for the aging.

25 (4) To carry out public hearings on matters affecting the
26 rights and interests of the aging including matters involving
27 cases of neglect, abuse and age discrimination against older
28 persons in the administration of the laws of the Commonwealth
29 and its political subdivisions.

30 (5) To carry out [comprehensive] studies in the areas of age

1 discrimination, health care, Medical Assistance program policies
2 affecting the elderly, duration of stay contracts for nursing
3 homes, health-related insurance increases and, as appropriate,
4 other major issues affecting the aging [housing, utility costs,
5 taxation, income support and transportation] and to report to
6 the Governor, the General Assembly, the secretary and the public
7 its findings and recommendations in regard to appropriate action
8 and a long-term strategy for [the aging in each of these
9 respective areas of study within one year of the effective date
10 of this act] dealing with these issues. [In each succeeding
11 year, the council shall engage in similar studies and reports on
12 major issues affecting the aging.]

13 (6) Consult with the secretary regarding the operations of
14 the department.

15 (7) To establish [at least four] no more than five regional
16 councils on aging which shall consist of fifteen citizen members
17 and concerning which the composition, members' terms of offices,
18 organization and duties and responsibilities shall be determined
19 by the council.

20 (8) Employ, with such funds as are provided by the
21 department, sufficient staff and services to carry out these
22 duties and powers as well as the duties and powers of the
23 regional councils.

24 Section 2205-A. Planning and Service Area.--[The
25 Commonwealth shall be divided into district planning and service
26 areas as determined by the secretary, pursuant to the Federal
27 Older Americans Act of 1965, as amended.] The Commonwealth is
28 currently divided into planning and service areas. These
29 geographical subdivisions are established by the authority of
30 the secretary under the Federal Older Americans Act of 1965, and

1 may only be changed by order of the secretary under provisions
2 set forth by the department for combining or dividing
3 geographical areas to bring about more effective and efficient
4 planning and service delivery.

5 Section 2206-A. Designated Area Agencies.--For each planning
6 and service area there shall be an area agency [established]
7 designated by the department in accordance with the Federal
8 Older Americans Act of 1965, as amended, to serve as a focal
9 point in the community for the coordination of services for
10 older people and for the issues and concerns of aging. [Such] An
11 area agency so designated must be (i) an established office of
12 aging; (ii) any office or agency of the [local authority] unit
13 of general purpose local government, which is designated for
14 this purpose by the chief elected officials of the [local
15 authority] unit of general purpose local government; (iii) any
16 office or agency designated by the chief elected officials of a
17 combination of [local authorities] units of general purpose
18 local government to act on behalf of such combination for this
19 purpose; or (iv) any public or nonprofit private agency in a
20 planning and service area which is under the supervision or
21 direction for this purpose of the designated State agency and
22 which can engage in the planning or provision of a broad range
23 of social services within such planning and service area; and
24 must provide assurance, found adequate by the department, that
25 it will have the ability to develop and administer an area plan.
26 The secretary may ~~freedesignate~~ OR designate new area agencies <—
27 ~~based on~~ ESTABLISHED regulations [which shall be issued within <—
28 one hundred twenty days of the effective date of this act]. Such <—
29 regulations shall include criteria of efficiencies,
30 appropriateness and equity and shall provide for public hearings

1 on redesignation conducted in the affected planning and service
2 areas. Any such determinations of redesignation shall be
3 executed not less than one hundred days prior to the beginning
4 of the fiscal year of the local authority[†]. A DESIGNATION OR <—
5 REDESIGNATION MAY OCCUR when changes are made in established
6 planning and service area boundaries, when a currently
7 designated area agency is unable or unwilling to continue as the
8 area agency, WHEN REMOVAL OF AN AREA AGENCY DESIGNATION IS <—
9 REQUESTED BY THE LOCAL AUTHORITY or when the department
10 determines that a currently designated area agency is incapable
11 of carrying out its approved area plan. The ANY removal of an <—
12 area agency designation and the designation of a new area agency
13 shall be carried out under regulations promulgated by the
14 department and consistent with the Federal Older Americans Act
15 of 1965. FOR THE PURPOSE OF THIS SECTION, THE TERM "LOCAL <—
16 AUTHORITY" SHALL MEAN COUNTY COMMISSIONERS OR COUNTY COUNCIL.

