

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1794

Session of  
1981

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INTRODUCED BY JOHNSON, BELFANTI, GRIECO, ALDEN, MICHLOVIC,  
PERZEL, SALVATORE, KUKOVICH, ZWIKL AND BOWSER, SEPTEMBER 15,  
1981

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, SEPTEMBER 15, 1981

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AN ACT

1 Providing for programs relating to the prevention and control of  
2 abuse of the elderly, providing aid to victims of such abuse  
3 and providing further duties of the Department of Aging.

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 "Elderly  
8 Assistance Act."

9 Section 2. Definitions.

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

13 "Abuse." The willful infliction of injury, unreasonable  
14 confinement, intimidation or cruel punishment with resulting  
15 physical harm or pain or mental anguish, or the willful  
16 deprivation by a caretaker of goods or services which are  
17 necessary to avoid physical harm, mental anguish or mental  
18 illness.

1 "Caretaker." An individual who has the responsibility for  
2 the care of an elder, either voluntarily, by contract, receipt  
3 of payment for care as a result of family relationship or by  
4 order of court.

5 "Department." The Department of Aging.

6 "Elder" or the "elderly." A person or persons who has  
7 attained the age of 60 years.

8 "Exploitation." The illegal or improper act or process of a  
9 caretaker using the resources of an elder for monetary or  
10 personal benefit, profit or gain.

11 "Neglect." The failure to provide for oneself the goods or  
12 services which are necessary to avoid physical harm, mental  
13 anguish or mental illness or the failure of a caretaker to  
14 provide such goods or services.

15 "Physical harm." Bodily pain, injury, impairment or disease.  
16 Section 3. Mandatory reporting.

17 Any person having knowledge of known or suspected abuse,  
18 neglect or exploitation of an elderly person shall make a prompt  
19 report of same to the department. The department shall devise a  
20 convenient Statewide reporting system for the collection of  
21 these reports.

22 Section 4. Immunity.

23 Any person making a report under section 3 shall be immune  
24 from civil liability or criminal prosecution unless such report  
25 is fraudulent and made with malice or the person making same has  
26 violated any provision of 18 Pa.C.S. Ch.49 Subch. A (relating to  
27 perjury and falsification in official matters).

28 Section 5. Departmental action.

29 Upon receipt of a report as provided in section 3, the  
30 department shall make an investigation of the matter and attempt

1 to resolve same through the appropriate State or local agency,  
2 the district attorney or through referral to a private attorney  
3 or legal aid organization.

4 Section 6. Confidentiality.

5 Reports made under section 3 shall not be open to the general  
6 public, but the department may make and publish statistical  
7 compilations which do not identify individual victims.

8 Section 7. General duties of the department.

9 (a) Duties enumerated.--The department shall:

10 (1) Devise and operate a Statewide program for  
11 assistance to the elderly relating to the prevention,  
12 amelioration and treatment of abuse, neglect and  
13 exploitation.

14 (2) Coordinate the program with law enforcement  
15 officials, State agencies providing services to the elderly,  
16 legal aid organizations and State and local senior citizens  
17 organizations and agencies.

18 (3) Operate the program so as to conform with Federal  
19 requirements and to meet standards for Federal funding.

20 (b) Rules and regulations.--The department shall, in the  
21 manner provided by law, promulgate the rules, regulations and  
22 forms necessary to carry out this act.

23 Section 8. Effective date.

24 This act shall take effect in six months.