

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1088 Session of  
1975

INTRODUCED BY FEE, A. P. KELLY, DiCARLO, BARBER, BERLIN,  
MILLIRON, McLANE, OLIVER, MRKONIC, LINCOLN, SALVATORE, TOLL,  
RAPPAPORT, POLITE, GRIECO, CRAWFORD, FAWCETT AND PYLES,  
APRIL 22, 1975

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 23, 1975

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," adding Older  
4 Pennsylvanians' provisions establishing State and local  
5 agencies to assist older persons and defining  
6 responsibilities.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Article VI, act of June 13, 1967 (P.L.31, No.21),  
10 known as the "Public Welfare Code," is amended to read:

11 ARTICLE VI

12 [THE AGED]

13 OLDER PENNSYLVANIANS ACT

14 [Section 601. Annual Grants; Aid for Community Living.--The  
15 department shall have the power to enter into agreements with  
16 county commissioners to make annual grants to defray part of the  
17 cost of care and services designed to help dependents and  
18 potential dependents to live outside of county institutions. The  
19 amount of each such annual grant shall be calculated in

accordance with a formula to be established by the department.]

Section 601.1. Purpose.--In keeping with the objectives of the Older Americans Act of 1965 (Pub.L.89-73, as amended), to entitle older persons to the opportunity for adequate retirement income, the best possible physical and mental health, suitable housing, restorative services for the institutionalized, freedom from age discrimination in employment, and retirement in health, honor and dignity, the Commonwealth of Pennsylvania shall establish State and local agencies for the advancement of these objectives and shall assist these efforts with State funds and the proper use of available private and other public funds.

Section 602. Definitions.--As used in this article, the following definitions apply:

"Allocation of resources" means that portion of the funds available to the office, allotted to the area agency for the purpose of carrying out its duties under this act.

"Area agency" means the single local agency designated within each planning and service area to administer the delivery of a comprehensive and coordinated system of social services.

"Area plan" means the plan submitted to the commissioner by an area agency describing the methods by which it will ensure a coordinated and comprehensive system of social services in the planning and service area.

"Commissioner" means the Commissioner for the Aging.

"Council" means the Pennsylvania Council on Aging.

"Department" means the Department of Public Welfare.

"Fiscal year" means the fiscal year of the local authority.

"Local authority" means the county commissioners.

"Office" means the Office for the Aging.

"Older persons" means those persons residing within

1 Pennsylvania who are age sixty or over.

2 "Planning and service area" means the geographic unit within  
3 the State, as authorized by the Older Americans Act, as amended,  
4 for allocation of funds for the delivery of social services.

5 "Secretary" means the Secretary of Public Welfare.

6 Section 603. Commissioner for the Aging.--(a) The secretary  
7 shall appoint, with the approval of the Governor, a Commissioner  
8 for the Aging. The Commissioner for the Aging, with the approval  
9 of the secretary, shall develop plans and programs and make  
10 recommendations with respect to the Commonwealth's aging  
11 programs. He shall initiate, develop, and with the approval of  
12 the secretary help carry into effect plans and programs for  
13 services for older persons. The Commissioner for the Aging shall  
14 provide information and technical assistance to and consider the  
15 advice given by the Pennsylvania Council on Aging.

16 (b) The commissioner, with the approval of the secretary,  
17 shall establish planning and service areas, and shall upon the  
18 submission of an acceptable plan by the local authority, approve  
19 the designation of the area agency pursuant to section 608.

20 (c) The commissioner shall serve as advisor to the Governor  
21 and the secretary in all matters affecting the interest of older  
22 persons. In addition, the Commissioner on Aging shall, with the  
23 approval of the secretary, have the power and his duty shall be  
24 to:

25 (1) Promulgate and revise, as necessary, regulations  
26 requisite to the operation of the office.

27 (2) Consider the advice and recommendations of older persons  
28 in carrying out his responsibilities under this act.

29 (3) Maintain a clearinghouse of information related to the  
30 interests of older persons.

1     (4) Determine the needs of older persons and represent their  
2 interests at all levels of government and within the community  
3 at large.

