
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 247 Session of
2005

INTRODUCED BY HESS, PISTELLA, SATHER, BAKER, BASTIAN, BELFANTI,
BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CRAHALLA, CURRY,
FABRIZIO, GEIST, GINGRICH, GOODMAN, GRUCELA, HERMAN, LEDERER,
MAITLAND, MCGEEHAN, O'NEILL, PHILLIPS, READSHAW, REICHLEY,
RUBLEY, SOLOBAY, STABACK, STERN, THOMAS, TIGUE, WHEATLEY,
CIVERA, BROWNE, WATSON, PICKETT, BIANCUCCI, DeLUCA AND
WRIGHT, FEBRUARY 8, 2005

SENATOR WENGER, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 28, 2006

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," further providing for
10 definitions; providing for licensure of home care agencies
11 AND HOME CARE REGISTRIES; establishing certain consumer <—
12 ~~rights and~~ protections; and providing for inspections and <—
13 plans of correction and for applicability of act.

14 The General Assembly finds and declares that:

15 The intent of this act is to license home care agencies AND <—
16 HOME CARE REGISTRIES in order to provide for consumer protection
17 by establishing oversight, by requiring criminal background
18 checks and communicable disease screens for individuals EMPLOYED <—
19 BY A HOME CARE AGENCY AND referred by a home care agency <—

1 REGISTRY to provide care, and by ensuring the physical health <—
2 and competency of individuals EMPLOYED BY A HOME CARE AGENCY AND <—
3 referred by a home care ~~agency~~ REGISTRY to provide care. <—

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

6 Section 1. The definitions of "health care facility" and
7 "home health care agency" in section 802.1 of the act of July
8 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
9 Act, amended December 18, 1992 (P.L.1602, No.179) and October
10 16, 1998 (P.L.777, No.95), are amended and the section is
11 amended by adding definitions to read:

12 Section 802.1. Definitions.

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

16 "Activities of daily living." The term includes, but is not
17 limited to, services furnished to a consumer by an employee OF A <—
18 HOME CARE AGENCY or an independent contractor referred from a
19 home care ~~agency~~ REGISTRY in a consumer's place of residence or <—
20 other independent living environment for compensation and which
21 services provide assistance to the consumer with home management
22 activities, respite care, companionship services and with
23 personal care, including, but not limited to, assistance with
24 self-administered medications, feeding, oral, skin and mouth
25 care, shaving, assistance with ambulation, bathing, hair care
26 and grooming, dressing, toileting and transfer activities. The
27 term also includes instrumental activities of daily living. The
28 term does not include services provided by a religious
29 organization for the purpose of providing services exclusively
30 to clergymen or consumers in a religious profession who are

1 members of a religious denomination.

2 * * *

3 "Health care facility." For purposes of Chapter 8, a health
4 care facility includes, but is not limited to, a general,
5 chronic disease or other type of hospital, a home health care
6 agency, a home care agency, a hospice, a long-term care nursing
7 facility, cancer treatment centers using radiation therapy on an
8 ambulatory basis, an ambulatory surgical facility, a birth
9 center regardless of whether such health care facility is
10 operated for profit, nonprofit or by an agency of the
11 Commonwealth or local government. The department shall have the
12 authority to license other health care facilities as may be
13 necessary due to emergence of new modes of health care. When the
14 department so finds, it shall publish its intention to license a
15 particular type of health care facility in the Pennsylvania
16 Bulletin in accordance with the act of June 25, 1982 (P.L.633,
17 No.181), known as the "Regulatory Review Act." The term health
18 care facility shall not include an office used primarily for the
19 private practice of a health care practitioner, nor a program
20 which renders treatment or care for drug or alcohol abuse or
21 dependence unless located within a health facility, nor a
22 facility providing treatment solely on the basis of prayer or
23 spiritual means. The term health care facility shall not apply
24 to a facility which is conducted by a religious organization for
25 the purpose of providing health care services exclusively to
26 clergymen or other persons in a religious profession who are
27 members of a religious denomination.

