

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 753 Session of 2015

INTRODUCED BY SCHLEGEL CULVER, DeLISSIO, MILLARD, HEFFLEY, HARKINS, BOBACK, HAHN, COHEN, DEASY, PASHINSKI, MURT, KAUFFMAN, A. HARRIS, PICKETT, WATSON, PEIFER, BRIGGS, McCARTER, TOPPER, D. PARKER AND SAMUELSON, MARCH 9, 2015

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 1, 2015

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.

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

3 (1) The Secretary of Aging.

4 ~~(2) The Secretary of Community and Economic Development.~~ <--

5 ~~(3)~~ (2) The Secretary of Health. <--

6 ~~(4)~~ (3) The Secretary of Human Services. <--

7 ~~(5)~~ (4) The Insurance Commissioner. <--

8 (5) THE ADJUTANT GENERAL. <--

9 (6) THE SECRETARY OF TRANSPORTATION.

10 ~~(6)~~ (7) The Executive Director of the Pennsylvania <--  
11 Housing Finance Agency.

12 ~~(7)~~ (8) Two members of the Senate, one appointed by the <--  
13 President pro tempore and one appointed by the Minority  
14 Leader.

15 ~~(8)~~ (9) Two members of the House of Representatives, one <--  
16 appointed by the Speaker of the House of Representatives and  
17 one appointed by the Minority Leader.

18 ~~(9)~~ (10) The following members to be appointed by the <--  
19 Governor, in consultation with the Secretary of Aging:

20 (i) One representative from the Pennsylvania Council  
21 on Aging.

22 (ii) One member who represents the local area  
23 agencies on aging.

24 (iii) ~~Five~~ SIX members who represent consumer <--  
25 advocacy groups, with at least ~~one~~ TWO being a ~~consumer~~ <--  
26 CONSUMERS of long-term care services. <--

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

29 (v) One member who is a licensed insurance producer  
30 with at least ten years' experience in the long-term care

1 insurance market.

2 (vi) ~~Six~~ SEVEN members who represent providers <--  
3 throughout the long-term care continuum, with no more  
4 than one member representing a single provider group. AS <--  
5 FOLLOWS:

6 (A) ONE MEMBER REPRESENTING NONPROFIT SKILLED  
7 NURSING FACILITIES.

8 (B) ONE MEMBER REPRESENTING FOR-PROFIT SKILLED  
9 NURSING FACILITIES.

10 (C) ONE MEMBER REPRESENTING ASSISTED LIVING  
11 RESIDENCES OR PERSONAL CARE HOMES.

12 (D) ONE MEMBER REPRESENTING HOMECARE OR HOSPICE.

13 (E) ONE MEMBER REPRESENTING OLDER ADULT DAILY  
14 LIVING CENTERS.

15 (F) ONE MEMBER REPRESENTING SENIOR COMMUNITY  
16 CENTERS.

17 (G) ONE MEMBER REPRESENTING LONG-TERM CARE  
18 MANAGED CARE.

19 (vii) ~~One member who has~~ TWO MEMBERS WITH caregiver <--  
20 experience, AT LEAST ONE OF WHOM HAS PERSONAL EXPERIENCE <--  
21 AS A FAMILY CAREGIVER.

22 (viii) ~~One member who represents the medical~~ <--  
23 ~~community.~~ TWO MEMBERS WHO REPRESENT THE MEDICAL <--  
24 COMMUNITY, ONE OF WHOM MUST BE A PHYSICIAN WITH AT LEAST  
25 FIVE YEARS' EXPERIENCE IN A LONG-TERM CARE SETTING AND  
26 THE OTHER OF WHOM MUST BE A NURSE WITH AT LEAST FIVE  
27 YEARS' EXPERIENCE IN A LONG-TERM CARE SETTING.

28 (ix) ~~One member who represents~~ TWO MEMBERS WHO <--  
29 REPRESENT an academic research institution.

