

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2213

Session of
2001

INTRODUCED BY PISTELLA, SCHULER, PALLONE, WOJNAROSKI, CAPPELLI,
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SOLOBAY, TRELLO, TRICH, WASHINGTON, YOUNGBLOOD, M. BAKER,
YUDICHAK AND CALTAGIRONE, DECEMBER 5, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 5, 2002

AN ACT

1 ~~Establishing the Intragovernmental Council on Long-term Care~~ <—
2 PENNSYLVANIA LONG-TERM CARE COUNCIL and providing for its <—
3 powers and duties; and making a repeal.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the

8 ~~Intragovernmental Council on Long-term Care~~ PENNSYLVANIA LONG- <—
9 TERM CARE COUNCIL 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 "Council." The ~~Intragovernmental Council on Long-term Care~~ <—
15 PENNSYLVANIA LONG-TERM CARE COUNCIL. <—

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

1 Section 3. Establishment of council.

2 (a) Council established.--The General Assembly hereby
3 establishes the ~~Intragovernmental Council on Long term Care~~ <—
4 PENNSYLVANIA LONG-TERM CARE COUNCIL within the department. <—

5 (b) Membership.--The council shall be composed of and
6 appointed in accordance with the following:

7 (1) The Secretary of Aging.

8 (2) The Secretary of Community and Economic Development.

9 (3) The Secretary of Education.

10 (4) The Secretary of Health.

11 (5) The Secretary of Labor and Industry.

12 (6) The Secretary of Public Welfare.

13 (7) The Insurance Commissioner.

14 (8) The State ~~Long term~~ LONG TERM Care Ombudsman. <—

15 (9) The ~~Chairman~~ EXECUTIVE DIRECTOR of the Pennsylvania <—
16 Housing Finance Agency.

17 (10) Two members of the Senate, one appointed by the
18 President pro tempore and one by the Minority Leader.

19 (11) Two members of the House of Representatives, one
20 appointed by the Speaker of the House of Representatives and
21 one by the Minority Leader.

22 (12) One representative from the Pennsylvania Council on
23 Aging.

24 (13) Four members who represent advocate groups.

25 (14) Four members who represent consumer interests.

26 (15) One member who represents special needs
27 populations.

28 (16) Seven members who represent providers throughout
29 the long-term care continuum.

30 (17) One member from the general public.

1 (18) Four members at large.

2 (C) DESIGNEE.--WITH THE EXCEPTION OF THE CHAIRPERSON, <—
3 GOVERNMENTAL MEMBERS MAY APPOINT A DESIGNEE TO ATTEND AND VOTE
4 AT MEETINGS OF THE COUNCIL. EACH GOVERNMENTAL MEMBER WHO
5 APPOINTS A DESIGNEE SHALL DO SO BY SENDING A LETTER TO THE
6 CHAIRPERSON STATING THE NAME OF THAT DESIGNEE.

7 ~~(c)~~ (D) Appointment of nongovernmental members.-- <—
8 Nongovernmental members shall be recommended by the Secretary of
9 Aging, ~~after consultation with the governmental members on the~~ <—
10 ~~council,~~ for appointment by the Governor and shall serve until
11 their successors are appointed.

12 ~~(d)~~ (E) Chairperson.--The Secretary of Aging shall serve as <—
13 chairperson.

14 (F) EXECUTIVE DIRECTOR.--THE SECRETARY OF AGING SHALL <—
15 APPOINT AN EXECUTIVE DIRECTOR OF THE COUNCIL.

16 ~~(e)~~ (G) Terms of members.-- <—

17 (1) The terms of the Secretary of Aging, the Secretary
18 of Community and Economic Development, the Secretary of
19 Education, the Secretary of Health, the Secretary of Labor
20 and Industry, the Secretary of Public Welfare, the Insurance
21 Commissioner, the State ~~Long-term~~ LONG TERM Care Ombudsman <—
22 and the chairman of the Pennsylvania Housing Finance Agency
23 shall be concurrent with their holding of public office.

24 (2) The terms of the members of the Senate and the House
25 of Representatives shall be concurrent with the terms of the
26 appointing officer.

27 (3) Nongovernmental members shall serve until their
28 successors are appointed and as long as they represent the
29 interest of the membership class for which they were
30 appointed.

1 Section 4. Powers and duties of council.

2 The ~~Intragovernmental Council on Long-term Care~~ COUNCIL shall <—
3 have the following powers and duties:

4 (1) To consult with various departments and agencies and
5 make recommendations on regulations, licensure, financing or
6 any other responsibilities of those departments or agencies
7 relating to long-term care.

8 (2) To perform such other duties as the Governor may
9 ~~assign in planning for long-term care, services, benefits or~~ <—
10 ~~programs.~~

11 ~~(3) To approve, by a majority of the council, reports~~
12 ~~produced by each subcommittee before release to the public or~~
13 ~~the General Assembly.~~

14 ~~(4) To develop and adopt rules for conducting~~
15 ~~subcommittee meetings. This includes determining the scope of~~
16 ~~responsibilities for each subcommittee.~~

17 ~~(5) To assign topics for research and study to each~~
18 ~~subcommittee. This does not prevent a subcommittee from~~
19 ~~proposing topics for consideration to the council.~~

20 ~~Section 5. Council subcommittees.~~

21 ~~(a) Establishment. The Intragovernmental Council on Long-~~
22 ~~term Care shall establish the following four standing~~
23 ~~subcommittees:~~

24 ~~(1) Regulatory Review.~~

25 ~~(2) Community Access.~~

26 ~~(3) Long-term Care Service Models.~~

27 ~~(4) Workforce Development.~~

28 ~~(b) Composition. Each subcommittee shall be composed of the~~
29 ~~following members who shall be appointed and serve in the same~~
30 ~~manner as section 3(c):~~

