
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 704

Session of
1985

INTRODUCED BY HARPER, MARKOSEK, BATTISTO, HALUSKA, DALEY,
JAROLIN, HERMAN, JOSEPHS, CARN, ACOSTA AND RUDY, MARCH 26,
1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 26, 1985

AN ACT

1 Establishing a program of limited domestic service for certain
2 elderly, blind or handicapped persons; granting powers and
3 imposing duties on the Department of Aging; providing for
4 payments from the State Lottery Fund; fixing penalties for
5 violations of the program; and making a limited repeal.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Domestic
10 Assistance for the Elderly Act.

11 Section 2. Definitions.

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

15 "Blind person." Any person 18 years of age or older who has
16 three-sixtieths or ten two-hundredths, or less, normal vision.

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

18 "Domestic assistance." Activities related to the regular
19 maintenance of the interior of a home or apartment, including,

1 but not limited to, vacuuming, general cleaning, furniture
2 polishing, window cleaning, washing floors and dusting.

3 "Eligible claimant." Any resident of this Commonwealth who
4 is 62 years of age or older or blind or handicapped and whose
5 annual income is less than the maximum annual income.

6 "Handicapped." A person who is unable to engage in any
7 substantial gainful activity by reason of any medically
8 determinable physical or mental impairment which can be expected
9 to continue indefinitely.

10 "Income." All income from whatever source derived,
11 including, but not limited to, salaries, wages, bonuses,
12 commissions, income from self-employment, alimony, support
13 money, cash public assistance and relief, the gross amount of
14 any pensions or annuities including railroad retirement
15 benefits, all benefits received under the Federal Social
16 Security Act (except Medicare benefits), all benefits received
17 under State unemployment insurance laws and veterans' disability
18 payments, all interest received from the Federal Government or
19 any state government, or any instrumentality or political
20 subdivision thereof, realized capital gains, rentals, workmen's
21 compensation and the gross amount of loss of time insurance
22 benefits, life insurance benefits and proceeds, except the first
23 \$5,000 of the total of death benefits payments, and gifts of
24 cash or property, other than transfers by gift between members
25 of a household, in excess of a total value of \$300. The term
26 shall not include surplus food or other relief in kind supplied
27 by a government agency or property tax rebate.

28 "Maximum annual income." Annual income as determined by the
29 department. Such amount shall not exceed \$15,000 in the case of
30 single persons nor \$18,000 in the case of the combined annual

1 income of married persons.

2 "Private contractor." A person, partnership or corporate
3 entity who designs and submits a proposal to provide domestic
4 assistance as established under the provisions of this act.

5 "Program." The domestic assistance contract for the elderly
6 as established by this act.

7 Section 3. Responsibilities of department.

8 (a) Determination of eligibility.--The department shall
9 adopt regulations relating to the determination of eligibility
10 of prospective claimants and providers and the determination and
11 elimination of program abuse. The department shall have the
12 power to investigate cases of suspected provider or recipient
13 fraud. The department, through the Prescription Assistance
14 Contract for the Elderly hotline, shall monitor the
15 effectiveness of the program.

16 (b) Rebates for expenses prohibited.--A system of rebates or
17 reimbursements to the participant for domestic expenses shall be
18 prohibited.

19 (c) Request for proposal.--The department shall prepare a
20 request for proposal for the purpose of providing domestic
21 assistance for the elderly within this Commonwealth. Upon the
22 adoption of the General Fund Budget, the Department of Revenue
23 shall transmit the appropriated funds in the State Lottery Fund
24 to the State Treasurer to be deposited in the Domestic
25 Assistance Contract for the Elderly Fund, to be created by the
26 State Treasurer to fund the operations of the program. Funds not
27 expended in the fiscal year in which they were appropriated
28 shall not lapse and be available for use in the next fiscal
29 year.

30 (d) Program criteria.--The program shall include the

1 following criteria:

2 (1) Providers are to be paid within 21 days of the
3 contracting firm receiving the appropriate substantiation of
4 the transaction.

5 (2) Senior citizens participating in the program are not
6 required to maintain records of each transaction.

7 (3) A system of rebates or reimbursements to the
8 participant for domestic expenses shall be prohibited.

9 (4) The program shall consist of quarterly payments to
10 providers, based on a daily wage of \$35, and reasonable
11 transportation costs for the area where the domestic
12 assistance is provided.

13 (5) The program must be in place and operational within
14 90 days of the effective date of the contract.

15 (e) Reports by department.--The department shall maintain
16 quarterly statistical records on the program to effectively
17 determine the cost of the program level of participation. Based
18 on this information, the department shall submit a report every
19 six months to the Aging and Youth Committee in the Senate and
20 the Health and Welfare Committee in the House of
21 Representatives. The report shall contain, but is not limited
22 to, all information relating to the number of persons served by
23 the program, their counties of residence, the cost of domestic
24 assistance and an estimate of actual expenses incurred by
25 providers participating in the program.

26 Section 4. Contract.

27 The department is authorized to enter into a contract, or a
28 series of contracts, providing for domestic assistance to
29 eligible persons pursuant to this act. The department shall
30 select proposals that include, but are not limited to, the

1 criteria set forth in section 3.

2 Section 5. Penalties.

3 (a) Criminal penalties.--Any person who submits a false or
4 fraudulent claim under this act, or who aids or abets another in
5 the submission of a false or fraudulent claim, or who claims or
6 receives duplicative benefits hereunder or who otherwise
7 violates any provisions of this act, commits a misdemeanor of
8 the third degree.

9 (b) Repayment of gain.--Any provider or recipient who is
10 found guilty under this act is subject to repay three times the
11 value of the material gain he received.

12 Section 6. Implementation of act.

13 Implementation of the provisions of this act shall be in
14 accordance with the following time-frame guidelines:

15 (1) The department shall publish its request for
16 proposals in the Pennsylvania Bulletin within 60 days of the
17 effective date of this act.

18 (2) The deadline for submitting bids on the proposal
19 shall be 60 days from the date of publication.

20 (3) The department must make a selection and enter into
21 contracts within 30 days of the close of bids.

22 Section 7. Repeal.

23 The act of August 26, 1971 (P.L.351, No.91), known as the
24 State Lottery Law, is repealed to the extent that it restricts
25 payments from the State Lottery Fund.

26 Section 8. Effective date.

27 This act shall take effect immediately.