28 "Home care agency." An organization, ~~registry or part~~ <—
29 ~~thereof~~, exclusive of a home health care agency, that supplies,
30 ~~arranges, refers or schedules employees to provide or~~ <—

1 ~~independent contractors to perform activities of daily living or~~ <—
2 ~~instrumental activities of daily living or companionship~~
3 ~~services or specialized care on an hourly, shift or continual~~
4 ~~basis to a consumer in the consumer's place of residence or~~
5 ~~other independent living environment for which the organization~~
6 ~~receives a fee, consideration or compensation of any kind. The~~
7 ~~term shall not include durable medical equipment providers or~~
8 ~~volunteer providers.~~

9 "Home care registry" or "registry." An organization or
10 business entity or part thereof that supplies, arranges or
11 refers independent contractors to provide activities of daily
12 living or instrumental activities of daily living or specialized
13 care in the consumer's place of residence or other independent
14 living environment for which the registry receives a fee,
15 consideration or compensation of any kind.

16 "Home health care agency." An organization or part thereof
17 staffed and equipped to provide nursing and at least one
18 therapeutic service to persons who are disabled, aged, injured
19 or sick in their place of residence[.] or other independent
20 living environment. The agency may also provide other health-
21 related services to protect and maintain persons in their [own
22 home.] place of residence or other independent living
23 environment.

24 * * *

25 "Inspection." An examination by the department or its
26 representatives, including interviews with the office staff,
27 clients, individuals providing care and AND INDIVIDUALS <—
28 PROVIDING CARE AND A review of documents pertinent to initial
29 and continued licensure so that the department may determine <—
30 whether a home care agency is operating in FOR THE PURPOSE OF <—

1 DETERMINING A HOME CARE AGENCY'S OR HOME CARE REGISTRY'S
2 compliance with licensure requirements.

3 "Instrumental activities of daily living" or "IADL." This
4 term includes, but is not limited to, meal preparation, shopping
5 and errands, telephone use, light housework, laundry and
6 transportation.

7 * * *

8 Section 2. Section 806 of the act is amended by adding a
9 subsection to read:

10 Section 806. Licensure.

11 * * *

12 (d.1) Home care agency AND HOME CARE REGISTRY regulations <—

13 LICENSURE REQUIREMENTS.-- <—

14 ~~(1) In developing rules and regulations for licensure of~~ <—

15 ~~home care agencies, the department shall ensure that an~~
16 ~~individual accepted for referral~~

17 (1) AN INDIVIDUAL WITH DIRECT CONSUMER CONTACT EMPLOYED <—

18 BY THE HOME CARE AGENCY AND AN INDIVIDUAL REFERRED TO A

19 CONSUMER by a home care agency REGISTRY after the effective <—

20 date of this subsection shall have MEET at least one of the <—

21 following REQUIREMENTS prior to referral to consumers: <—

22 (i) ~~a~~ A valid nurse's license+ IN THIS COMMONWEALTH. <—

23 (ii) THE successful completion of a nurse aide <—

24 training program approved by the State DEPARTMENT. ~~or~~ <—

25 ~~successful completion of a competency examination;~~

26 (iii) THE successful completion of a home health <—

27 aide training program AS PROVIDED IN 42 CFR 484.36 <—

28 (RELATING TO CONDITION OF PARTICIPATION: HOME HEALTH AIDE

29 SERVICES) approved by the State DEPARTMENT. ~~or successful~~ <—

30 ~~completion of a competency examination or if an~~

~~individual is an employee on the effective date of this subsection, the individual shall successfully complete the approved training program within one year;~~

~~(iv) THE successful completion of a personal care worker training credentialing program approved by the State DEPARTMENT. or successful completion of a competency examination; or~~

~~(v) THE successful completion of a competency examination for persons performing only instrumental activities of daily living services.~~

~~(2) Documentation of at least one of paragraph (1)(i) through (v) shall be kept in each individual's file in the home care agency office, and documentation of applicable State licensure for any health care practitioner shall be kept on file in the home care agency office.~~

~~(2) AN INDIVIDUAL EMPLOYED BY A HOME CARE AGENCY OR REFERRED BY A HOME CARE REGISTRY ON THE EFFECTIVE DATE OF THIS SUBSECTION SHALL SUCCESSFULLY COMPLETE ONE OF THE TRAINING REQUIREMENTS SET FORTH IN PARAGRAPH (1) WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS ACT SUBSECTION.~~