17 Section 2207-A. Area Agencies; Powers and Duties.--(a) The
18 area agency shall have the authority to act as an advocate at
19 all levels of government and within the community at large for
20 the interests of older persons within the planning and service
21 area. It shall develop a comprehensive area plan to coordinate
22 services for older persons within its planning and service area
23 as the department may prescribe by regulation. The area plan
24 shall make provision for:

- 25 (1) Information and referral, advocacy programs.
26 (2) Social service case management and casework services
27 including protective [placement and] services and placement
28 services.
29 (3) Transportation services.
30 (4) Legal counseling and representation.

(5) In-home services including [residential repair, homemaker, home chore services, and congregate and home delivered meals] personal care and health-related services.

(6) Assistance to secure adequate housing and health services.

(7) Other services required by Federal law and other such services and activities designated by the department or identified as critical needs by the area agency and the area agency advisory board. The State plan on aging and grants and contracts provided by the department shall reasonably accommodate such locally designated priorities and critical needs.

(8) The establishment of an affiliated network of multiservice centers and neighborhood centers for older persons. Each center shall provide those services required by the department in accordance with regulations adopted by the department, which regulations shall provide for the maximum involvement of members of such centers and sponsoring organizations in the identification and prioritization of services and activities to be conducted in such centers.

(a.1) The development, in cooperation with State and local organizations and agencies, of a continuum of community-based service and housing options for impaired and chronically ill older persons designated to maintain them in the community and avoid or delay institutional care. System development activities shall, include, but not be limited to, coordinating area plans for the provision, expansion and effective administration of:

(1) A wide array of personal care and health-related services provided to adults in their home.

(2) A wide array of housing options such as service-assisted

1 housing and personal care homes.

2 (3) Special supports to caregivers who care for impaired
3 older persons.

4 (4) Adult day-care services, respite services and other
5 community-based services to support care by caregivers.

6 (5) The promotion of informal community supports.

7 (6) Geriatric assessment and nursing home screening
8 programs.

9 (7) Special services to protect the health, safety and
10 welfare of older persons who lack the capacity to protect
11 themselves.

12 (8) Special advocacy efforts to promote greater awareness
13 of, and more effective response to, the problems of persons with
14 Alzheimer's disease and other related brain disorders.
15 To the extent that the needs of other adults involve and overlap
16 the needs of older persons addressed by this provision, the area
17 agency shall serve as an advocate for adults of any age.

18 (b) The area agency shall give priority of services to older
19 persons with the greatest needs and least resources. Factors
20 identifying older persons who are entitled to priority are:

21 (1) Functional disability, i.e., severe restriction of
22 ability to carry out daily activities.

23 (2) Aloneness, i.e., living alone in a private apartment or
24 home unaccompanied by a related adult.

25 (3) Advanced age, i.e., seventy-five years of age or above.

26 (4) Low income.

27 (5) Services to minorities in proportion to their numbers
28 consistent with the provisions of the Human Relations Act.

29 (6) Inadequate housing.

30 (7) Lack of access to recreational and social activities.

1 (c) In carrying out this section, the area agency shall
2 provide preference in filling all jobs for persons of age
3 [fifty-five] sixty and above [and shall require such preference
4 in all sub-contracts utilizing funds provided by the
5 Commonwealth. The Department of Aging shall issue regulations
6 pursuant to this section within one hundred fifty days of the
7 effective date of this act] in accordance with the regulations
8 promulgated by the department.

9 (d) [The] Consistent with the Older Americans Act of 1965,
10 as amended, and provisions set forth by the department, the area
11 agency may grant to or contract with any public[,] or private
12 [or nonprofit] agency for the [provisions] provision of social
13 services. The area agency is authorized to use, with their
14 consent, the services, equipment, personnel and facilities of
15 Federal and State agencies, with or without reimbursement, and
16 on a similar basis to cooperate with other public and private
17 agencies, and instrumentalities, in the use of services,
18 equipment and facilities.

19 Section 2208-A. Area Agency Advisory [Boards] Councils.--In
20 each planning and service area, an advisory [board] council of
21 at least fifteen members shall be appointed to advise the area
22 agency[. The department shall issue regulations designating the
23 selection process, composition and powers of advisory boards
24 within one hundred eighty days of the effective date of this
25 act. Such regulations shall provide for a majority of such
26 boards to be composed of persons above the age of sixty; maximum
27 possible involvement of such boards in determining local
28 programs and policies and advocacy roles within area agency
29 programs and local communities as well as for administrative
30 funds to carry out their functions.] with regard to the needs of

1 older persons residing in the planning and service area and the
2 area agency's responses to those needs. The composition and
3 responsibility of the area agency advisory council shall be
4 consistent with the provisions of the Federal Older Americans
5 Act of 1965 and the regulations of the department. As a minimum,
6 these regulations shall require that each council be composed of
7 a majority of persons above the age of sixty. Such councils
8 shall be given the maximum possible opportunity to influence
9 local programs and policies and advocacy roles within area
10 agency programs and local communities. Area agencies shall
11 provide advisory councils with the funds necessary to carry out
12 their functions.