30 (x) One member who represents the County

1 Commissioners Association of Pennsylvania.

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

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

11 (f) Terms of members.--

12 (1) The terms of those members who serve in accordance  
13 with subsection (b) (1), (2), (3), (4), (5) ~~and~~, (6) AND (7) <--  
14 shall be concurrent with their service in the office from  
15 which they derive their membership.

16 (2) Members appointed in accordance with subsection  
17 ~~(b) (7)~~ (B) (8) and ~~(8)~~ (9) shall serve terms conterminous with <--  
18 their respective appointing authorities.

19 (3) Of the members appointed by the Governor, no less  
20 than one-third of the members shall be appointed to serve a  
21 two-year initial term, no less than one-third of the members  
22 shall be appointed to serve a three-year initial term and the  
23 remaining members shall serve a four-year term. Members of  
24 the council shall serve for terms of four years after  
25 completion of the initial terms as designated in this  
26 section.

27 (4) Members shall be eligible for reappointment but  
28 shall serve no more than two consecutive full terms. Members  
29 shall serve until their successors are appointed and  
30 qualified, provided they represent the interests of the

1 membership class for which they were appointed.

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

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

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

13 (2) A member shall forfeit his or her seat if he or she  
14 no longer represents the interests of the membership class  
15 for which he or she was appointed. Specifically, a member  
16 meeting this threshold shall no longer be employed or  
17 associated with the interests of the respective qualification  
18 for which he or she was appointed.

19 (i) Expenses.--Members may not receive compensation or  
20 remuneration for their service as council members or as  
21 committee members. Nongovernmental council members shall be  
22 entitled to reimbursement for travel and related actual expenses  
23 accrued in the performance of their duties as members, in  
24 accordance with Commonwealth travel policy. Committee members  
25 who are not members of the council may not receive  
26 reimbursement.

27 Section 4. Powers and duties of council.

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

30 (1) To consult with various departments and agencies and

1 to make recommendations on regulations, licensure, financing  
2 or any other responsibilities of those departments or  
3 agencies relating to long-term care.

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

6 (3) To approve reports produced by any committee  
7 established under section 5 before release to the public or  
8 the General Assembly.

9 (4) To develop and adopt rules for conducting council  
10 meetings, including, but not limited to, the procedure for  
11 formally adopting the approval of committee reports before  
12 release to the public.

13 (5) To develop and adopt rules for conducting committee  
14 meetings. This power includes, but is not limited to,  
15 determining the scope of responsibilities for each committee,  
16 the number of members for each committee and the procedure  
17 for formally adopting the approval of committee reports  
18 before release to the council.

19 (6) To assign topics for research and study to each  
20 committee. Nothing in this paragraph shall be construed to  
21 prohibit a committee from proposing topics for consideration  
22 to the council.

23 (b) Scope.--All the powers and duties enumerated in this  
24 section shall be performed in a manner that addresses all areas  
25 of long-term care, including, but not limited to, institutional  
26 care and home-based and community-based services.

27 Section 5. Council committees.

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

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

- 1 (2) Community access and public education.
- 2 (3) Long-term care services models and delivery.
- 3 (4) Work force.
- 4 (5) Housing.
- 5 (6) BEHAVIORAL HEALTH ISSUES OF SENIOR CITIZENS WHO ARE <--
- 6 AT LEAST 60 YEARS OF AGE.

7 (b) Composition.--The council chairperson shall appoint  
8 committee members, who may include those who are not members of  
9 the council and who have expertise pertaining to the specific  
10 topics and tasks assigned.

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

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

16 (1) To study and report on the topics assigned by the  
17 council.

18 (2) To facilitate the creation of the reports and, with  
19 the permission of the council, invite individuals to assist  
20 in preparation of reports for the council.

21 (3) To approve reports and recommendations for  
22 submission to the council. Only members appointed to each  
23 committee may participate in approving reports and  
24 recommendations to the council.

25 (e) Construction.--Nothing in this section shall be  
26 construed to prohibit the chairperson, with concurrence by the  
27 council, from establishing additional committees or ad hoc work  
28 groups to assist the council or committees.

29 Section 6. Repeal.

30 Repeals are as follows:

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

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

5 Section 7. Effective date.

6 This act shall take effect in six months.