
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1123 Session of
2013

INTRODUCED BY FOLMER, SMITH, FONTANA, VULAKOVICH, ERICKSON,
RAFFERTY, YUDICHAK, WOZNIAK, WHITE, GREENLEAF AND PILEGGI,
OCTOBER 10, 2013

REFERRED TO AGING AND YOUTH, OCTOBER 10, 2013

AN ACT

1 Establishing the Pennsylvania Long-term Care Council; providing
2 for its powers and duties; and repealing related provisions
3 of the Public Welfare Code.

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 Pennsylvania
8 Long-term Care Council Act.

9 Section 2. Definitions.

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

13 "Council." The Pennsylvania Long-term Care Council.

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

15 Section 3. Pennsylvania Long-term Care Council.

16 (a) Establishment.--The Pennsylvania Long-term Care Council
17 is established within the department.

18 (b) Membership.--The council shall be composed of and

1 appointed in accordance with the following:

2 (1) The Secretary of Aging.

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

4 (3) The Secretary of Health.

5 (4) The Secretary of Public Welfare.

6 (5) The Insurance Commissioner.

7 (6) The Executive Director of the Pennsylvania Housing
8 Finance Agency.

9 (7) Two members of the House of Representatives, one
10 appointed by the Speaker of the House of Representatives and
11 one appointed by the Minority Leader.

12 (8) Two members of the Senate, one appointed by the
13 President pro tempore and one appointed by the Minority
14 Leader.

15 (9) The following members to be appointed by the
16 Governor, in consultation with the Secretary of Aging:

17 (i) One representative from the Pennsylvania Council
18 on Aging.

19 (ii) One member who represents the local area
20 agencies on aging.

21 (iii) Five members who represent consumer advocacy
22 groups, with at least one being a consumer of long-term
23 care services.

24 (iv) One member who represents the elder law section
25 of the Pennsylvania Bar Association.

26 (v) One member who is a licensed insurance producer
27 with at least ten years' experience in the long-term care
28 insurance market.

29 (vi) Six members who represent providers throughout
30 the long-term care continuum, with no more than one

1 member representing a single provider group.

2 (vii) One member who has caregiver experience.

3 (viii) One member who represents the medical
4 community.

5 (ix) One member who represents an academic research
6 institution.

7 (x) One member who represents the County
8 Commissioners Association of Pennsylvania.

9 (c) Designee.--With the exception of the chairperson,
10 governmental members may appoint a designee to attend and vote
11 at meetings of the council. Each governmental member who
12 appoints a designee shall do so by sending a letter to the
13 chairperson stating the name of that designee.

14 (d) Chairperson.--The Secretary of Aging shall serve as
15 chairperson.

16 (e) Executive director.--The Secretary of Aging shall
17 appoint an executive director of the council.

18 (f) Terms of members.--

19 (1) The terms of those members who serve in accordance
20 with subsection (b)(1), (2), (3), (4), (5) and (6) shall be
21 concurrent with their service in the office from which they
22 derive their membership.

23 (2) Members appointed in accordance with subsection
24 (b)(7) and (8) shall serve terms coterminous with their
25 respective appointing authorities.

26 (3) Of the members appointed by the Governor, no less
27 than one-third of the members shall be appointed to serve a
28 two-year initial term, no less than one-third of the members
29 shall be appointed to serve a three-year initial term and the
30 remaining members shall serve a four-year term. Members of

1 the council shall serve for terms of four years after
2 completion of the initial terms as designated in this
3 section.

4 (4) Members shall be eligible for reappointment but
5 shall serve no more than two consecutive full terms. Members
6 shall serve until their successors are appointed and
7 qualified, provided they represent the interests of the
8 membership class for which they were appointed.

9 (g) Vacancies.--Any vacancy on the council shall be filled
10 by the original appointing authority. An individual appointed to
11 fill a vacancy shall serve the balance of the previous member's
12 term.

13 (h) Removal.--In addition to the provisions of subsection
14 (f) (1) and (2), members may be removed from the board for the
15 following reasons:

16 (1) A member who fails to attend three consecutive
17 meetings shall forfeit his or her seat unless the chairman,
18 upon written request from the member, finds that the member
19 should be excused from a meeting.

20 (2) A member shall forfeit his or her seat if he or she
21 no longer represents the interests of the membership class
22 for which he or she was appointed. Specifically, a member
23 meeting this threshold shall no longer be employed or
24 associated with the interests of the respective qualification
25 for which he or she was appointed.

26 (i) Expenses.--Members shall not receive compensation or
27 remuneration for their service as council members or as
28 committee members. Nongovernmental council members shall be
29 entitled to reimbursement for travel and related actual expenses
30 accrued in the performance of their duties as members, in

1 accordance with Commonwealth travel policy. Committee members
2 who are not members of the council shall not be entitled to
3 reimbursement.

4 Section 4. Powers and duties of council.

5 (a) General rule.--The council shall have the following
6 powers and duties:

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

11 (2) To perform such other duties as the Governor may
12 assign relating to long-term care.

13 (3) To approve reports produced by any committee
14 established under section 5 before release to the public or
15 the General Assembly.

16 (4) To develop and adopt rules for conducting council
17 meetings, including, but not limited to, the procedure for
18 formally adopting the approval of committee reports before
19 release to the public.

20 (5) To develop and adopt rules for conducting committee
21 meetings. This power includes, but is not limited to,
22 determining the scope of responsibilities for each committee,
23 the number of members for each committee and the procedure
24 for formally adopting the approval of committee reports
25 before release to the council.

26 (6) To assign topics for research and study to each
27 committee. Nothing in this paragraph shall be construed to
28 prohibit a committee from proposing topics for consideration
29 to the council.

30 (b) Scope.--All the powers and duties enumerated in this

1 section shall be performed in a manner that addresses all areas
2 of long-term care, including, but not limited to, institutional
3 care and home-based and community-based services.

4 Section 5. Council committees.

5 (a) Establishment.--The council shall establish committees
6 which may research and study the following areas:

7 (1) Regulatory review and access to quality care.

8 (2) Community access and public education.

9 (3) Long-term care services models and delivery.

10 (4) Work force.

11 (5) Housing.

12 (b) Composition.--The council chairperson shall appoint
13 committee members, who may include those who are not members of
14 the council and who have expertise pertaining to the specific
15 topics and tasks assigned.

16 (c) Chairpersons and vice chairpersons.--The chairperson of
17 the council shall appoint council members to serve as
18 chairperson and, as needed, vice chairperson for each committee.

19 (d) Duties.--The council committees shall have the following
20 powers and duties:

21 (1) To study and report on the topics assigned by the
22 council.

23 (2) To facilitate the creation of the reports and, with
24 the permission of the council, invite individuals to assist
25 in preparation of reports for the council.

26 (3) To approve reports and recommendations for
27 submission to the council. Only members appointed to each
28 committee may participate in approving reports and
29 recommendations to the council.

30 Nothing in this section shall be construed to prohibit the

1 chairperson, with concurrence by the council, from establishing
2 additional committees or ad hoc work groups to assist the
3 council or committees.

4 Section 6. Repeal.

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate this act.

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

9 Section 7. Effective date.

10 This act shall take effect in six months.