4     (5) Stimulate more effective use of existing resources and  
5 services for older persons and develop programs, opportunities  
6 and services which are not otherwise provided for older persons.

7     (6) Provide technical assistance and consultation to all  
8 agencies, both public and private, with respect to programs and  
9 services for older persons.

10    (7) To develop, in cooperation with the council, a basic  
11 policy for State programs and activities for older persons,  
12 expressed in a five-year plan, updated yearly.

13    (8) Develop and conduct, in coordination with other  
14 agencies, research, demonstration programs and training programs  
15 to advance the interests of older persons.

16    (9) Publish a description of the organization and functions  
17 of the office so that all interested agencies and individuals  
18 may receive information and be better able to solicit assistance  
19 from the office.

20    (10) Make recommendations for legislative action to the  
21 secretary, the Governor and the General Assembly.

22    (11) The commissioner may pursuant to section 601.1, appoint  
23 or designate advisory committees and citizens task force to  
24 provide advice and counsel with respect to programs for the  
25 aging administered by the office.

26    Section 604. Evaluation Research and Demonstration.--(a) The  
27 commissioner shall continually review and evaluate the  
28 activities of area agencies and the impact and effectiveness of  
29 all programs under this act. The commissioner shall seek the  
30 views of the council and the advisory boards of area agencies in

1 developing appropriate criteria for evaluations. The  
2 commissioner shall ensure that evaluations, including an onsite  
3 evaluation, be made annually of all area agency activities and  
4 programs. A written report of the findings of the evaluation  
5 shall be submitted to the area agency subject to the evaluation  
6 and within thirty days shall be available to the public. In all  
7 evaluations, the commissioner shall obtain the views of program  
8 beneficiaries concerning strengths and weaknesses of the  
9 program. Other departments and agencies of the Commonwealth  
10 shall make available to the commissioner information necessary  
11 for such evaluations. All studies, evaluations, proposals, and  
12 data produced or developed by the agency shall become the  
13 property of the Commonwealth and be available to the public. A  
14 portion of all funds appropriated for aging programs shall be  
15 used for evaluations required or authorized by this section.  
16 Annually the department shall submit to the Governor and the  
17 General Assembly a report on the activities of the office,  
18 including statistical data reflecting services and activities  
19 provided older persons during the preceding fiscal year.

20 (b) In recognition of the need for expanded knowledge and  
21 experience concerning the status of older persons in  
22 Pennsylvania, the commissioner shall be responsible, subject to  
23 the approval of the secretary, for providing for research and  
24 demonstration programs for the purpose of:

25 (1) Studying current living conditions and needs of older  
26 persons, with special emphasis on persons with low income,  
27 functional disabilities, advanced age and isolated living  
28 situations.

29 (2) Studying existing methods and alternatives for providing  
30 services, programs and opportunities to older persons.

1     (3) Identifying those factors of particular detriment or  
2 benefit to the welfare of older persons.

3     (4) Developing new approaches and alternatives for living  
4 arrangements, social services, institutional care, health  
5 services, legal representation and the coordination of community  
6 services for older persons.

7     Section 605. Education and Training.--The commissioner, with  
8 the advice of the Pennsylvania Council on the Aging and subject  
9 to the approval of the secretary, shall develop and make  
10 provision for programs of education and training for and about  
11 older persons, and to increase opportunities for employment and  
12 community services for older persons.

13     Section 606. Commissioner's Comment on Proposed Commonwealth  
14 Policies.--The commissioner shall review all proposed  
15 Commonwealth program plans and policies, and administrative  
16 regulations that are published in the Pennsylvania Bulletin for  
17 their impact on older persons. Where the Commissioner believes  
18 that they will have an impact on older persons, he shall comment  
19 in accordance with the provisions of the Commonwealth Documents  
20 Law. Any comment indicating disapproval of all or part of the  
21 proposed administrative regulations must be specifically  
22 considered by the agency and commented on by the agency if it  
23 adopts the provisions to which the commissioner objected in its  
24 order adopting the regulations.