~~(3) Prior to licensing a home care agency, the department shall ensure that all individuals referred by the home care agency, office staff working for the home care agency and owners of the home care agency shall have criminal~~

~~(3) DOCUMENTATION OF COMPLIANCE WITH AT LEAST ONE OF THE TRAINING REQUIREMENTS UNDER PARAGRAPH (1) SHALL BE MAINTAINED IN EACH INDIVIDUAL'S FILE IN THE HOME CARE AGENCY OR HOME CARE REGISTRY OFFICE. DOCUMENTATION OF APPLICABLE STATE LICENSURE FOR ANY HEALTH CARE PRACTITIONER SHALL ALSO BE MAINTAINED ON FILE IN THE HOME CARE AGENCY OR REGISTRY~~

1 OFFICE.

2 (4) (I) PRIOR TO LICENSING A HOME CARE AGENCY OR A HOME
3 CARE REGISTRY, THE DEPARTMENT SHALL DETERMINE THAT ALL
4 INDIVIDUALS EMPLOYED BY AN AGENCY OR REFERRED BY A
5 REGISTRY, ~~ALL~~ STAFF WORKING WITHIN EACH ENTITY AND THE <—
6 OWNER OR OWNERS HAVE OBTAINED CRIMINAL history record
7 information, in accordance with the requirements of
8 section 503 of the act of November 6, 1987 (P.L.381,
9 No.79), known as the "Older Adults Protective Services <—
10 Act," on file in the office. If the agency provides
11 services to persons who are under 18 years of age, then
12 prior to the licensing of the home care agency, the
13 department shall ensure that all individuals referred by
14 the home care agency, office staff working for the home
15 care agency and owners of the home care agency shall
16 obtain clearance from SERVICES ACT," AND MAINTAIN THAT <—
17 INFORMATION ON FILE IN THE HOME CARE AGENCY OR REGISTRY
18 OFFICE.

19 (II) PRIOR TO LICENSING A HOME CARE AGENCY OR A HOME
20 CARE REGISTRY WHICH PROVIDES SERVICES TO PERSONS UNDER 18
21 YEARS OF AGE, THE DEPARTMENT SHALL DETERMINE THAT ALL
22 INDIVIDUALS EMPLOYED BY AN AGENCY OR REFERRED BY A
23 REGISTRY, ALL OFFICE STAFF WORKING WITHIN EACH ENTITY AND
24 THE OWNER OR OWNERS HAVE OBTAINED CLEARANCE FROM the <—
25 child abuse registry, in accordance with 23 Pa.C.S. Ch.
26 63 (relating to child protective services) AND MAINTAIN <—
27 THAT INFORMATION ON FILE IN THE HOME CARE AGENCY OR <—
28 REGISTRY OFFICE.

29 ~~(4)~~ (5) Prior to referral to consumers, all individuals <—
30 and any other office staff or contractors with DIRECT <—

1 ~~consumer contact must obtain documentation in the home care~~ <—
2 ~~agency files from a physician or other appropriate health~~
3 ~~care professional that the individual is free from~~
4 ~~communicable disease including, at a minimum, a tuberculosis~~
5 ~~screening as outlined by the screening guidelines of the~~
6 ~~department. SUCH DOCUMENTATION MUST BE MAINTAINED ON FILE IN~~ <—
7 ~~THE HOME CARE AGENCY OR HOME CARE REGISTRY OFFICE.~~

8 ~~(5) (6) Ongoing supervision of an employee by a home~~ <—
9 ~~care agency OR AN INDEPENDENT CONTRACTOR THROUGH A HOME CARE~~ <—
10 ~~REGISTRY shall be maintained to ensure that the employee has~~
11 ~~the skills needed to provide the care required by the~~
12 ~~consumer.~~

13 ~~(6) ONGOING SUPERVISION OF AN EMPLOYEE BY A HOME CARE~~ <—
14 ~~AGENCY OR ONGOING DOCUMENTATION OF THE REFERRAL OF AN~~
15 ~~INDEPENDENT CONTRACTOR BY A HOME CARE REGISTRY SHALL BE~~
16 ~~MAINTAINED TO ENSURE THAT THE EMPLOYEE HAS THE SKILLS~~
17 ~~NECESSARY TO PROVIDE THE CARE REQUIRED BY THE CONSUMER.~~

