

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 615 Session of 2011

INTRODUCED BY GINGRICH, CALTAGIRONE, FLECK, GEIST, GRELL, GROVE,
HORNAMAN, KAUFFMAN, MURT, PICKETT, RAPP, ROSS, STABACK,
J. TAYLOR AND VULAKOVICH, FEBRUARY 10, 2011

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 10, 2011

AN ACT

1 Providing for the training and certification of qualified
2 assessors of individuals needing long-term care services, for
3 the powers and duties of the Department of Aging and for
4 report to General Assembly.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Long-Term
9 Care Assessor Training and Certification 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 "Comprehensive assessment." A thorough and independent
15 review and analysis of a consumer's functional status and
16 financial resources. The term includes a personal history,
17 assessment of physical and emotional health, ability to carry
18 out activities of daily living, informal supports, environmental

1 factors and cognitive functioning, including immobility
2 assessment.

3 "Comprehensive service plan." A plan developed to meet a
4 consumer's individual needs, as determined by a comprehensive
5 assessment and developed by an interdisciplinary team that
6 includes the consumer, the consumer's legal representatives, the
7 consumer's family member and an appropriate professional on
8 aging as defined by regulation of the department.

9 "Consumer." An individual seeking long-term care services.

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

11 "Long-term care services." Functionally necessary or
12 medically necessary diagnostic, preventive, therapeutic,
13 rehabilitative, maintenance or personal care services provided
14 in a setting other than an acute care unit of a hospital.

15 "Options program." The Long-Term Care Preadmission
16 Assessment Program and the Community Services for Nursing
17 Facility Eligibility Program administered by the Department of
18 Aging and operated by the local area agencies on aging.

19 "Qualified assessor." A person approved by the Department of
20 Aging as qualified to conduct assessments of consumers and
21 develop service plans based thereon. The term includes a
22 qualified employee of an area agency on aging, a qualified
23 employee of a licensed entity providing long-term care services
24 or a qualified independent entity. The term does not include a
25 hospital discharge planner or other staff or employee of an
26 insured's health or long-term care insurance company.

27 Section 3. Duties of department.

28 (a) Development of qualified assessor program.--The
29 department shall develop a training and certification program
30 for qualified assessors. Only those qualified assessors trained

1 and certified by the department shall be permitted to conduct
2 assessments that identify the services a consumer requires and
3 that serve as the basis for a comprehensive service plan. This
4 program shall be separate from the Options program. However,
5 nothing in this act shall be construed to permit a qualified
6 assessor, other than a local area agency on aging, to perform an
7 Options program assessment.

8 (b) List of qualified assessors.--The department shall
9 develop and make available to the public a listing of qualified
10 assessors. The listing shall be updated at least monthly and
11 shall be available on the department's Internet website and
12 through the local area agencies on aging.

13 Section 4. Duties of qualified assessors.

14 (a) Certification required.--

15 (1) A qualified assessor shall certify that any
16 assessment or reassessment the qualified assessor conducts is
17 true and correct to the best of that qualified assessor's
18 knowledge and skill at the time of assessment.

19 (2) The department shall revoke the certification of any
20 qualified assessor who falsely certifies a need for services.

21 (b) Standardized screening instrument.--A qualified assessor
22 shall utilize a standardized screening instrument. The
23 instrument shall be developed by the department, in cooperation
24 with the Department of Public Welfare, the Department of Health
25 and the Intra-Governmental Council on Long-Term Care, within six
26 months of the effective date of this section.

27 Section 5. Report to General Assembly.

28 Within one year of the effective date of this section, the
29 department shall provide to the General Assembly a report on
30 programs within this Commonwealth and throughout the United

1 States that seek to maximize the effectiveness of charitable
2 pharmaceutical programs and to provide recommendations for new
3 laws and initiatives within this Commonwealth to enhance the
4 ability of Pennsylvanians to take advantage of such programs.

5 Section 6. Rules and regulations.

6 The department shall work in cooperation with the Department
7 of Public Welfare, the Department of Health and the Intra-
8 Governmental Council on Long-Term Care to develop rules and
9 regulations to implement this act. Within six months of the
10 effective date of this section, the department shall promulgate
11 regulations to implement this act.

12 Section 7. Effective date.

13 This act shall take effect as follows:

14 (1) Section 5 shall take effect immediately.

15 (2) This section shall take effect immediately.

16 (3) The remainder of this act shall take effect in one
17 year.