25     Section 607. Planning and Service Area.--The Commonwealth  
26 shall be divided into district planning and service areas  
27 contiguous with the boundaries established pursuant to the  
28 provisions of the act of October 20, 1966 (P.L.96, No.6), known  
29 as the "Mental Health and Mental Retardation Act of 1966,"  
30 unless the secretary, after consultation with the commissioner

agrees to the recommendations of local authorities for a  
different geographical boundary. In considering whether or not a  
different geographical boundary should be employed, the  
secretary must consider:

(1) Boundaries drawn and planned for administration and  
planning of social service programs.

(2) Boundaries for county government.

(3) The geographical distribution of persons sixty years of  
age or older.

(4) The needs of older persons for social service with  
special attention to the needs of low income and minority.

(5) The distribution of resources available to provide  
social services.

Section 608. Designated Area Agencies.--(a) For each  
planning and service area there shall be an area agency  
established by the same local authority as that providing mental  
health and mental retardation services unless the secretary,  
after consultation with the commissioner, agrees to a request by  
local authorities for delivery of aging services by an entity  
other than the local authority.

(b) An area agency so designated must be:

(1) an established office of aging; or

(2) any office or agency of the local authority, which is  
designated for this purpose by the chief elected officials of  
the local authority; or

(3) any office or agency designated by the chief elected  
officials of a combination of local authorities to act on behalf  
of such combination for this purpose,

and must provide assurance, found adequate by the department,  
that it will have the ability to develop and administer an area

plan. Where a nonpublic agency is already serving as an area agency for the aging, a local authority may not act as a designated area agency for the aging without the prior express written consent of the secretary. The approval granted by the secretary pursuant to this section may be revoked by the secretary by written notice furnished the local authority one hundred days prior to the beginning of the fiscal year of the local authority.

Section 609. Area Agencies; Powers and Duties.--(a) The area agency shall have the authority to act as an advocate at all levels of government and within the community at large for the interests of older persons within the planning and service area. It shall develop a comprehensive and coordinated system of services for older persons within its planning and service area as the department may prescribe by regulation. The plan must make provision for:

(1) Information and referral.

(2) Social service case management and casework services including protective placement and services.

(3) Transportation services.

(4) Legal counseling and representation.

(5) In-home services including homemaker, home chore services, and congregate and home delivered meals.

(6) Assistance to secure adequate housing and health services.

(b) The area agency shall provide for the establishment of an affiliated network of multi-service centers and neighborhood centers for older persons. Each center shall provide those services required by the department in accordance with regulations adopted by the department.



1     (c) The area agency shall give priority of services to older  
2 persons with the greatest needs and least resources. Factors  
3 identifying older persons who are entitled to priority are:

4     (1) Functional disability, i.e., severe restriction of  
5 ability to carry out daily activities.

6     (2) Aloneness, i.e., living alone in a private apartment or  
7 home unaccompanied by a related adult.

8     (3) Advanced age, i.e., seventy-five years of age or above.

9     (4) Low income.

10    (5) Services to minorities in proportion to their numbers  
11 consistent with the provisions of the Human Relations Act.

12    (d) In carrying out this section, the area agency shall  
13 attempt to, ensure equal employment opportunities to older  
14 persons.

15    (e) The area agency may be authorized by the commissioner to  
16 grant to or contract with any public or nonprofit agency for the  
17 provision of social services. The area agency is authorized to  
18 use, with their consent, the services, equipment, personnel and  
19 facilities of Federal and State agencies, with or without  
20 reimbursement, and on a similar basis to cooperate with other  
21 public and private agencies, and instrumentalities, in the use  
22 of services, equipment and facilities.

23    Section 610. Area Agency Advisory Boards.--(a) In each  
24 planning and service area, the local authorities shall appoint  
25 an advisory board of at least fifteen members to the area  
26 agency. The advisory board shall consist of:

27    (1) A majority of older persons, including an appropriate  
28 representation of low income and minority older persons.

29    (2) Representatives of public and private agencies serving  
30 older persons.