18 Section 3. The act is amended by adding sections to read:

19 ~~Section 806.2. Consumer rights and protections.~~ <—

20 ~~(a) General rule. A consumer shall have the following~~
21 ~~rights when receiving service:~~

22 ~~(1) No individual, as a result of the individual's~~
23 ~~affiliation with a home care agency, may assume power of~~
24 ~~attorney or guardianship over the consumer.~~

25 ~~(2) The consumer may not be required to endorse checks~~
26 ~~over to a home care agency.~~

27 ~~(3) The consumer has the right to:~~

28 ~~(i) Be involved in the service planning process and~~
29 ~~to receive services with reasonable accommodation of~~
30 ~~individual needs and preferences, except where the health~~

~~or safety of the individual direct care worker is at risk.~~

~~(ii) Have privacy, confidentiality and freedom from abuse, neglect and financial exploitation.~~

~~(iii) Refuse treatment or services under the plan.~~

~~(iv) Receive from the home care agency or independent contractor two business days' advance written notice of the intent of the home care agency or independent contractor to terminate services with the consumer, except where lack of payment or immediate threat to the health or safety of consumers or providers, in accordance with regulations promulgated by the department, warrants shorter notice.~~

~~(v) Receive from the home care agency contact information on the department's 24 hour hotline and the ability to access the hotline at any time.~~

~~(vi) Be free from discrimination on the basis of race, color, religious creed, disability, handicap, ancestry, sexual orientation, national origin, age, sex or protected class.~~

SECTION 806.2. PROHIBITED ACTIVITIES.

(A) PERSONAL REPRESENTATIVE.--NO INDIVIDUAL, AS A RESULT OF THE INDIVIDUAL'S AFFILIATION WITH A HOME CARE AGENCY OR HOME CARE REGISTRY, MAY ASSUME POWER OF ATTORNEY OR GUARDIANSHIP OVER A CONSUMER UTILIZING THE SERVICES OF THAT HOME CARE AGENCY OR HOME CARE REGISTRY.

(B) ENDORSEMENT OF CHECKS.--NO CONSUMER MAY BE REQUIRED TO ENDORSE CHECKS OVER TO A HOME CARE AGENCY OR HOME CARE REGISTRY.

SECTION 806.3. CONSUMER RIGHTS AND PROTECTIONS.

(A) GENERAL RULE.--A CONSUMER SHALL HAVE THE FOLLOWING

RIGHTS BE PROVIDED THE FOLLOWING PROTECTIONS WHEN RECEIVING
SERVICES:

(1) THE ABILITY TO BE INVOLVED IN THE SERVICE PLANNING
PROCESS AND TO RECEIVE SERVICES WITH REASONABLE ACCOMMODATION
OF INDIVIDUAL NEEDS AND PREFERENCES, EXCEPT WHERE THE HEALTH
OR SAFETY OF THE INDIVIDUAL DIRECT CARE WORKER IS AT RISK.

(2) THE RECEIPT OF AT LEAST TEN CALENDAR DAYS' ADVANCE
WRITTEN NOTICE OF THE INTENT OF THE HOME CARE AGENCY OR HOME
CARE REGISTRY TO TERMINATE SERVICES WITH THE CONSUMER, UNLESS
LACK OF PAYMENT OR AN IMMEDIATE THREAT TO THE HEALTH OR
SAFETY OF THE CONSUMER OR PROVIDER, IN ACCORDANCE WITH
REGULATIONS PROMULGATED BY THE DEPARTMENT, WARRANTS LESS
NOTICE.

(b) Information to be provided.--As a condition of
licensure, each EACH consumer or the consumer's legal
representative or responsible family member shall receive an
information packet from the home care agency OR A HOME CARE
REGISTRY prior to the commencement of services which includes
the following items to be presented in a form able to be easily
understood and read by the consumer:

(1) A standardized form developed by the department
containing:

IN A FORM THAT IS ABLE TO BE EASILY UNDERSTOOD AND READ:

(1) A LISTING OF THE AVAILABLE HOME CARE AGENCY OR HOME
CARE REGISTRY SERVICES THAT WILL BE PROVIDED TO THE CONSUMER
TO ASSIST WITH ACTIVITIES OF DAILY LIVING.