1 ~~(1) Two members who represent advocate groups.~~

2 ~~(2) Two members who represent consumers.~~

3 ~~(3) Three members who represent long term care~~
4 ~~providers.~~

5 ~~(4) One member who is a direct care employee.~~

6 ~~(5) One member from the general public.~~

7 ~~(c) Chairpersons and vice chairpersons. The members of each~~
8 ~~subcommittee shall elect a chairperson and vice chairperson to~~
9 ~~serve for a period of one year.~~

10 ~~(d) Role of governmental members. Governmental members~~
11 ~~shall serve as ex officio members on each subcommittee.~~

12 ASSIGN RELATING TO LONG-TERM CARE. <—

13 (3) TO APPROVE REPORTS PRODUCED BY EACH COMMITTEE BEFORE
14 RELEASE TO THE PUBLIC OR THE GENERAL ASSEMBLY.

15 (4) TO DEVELOP AND ADOPT RULES FOR CONDUCTING COUNCIL
16 MEETINGS, INCLUDING, BUT NOT LIMITED TO, THE PROCEDURE FOR
17 FORMALLY ADOPTING THE APPROVAL OF COMMITTEE REPORTS BEFORE
18 RELEASE TO THE PUBLIC.

19 (5) TO DEVELOP AND ADOPT RULES FOR CONDUCTING COMMITTEE
20 MEETINGS. THIS INCLUDES, BUT IS NOT LIMITED TO, DETERMINING
21 THE SCOPE OF RESPONSIBILITIES FOR EACH COMMITTEE, THE NUMBER
22 OF MEMBERS FOR EACH COMMITTEE AND THE PROCEDURE FOR FORMALLY
23 ADOPTING THE APPROVAL OF COMMITTEE REPORTS BEFORE RELEASE TO
24 THE COUNCIL.

25 (6) TO ASSIGN TOPICS FOR RESEARCH AND STUDY TO EACH
26 COMMITTEE. THIS DOES NOT PREVENT A COMMITTEE FROM PROPOSING
27 TOPICS FOR CONSIDERATION TO THE COUNCIL.

28 (7) ALL OF THE POWERS AND DUTIES SET FORTH IN THIS
29 SECTION SHALL BE CARRIED OUT IN A MANNER THAT ADDRESSES ALL
30 AREAS OF LONG-TERM CARE INCLUDING INSTITUTIONAL CARE AND HOME

1 AND COMMUNITY-BASED SERVICES.

2 (8) EMPLOY, WITH SUCH FUNDS AS MAY BE ANNUALLY
3 APPROPRIATED BY THE GENERAL ASSEMBLY, SUFFICIENT STAFF AND
4 SERVICES TO CARRY OUT THE OPERATIONS OF THE COUNCIL.

5 SECTION 5. COUNCIL COMMITTEES.

6 (A) ESTABLISHMENT.--THE COUNCIL SHALL ESTABLISH THE
7 FOLLOWING FOUR STANDING COMMITTEES:

8 (1) REGULATORY REVIEW AND ACCESS TO CARE.

9 (2) COMMUNITY ACCESS AND PUBLIC EDUCATION.

10 (3) LONG-TERM CARE SERVICE MODELS AND DELIVERY.

11 (4) WORKFORCE.

12 (B) COMPOSITION.--THE COUNCIL CHAIRPERSON WITH CONCURRENCE
13 BY THE COUNCIL SHALL APPOINT COMMITTEE MEMBERS TO SERVE IN THE
14 SAME MANNER AS SECTION 3(G). THE MEMBERS SHALL REPRESENT:

15 (1) ADVOCATE GROUPS;

16 (2) CONSUMERS;

17 (3) LONG-TERM CARE PROVIDERS;

18 (4) DIRECT CAREGIVERS;

19 (5) THE GENERAL PUBLIC; AND

20 (6) GOVERNMENTAL ENTITIES.

21 (C) NONGOVERNMENTAL APPOINTEES.--INDIVIDUALS WHO ARE
22 CURRENTLY SERVING ON THE COUNCIL MAY NOT BE APPOINTED TO A
23 COMMITTEE.

24 (D) CHAIRPERSONS AND VICE-CHAIRPERSONS.--THE CHAIRPERSON OF
25 THE COUNCIL SHALL APPOINT A CHAIRPERSON AND VICE-CHAIRPERSON FOR
26 EACH COMMITTEE.

27 (e) Duties.--The council subcommittees shall have the
28 following powers and duties:

29 (1) To study and report on the topics assigned by the
30 council.

1 (2) To retain individuals, with the permission of the
2 council, to assist in researching, studying and drafting
3 reports for the council.

4 (3) To approve, ~~by a majority vote of the members of the~~ <—
5 ~~subcommittee~~, reports and recommendations that are to be
6 provided to the council. ONLY MEMBERS APPOINTED TO THE <—
7 COMMITTEE MAY PARTICIPATE IN APPROVING REPORTS AND
8 RECOMMENDATIONS.

9 (f) Workgroups.--Nothing in this section shall prevent the
10 CHAIRPERSON, WITH CONCURRENCE BY THE council, from establishing <—
11 ad hoc workgroups to assist the ~~subcommittees with research~~ <—
12 COUNCIL OR COMMITTEES. <—

13 Section 6. Existing council members.

14 Those members of the council currently serving on the council
15 shall continue to serve until successors are appointed. This
16 section shall not prohibit the reappointment of existing
17 members.

18 Section 7. Repeal.

19 Section 212 of the act of June 13, 1967 (P.L.31, No.21),
20 known as the Public Welfare Code, is repealed.

21 Section 8. Effective date.

22 This act shall take effect January 1, 2003.