13 Section 2209-A. Area Agencies; Reports and Plans.--[(a) The
14 area agency shall submit to the Department of Aging an annual
15 report describing and evaluating its programs and services
16 within thirty days after the close of the area agency's fiscal
17 year.

18 (b) The area agency shall submit to the department for
19 approval an area plan ninety days prior to the start of the area
20 agency's fiscal year. The area agency shall conduct, prior to
21 the submission of the area plan to the department for approval,
22 a public hearing on the area plan. If the department approves
23 the area plan, or fails to act within sixty days, the area plan
24 shall go into effect at the beginning of the fiscal year. If the
25 department disapproves the area plan, it shall forward the
26 reasons for disapproval to the area agency which shall have
27 twenty days to resubmit an amended area plan. If the department
28 approves the resubmitted area plan, it shall be effective at the
29 beginning of the fiscal year. If the resubmitted area plan is
30 disapproved, the department shall forward its revised area plan

1 for implementation by the area agency at the beginning of the
2 fiscal year, provided that the department shall hold a hearing
3 in the area prior to such action and that the department may
4 authorize the continuation of the provision of services under
5 the current area plan for a period not to exceed ninety days.]

6 (a) Under provisions set forth by the department, the area
7 agency shall submit to the department a comprehensive area plan
8 on aging which clearly explains the area agency's objectives for
9 providing services to the aging of the planning and service
10 area. This plan may be submitted as part of a coordinated county
11 human service plan, provided that the format is approved by the
12 department.

13 (b) Each area agency, under provisions set forth by the
14 department, shall submit an annual self-evaluation report which
15 describes and evaluates its programs and services after the
16 close of each year of funding by the department.

17 Section 2210-A. Allocation of Resources.--(a) The area
18 agency shall receive a basic allocation of resources, consisting
19 of State and Federal funds weighted by the proportion of older
20 poor persons who reside in the planning and service area in
21 relation to the total number of older poor persons who reside in
22 the Commonwealth of Pennsylvania utilizing poverty threshold
23 income standards as determined by the United States Office of
24 Management and Budget except that each area agency shall be held
25 harmless to the amount of [such] State funds received in the
26 preceding program year [in which this act becomes effective].

27 (b) The department may allocate additional resources to area
28 agencies based upon the total number of older persons who reside
29 within the planning and service area, the availability of
30 transportation services, the rural-urban distribution of older

1 persons, and attendant rural program cost differentials, the
2 need for social and medical services, the amount of funds
3 devoted by county commissioners for older persons and other
4 special circumstances as determined by the secretary.

5 (c) Funds appropriated to carry out the purposes of this act
6 shall be distributed to the local authorities or nonprofit
7 agencies as grants for services to the aging, if there is an
8 acceptable plan in accordance with section 2209-A.

9 [(d) The Department of Public Welfare shall transfer, for
10 three State fiscal years immediately subsequent to the effective
11 date of this act, to the Department of Aging a proportion of the
12 State allotment under Title XX of the Social Security Act at
13 least equal to the proportion of such funds, including training
14 and administrative funds, allocated to the office for the aging
15 in relation to the State's total allotment in the same fiscal
16 year as the effective date of this act.]

17 Section 2212-A. Demonstration Programs.--In recognition of
18 the need for expanded knowledge and experience concerning the
19 status of older persons in Pennsylvania, the Secretary of Aging
20 may provide for research and demonstration programs for the
21 purpose of:

22 (1) Studying current living conditions and needs of older
23 persons, with special emphasis on persons with low income,
24 functional disabilities, advanced age ~~{and}—or~~ isolated living <—
25 situations.

26 (2) Studying existing methods and alternatives for providing
27 services, programs and opportunities to older persons.

28 (3) Identifying those factors of particular detriment or
29 benefit to the welfare of older persons.

30 (4) Developing new approaches and alternatives for living

1 arrangements, social services, institutional care, health
2 services, legal representation and the coordination of community
3 services for older persons.

4 Section 2. All acts and parts of acts are repealed insofar
5 as they are inconsistent with this act.

6 Section 3. (a) This act shall constitute the legislation
7 necessary to reestablish the Department of Aging under the act
8 of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

9 (b) The Department of Aging shall terminate December 31,
10 1997, unless reestablished pursuant to the Sunset Act.

11 Section 4. This act shall take effect immediately.