1     (3) Members of the general public who are concerned with the  
2 needs and interests of older persons.

3     (b) One-third of members shall be appointed for three-year  
4 terms; one-third shall be appointed for two-year terms; one-  
5 third shall be appointed for one-year terms. All subsequent  
6 appointments shall be for terms of three years.

7     (c) Prior to making such appointments the chief elected  
8 officials of the local authority will appoint a nominating panel  
9 of five persons who will be representatives of the general  
10 public including older persons. It will be the function of the  
11 panel to nominate no fewer than two persons for each existing  
12 vacancy on the advisory board. The chief elected officials of  
13 the local authority will appoint advisory board members only  
14 from the list of nominees submitted by the panel.

15     Section 611. Area Agency Advisory Board; Powers and  
16 Duties.--(a) The area agency advisory board shall have the power  
17 and its duty shall be:

18     (1) To hold public hearings on the needs and problems of  
19 older persons.

20     (2) To review and evaluate the area agency's aging needs,  
21 services, facilities and special problems in relation to the  
22 local health and social service needs and programs.

23     (3) Upon the occurrence of a vacancy, to recommend to local  
24 authorities not less than two persons for the position of  
25 administrator. Such persons shall meet the standards of  
26 professional skills and experience as the department may  
27 establish by regulation. The local authority may delegate to the  
28 advisory board the power to appoint the administrator.

29     (4) To develop, together with the administrator, annual  
30 plans regulated by section 612.

1     (5) To make recommendations regarding the program and any  
2 other matters relating to services for the aging in the planning  
3 and service area.

4     (6) To act as an advocate and ombudsman for older persons,  
5 establishing and maintaining a procedure for hearing personal  
6 complaints and grievances with respect to denial of services or  
7 maltreatment.

8     (7) Area agency administrative funds shall be made available  
9 by the area agency to implement this section.

10    Section 612. Area Agencies; Reports and Plans.--(a) The area  
11 agency shall submit to the department an annual report  
12 describing and evaluating its programs and services within  
13 thirty days after the close of the fiscal year.

14    (b) The area agency shall submit to the department for  
15 approval an area plan ninety days prior to the start of each  
16 fiscal year. If the department approves the area plan, or fails  
17 to act within sixty days, the area plan shall go into effect at  
18 the beginning of the fiscal year. If the department disapproves  
19 the area plan, it shall forward the reasons for disapproval to  
20 the area agency which shall have twenty days to resubmit an  
21 amended area plan. If the department approves the resubmitted  
22 area plan, it shall be effective at the beginning of the fiscal  
23 year. If the resubmitted area plan is disapproved, the  
24 department shall forward its revised area plan for  
25 implementation by the area agency at the beginning of the fiscal  
26 year.

27    Section 613. Allocation of Resources.--(a) The area agency  
28 shall receive a basic allocation of resources, consisting of  
29 State and Federal funds, based upon the proportion of low income  
30 older persons who reside in the planning and service area in

1 relation to the total number of low income older persons who  
2 reside in the Commonwealth of Pennsylvania, except that each  
3 area agency is entitled to a minimum allocation of resources as  
4 uniformly established by the commissioner with the approval of  
5 the secretary.

6 (b) The commissioner may allocate additional resources to  
7 area agencies based upon the total number of older persons who  
8 reside within the planning and service area, the number of older  
9 persons institutionalized, the availability of transportation  
10 services, the rural-urban distribution of older persons, the  
11 need for social and medical services, the amount of funds  
12 devoted by county commissioners for older persons and other  
13 special circumstances as determined by the commissioner.

14 (c) Funds appropriated to carry out the purposes of this act  
15 shall be distributed to the local authorities as grants for  
16 services to the aging, provided that the local authority has  
17 submitted an acceptable plan.

18 (d) Such funds as are required to carry out the purposes of  
19 this act are herein authorized except that local authority  
20 financial participation may be required by the department at a  
21 rate of not less than ten percent and not more than twenty-five  
22 percent.

23 Section 2. This act shall take effect immediately.