

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1576

Session of
1987

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J. TAYLOR, TRUMAN, HERMAN, GEIST, VEON AND DeLUCA, JUNE 17,
1987

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JUNE 17, 1987

AN ACT

1 Providing for home-based care as an alternative to institutional
2 care; and providing for further duties of the Department of
3 Aging.

4 The General Assembly finds as follows:

5 (1) In-home community services have not been
6 sufficiently available to many older adults with long-term
7 care needs.

8 (2) Many older adults who need long-term care do not
9 require a level of care that requires institutionalization
10 and could remain in their homes if in-home services were
11 available.

12 (3) In-home services can serve to augment care being
13 given by the family or others and provide an incentive to
14 family caregivers to continue giving care for longer periods
15 of time. Such services will also enable an individual to

1 remain at home when no family or other sources of care are
2 available.

3 (4) In-home care is a more cost-effective means of
4 providing care while permitting the individual to remain in
5 the community.

6 The General Assembly declares it is the policy of the
7 Commonwealth that:

8 (1) In-home community services be made more broadly
9 available in order to enable older adults with long-term care
10 needs to live in their own homes and communities.

11 (2) The increased availability of in-home and community
12 services will assist families and friends in their efforts to
13 keep adults with long-term care needs out of institutions.

14 (3) The priority recipients of in-home and community
15 services are older adults who are 60 years of age or older
16 and who, without in-home care, would be most likely to be
17 placed in an institutional setting.

18 (4) A variety of agencies, facilities and licensed or
19 certified individual practitioners should be encouraged to
20 provide in-home and community services.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the In-Home
25 Community Services Act.

26 Section 2. Definitions.

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

30 "Agreement." A contract, grant or other method of payment.

1 "Area agency on aging." An agency designated by the
2 Department of Aging to administer and develop an area plan for a
3 comprehensive and coordinated system of services for older
4 people within the boundaries of a defined planning and service
5 area.

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

7 "Eligible individual." Persons 65 years of age or older,
8 persons suffering from Alzheimer's disease or other chronic
9 degenerative brain disorders, and physically disabled persons 60
10 years of age or older who have limitations which restrict their
11 ability to carry out activities of daily living and impede their
12 ability to live independently.

13 "In-home and community services." Health and social services
14 and other assistance required to enable adults with long-term
15 care needs to remain in their places of residence. The term
16 includes, but is not limited to, case management, professional
17 nursing, physical therapy, dietary and nutrition services; home
18 health aide services; attendant care services; companion
19 services; day-care, handyman, chore and homemaker services;
20 respite care; counseling services; and other necessary services.

21 "Institutional settings." Personal care boarding homes and
22 other residential care facilities, intermediate and skilled care
23 facilities and hospitals, and State institutions.

24 "Provider." An entity, agency, facility or individual that
25 meets standards developed by the department and offers in-home
26 or community services.

27 "Secretary." The Secretary of Aging of the Commonwealth.
28 Section 3. Programs.

29 (a) Establishment.--The department shall develop and
30 establish, under this act, programs of preadmission assessment,

1 case management and in-home and community services for adults
2 with long-term care needs. The programs shall be administered by
3 area agencies on aging at the local level.

4 (b) Eligibility.--An adult with long-term care needs is
5 eligible for in-home and community services under this act if
6 the area agency on aging, or its designee, determines that the
7 adult:

8 (1) Is at risk of being or already has been placed
9 inappropriately in an institutional setting.

10 (2) Could remain at home if sufficient in-home and
11 community services were available.

12 (3) Has insufficient personal income or support from
13 family members and other sources to meet adult long-term
14 needs.

15 Section 4. Delivery of services.

16 (a) Agreements with providers.--In order to provide in-home
17 and community services, an area agency on aging may enter into
18 agreements with providers. Each agreement shall include the
19 types of in-home and community services to be provided, the cost
20 of the services, the method of payment and the criteria to be
21 used for evaluating the provisions of services.

22 (b) Solicitation of proposals.--The area agencies on aging
23 shall solicit proposals from providers who desire to provide in-
24 home and community services under this act. Providers shall
25 submit proposals in the form and manner required by the
26 department. The area agencies on aging shall select proposals
27 based on the criteria developed by the department. The area
28 agencies on aging may provide services directly to older adults
29 when providers are unable or unwilling to provide services.

30 Section 5. Funding.

1 (a) Application.--The department shall apply for and use any
2 Federal, State or private funds which become available to carry
3 out any program of in-home and community services.

4 (b) Fee scale.--The department shall develop, wherever
5 practicable, a sliding fee scale for in-home and community
6 services provided.

7 (c) Disbursement of funds.--The department shall disburse
8 funds in a manner that ensures equitable distribution of
9 services among adults with long-term care needs and among the
10 various regions of the Commonwealth.

11 (d) Limitation.--In-home and community services shall be
12 available only to the extent that they are funded through annual
13 appropriations and program income.

14 Section 6. Demonstration projects.

15 The department may initiate research and demonstration
16 projects to test and evaluate new or more effective ways of
17 providing in-home and community services.

18 Section 7. Rules and regulations.

19 The department shall promulgate such rules and regulations,
20 including those which specify the criteria to be used in ranking
21 proposals, as may be necessary for the effective administration
22 of any programs of in-home and community services under this
23 act.

24 Section 8. Report.

25 One year after the effective date of this act, the secretary
26 shall submit a report to the legislative committees having
27 jurisdiction over appropriations and the legislative committees
28 having jurisdiction over health and welfare services. This
29 report shall include at least the following information
30 regarding in-home and community services authorized by this act:

1 (1) A summary of the types of services provided and
2 costs and clients served under this act.

3 (2) A comparative analysis of the costs of in-home and
4 community services compared to the cost of services provided
5 in institutional settings.

6 Section 9. Effective date.

7 This act shall take effect immediately.