(2) THE HOURS WHEN THOSE SERVICES WILL BE PROVIDED.

(3) COMMENSURATE FEES AND TOTAL COSTS FOR THOSE SERVICES
ON AN HOURLY OR WEEKLY BASIS.

(i) (4) Information regarding how to contact and obtain

~~what is required by the department for~~

~~(4) DEPARTMENT CONTACT INFORMATION FOR QUESTIONS
REGARDING REQUIREMENTS FOR AND COMPLIANCE BY home care
agencies OR HOME CARE REGISTRIES.~~

~~(ii) Information about availability and access to
and~~

~~(5) INFORMATION ABOUT THE AVAILABILITY OF ACCESS TO
contact information for the department's 24-hour hotline and
the local ombudsman program.~~

~~(iii) Details about the department's external
complaint mechanisms available to consumers.~~

~~(iv) General information about the admission and
application process.~~

~~(2) The consumer rights as described in subsection (a).~~

~~(3) A description of the services provided by the home
care agency and the fees for each service.~~

~~(4) A description of the relationship between the
consumer, the referred employee or independent contractor and
the agency.~~

~~(5) (6) A description of ongoing supervision
DOCUMENTATION maintained by a home care agency to ensure that
the employee has the AND OR A HOME CARE REGISTRY TO ENSURE
THAT THE EMPLOYEE OR INDEPENDENT CONTRACTOR HAS MET THE
REQUIREMENTS OF THIS ACT AND HAS THE REQUISITE skills needed
NECESSARY to provide care that is required by TO the
consumer.~~

~~(6) (7) Documentation from the home care agency AND OR A
HOME CARE REGISTRY that demonstrates personal face-to-face
interviews with all employees FROM A HOME CARE AGENCY or
independent contractors referred by the home care agency~~

1 REGISTRY and documentation of at least two satisfactory <—
2 reference checks prior to referral to the consumer.

3 (8) DISCLOSURE OF WHETHER THE DIRECT CARE WORKER <—
4 REFERRED IS AN EMPLOYEE OF THE HOME CARE AGENCY OR IS AN
5 INDEPENDENT CONTRACTOR OF A HOME CARE REGISTRY. <—

6 (9) INFORMATION REGARDING THE TAX OBLIGATIONS AND <—
7 EMPLOYMENT RESPONSIBILITIES OF THE CONSUMER AND THE HOME CARE
8 AGENCY OR HOME CARE REGISTRY.

9 Section ~~806.3~~ 806.4. Inspections and plans of correction. <—

10 (a) Consent to entry and access.--An application for
11 licensure or the issuance and renewal of any license by the
12 department shall constitute consent by the applicant for the OR <—
13 LICENSEE FOR A home care agency and the owner of the premises <—
14 for the department's representatives to enter the premises for
15 the purpose of conducting an inspection during regular business
16 hours. REPRESENTATIVE OF THE DEPARTMENT TO HAVE ACCESS TO ENTER <—
17 THE PREMISES FOR INSPECTION PURPOSES DURING REGULAR BUSINESS
18 HOURS.

19 (b) Violations and plan of correction.--If violations are
20 identified as a result of an inspection, the home care agency OR <—
21 HOME CARE REGISTRY will be given a report of inspection that
22 clearly outlines the nature of the violation. The home care
23 agency OR HOME CARE REGISTRY shall submit a written plan of <—
24 correction in response to the report, stating actions to be
25 taken by the agency OR REGISTRY to correct the violations and a <—
26 time frame for those corrective actions.

27 Section 4. Section 807(b) of the act, amended December 18,
28 1992 (P.L.1602, No.179), is amended to read:

29 Section 807. Application for license.

30 * * *

(b) Fees.--Application for a license or for renewal of a license shall be accompanied by the following fees:

(1) Regular or special license:

Home health agency	\$250.00
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<u>Home care agency OR HOME CARE</u>	
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<—

<u>REGISTRY</u>	<u>100.00</u>
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Ambulatory surgical facility	250.00
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Birth center	70.00
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Long-term care nursing facility	250.00
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Plus per each long-term care bed in excess of	
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75 beds	2.00
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Hospital	
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Every two years	500.00
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Plus per each inpatient bed	
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every two years	4.00
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Other health care facility	100.00
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(2) Provisional license all facilities:

Provisional I	\$400.00
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Plus per each inpatient bed	4.00
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Provisional II	600.00
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Plus per each inpatient bed	6.00
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Provisional III	800.00
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Plus per each inpatient bed	8.00
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Provisional IV	1,000.00
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Plus per each inpatient bed	10.00
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* * *

Section 5. Section 808(b) of the act, amended October 16, 1998 (P.L.777, No.95), is amended to read:

Section 808. Issuance of license.

