
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2425 Session of
2022

INTRODUCED BY FLOOD, M. MACKENZIE, HENNESSEY, RYAN, DRISCOLL,
McNEILL, GLEIM, MIZGORSKI, HILL-EVANS, BERNSTINE, NEILSON,
PARKER, CIRESI AND DAY, MARCH 29, 2022

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MARCH 29, 2022

AN ACT

1 Providing for communication duties between the Department of
2 Health and the Department of Human Services with local area
3 agencies on aging and the Department of Aging relating to
4 older adult abuse.

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 Communication
9 of Older Adult Abuse 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 "Abuse." The occurrence of one or more of the following acts
15 committed against an older adult:

16 (1) The infliction of injury, unreasonable confinement,
17 intimidation or punishment resulting in physical harm, pain
18 or mental anguish.

1 (2) The willful deprivation by a caretaker of goods or
2 services that are necessary to maintain physical or mental
3 health.

4 (3) Sexual abuse, including any of the following acts:

5 (i) Rape.

6 (ii) Involuntary deviate sexual intercourse.

7 (iii) Sexual assault.

8 (iv) Aggravated indecent assault.

9 (v) Indecent assault.

10 (vi) Incest.

11 (4) Sexual harassment, including any of the following
12 acts:

13 (i) Unwelcome sexual advances.

14 (ii) Requests for sexual favors.

15 (iii) Other unwelcome verbal or physical conduct of
16 a sexual nature.

17 "Facility." Any of the following:

18 (1) A long-term care nursing facility as defined in
19 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
20 known as the Health Care Facilities Act.

21 (2) A hospice as defined in section 802.1 of the Health
22 Care Facilities Act.

23 (3) A personal care home as defined in section 1001 of
24 the act of June 13, 1967 (P.L.31, No.21), known as the Human
25 Services Code.

26 (4) An assisted living residence as defined in section
27 1001 of the Human Services Code.

28 "Older adult." An individual within the jurisdiction of this
29 Commonwealth who is 60 years of age or older.

30 Section 3. Communication duties of departments.

1 (a) General rule.--If an allegation of abuse at a facility
2 is reported to the Department of Health or the Department of
3 Human Services, the Department of Health or the Department of
4 Human Services shall report the allegation of abuse to the older
5 adult's local area agency on aging and the Department of Aging
6 within 24 hours.

7 (b) Investigation.--

8 (1) Upon receipt of an allegation of abuse under
9 subsection (a), the local area agency on aging shall conduct
10 an investigation of the allegation of abuse as required under
11 section 303 of the act of November 6, 1987 (P.L.381, No.79),
12 known as the Older Adults Protective Services Act.

13 (2) The Department of Health or the Department of Human
14 Services shall provide all necessary information to the older
15 adult's local area agency on aging and the Department of
16 Aging to aid in an investigation of alleged abuse reported
17 under this section.

18 (c) Regulations.--The Department of Health and the
19 Department of Human Services may promulgate rules and
20 regulations deemed necessary to aid an investigation conducted
21 under this section.

22 Section 4. Effective date.

23 This act shall take effect immediately.