* * *

(b) Separate and limited licenses.--Separate licenses shall not be required for different services within a single health care facility except that home health care, home care, hospice or long-term nursing care will require separate licenses. A limited license, excluding from its terms a particular service or portion of a health care facility, may be issued under the provisions of this act.

* * *

Section 6. The act is amended by adding sections to read:

Section 809.1. Home care agency AND HOME CARE REGISTRY
regulations.

~~The department shall promulgate regulations to implement~~
~~sections 806(d.1) and 806.2. 806.3. ANY SUCH REGULATIONS SHALL~~
~~BE DEVELOPED IN CONSULTATION WITH THE DEPARTMENT OF AGING AND~~
~~THE DEPARTMENT OF PUBLIC WELFARE.~~

(A) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE
REGULATIONS TO IMPLEMENT SECTIONS 806(D.1) AND 806.3.

(B) CONSULTATION.--REGULATIONS PERTAINING TO SECTIONS
806(D.1) AND 806.3 SHALL BE DEVELOPED IN CONSULTATION WITH THE
DEPARTMENT OF PUBLIC WELFARE AND OTHER ADVISORY GROUPS THAT
REPRESENT PERSONS IN THE HOME HEALTH CARE INDUSTRY, PERSONS WITH
PHYSICAL DISABILITIES AND THE AGING COMMUNITY.

(C) INPUT.--IN DEVELOPING REGULATIONS PERTAINING TO SECTION
806(D.1), THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE
PREFERENCES AND PHILOSOPHIES OF PERSONS WITH PHYSICAL
DISABILITIES WHO RECEIVE SERVICES THROUGH HOME-BASED AND
COMMUNITY-BASED MEDICAID WAIVERS.

(D) SUBMITTAL.--PURSUANT TO THE REQUIREMENTS OF THE ACT OF
JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW
ACT," THE DEPARTMENT SHALL SUBMIT PROPOSED REGULATIONS

1 PERTAINING TO SECTION 806.1 TO THE PUBLIC HEALTH AND WELFARE
2 COMMITTEE OF THE SENATE, THE HEALTH AND HUMAN SERVICES COMMITTEE
3 OF THE HOUSE OF REPRESENTATIVES, THE AGING AND YOUTH COMMITTEE
4 OF THE SENATE AND THE AGING AND OLDER ADULT SERVICES COMMITTEE
5 OF THE HOUSE OF REPRESENTATIVES.

6 (E) PUBLICATION.--WITHIN ONE YEAR OF THE EFFECTIVE DATE OF
7 THIS SECTION THE DEPARTMENT SHALL PUBLISH THE REGULATIONS IN THE
8 PENNSYLVANIA BULLETIN.

9 Section 903.1. Nonapplicability.

10 Nothing in this act shall apply to:

11 (1) A private contract or arrangement entered into by a
12 consumer and caregiver, provided that the caregiver was not
13 supplied, arranged, scheduled or referred to the consumer by
14 a home care agency OR A HOME CARE REGISTRY. <—

15 (2) Any MENTAL HEALTH AND MENTAL RETARDATION services <—
16 authorized or paid for through BY THE DEPARTMENT OF PUBLIC <—
17 WELFARE OR a county mental health or mental retardation
18 program. The provisions of the act of October 20, 1966 (3rd
19 Sp.Sess., P.L.96, No.6), known as the "Mental Health and
20 Mental Retardation Act of 1966," and all related regulations
21 shall continue to be applicable to such services.

22 ~~Section 7. This act shall take effect in 60 120 days.~~ <—

23 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

24 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
25 IMMEDIATELY:

26 (I) THE ADDITION OF SECTION 809.1 OF THE ACT.

27 (II) THIS SECTION.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON
29 PUBLICATION OF THE REGULATIONS UNDER 809.1 OF THE ACT.