

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2564 Session of  
1992

INTRODUCED BY KUKOVICH, SCHULER, STUBAN, RUDY, FREEMAN, GRUPPO,  
PISTELLA, WILLIAMS, ITKIN, VEON, HARPER, JOSEPHS, STABACK,  
SCRIMENTI, BELARDI, CAPPABIANCA, CIVERA, McCALL, MARKOSEK,  
PESCI, KOSINSKI, McHALE, NAHILL, ARGALL, E. Z. TAYLOR AND  
HALUSKA, MARCH 30, 1992

REFERRED TO COMMITTEE ON AGING AND YOUTH, MARCH 30, 1992

AN ACT

1 Establishing a program to provide certain personal assistance  
2 services to adolescents; and further providing for the powers  
3 and duties of the Department of Public Welfare.

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 Personal  
8 Assistance Services for Children with Physical Disabilities 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 "Department." The Department of Public Welfare of the  
14 Commonwealth.

15 "Eligible child." A child who is physically disabled and  
16 mentally alert, who is at least 11 years of age but less than 18  
17 years of age, and who meets the following requirements:

1           (1) Experiences a medical determinable physical  
2       impairment which can be expected to last for a continuous  
3       period of not less than 12 months.

4           (2) Because of physical impairment, requires assistance  
5       to complete functions of daily living, self-care and  
6       mobility, including, but not limited to, those functions  
7       included in the definition of "personal assistance services."

8       "Emergency respite services." Services that require  
9       immediate action to alleviate a potentially harmful, damaging or  
10      family emergency situation. Services in this category may not be  
11      provided in excess of 48 hours.

12      "Personal assistance services." Consumer-directed basic and  
13      ancillary services which enable a person with a physical  
14      disability to live at home and carry out functions of daily  
15      living, self care and mobility. Personal assistance services  
16      include, but are not limited to:

17           (1) Assisting with getting in and out of a bed,  
18      wheelchair and motor vehicle.

19           (2) Assisting with performing routine daily functions  
20      such as health maintenance activities, bathing and personal  
21      hygiene activities, dressing and grooming, preparing food and  
22      eating it and cleaning up after mealtimes.

23           (3) Providing companion-type services such as reading  
24      and writing letters, tutoring and running errands.

25           (4) Providing transportation.

26           (5) Providing emergency respite, planned respite and  
27      temporary respite services.

28      "Personal assistant." An individual other than a family  
29      member who provides personal assistance services to an eligible  
30      child.

1 "Planned respite services." Services that provide regularly  
2 scheduled support on a long-term basis by periodically relieving  
3 the family from the 24-hour, seven days a week responsibilities  
4 for caring for an eligible child with a long-term physical  
5 disability. Services in this category may not be provided in  
6 excess of 20 hours a week.

7 "Secretary." The Secretary of Public Welfare of the  
8 Commonwealth.

9 "Temporary respite services." Services that are needed on a  
10 short-term basis to alleviate stress and to assist a family to  
11 cope with an immediate problem such as a birth or death in the  
12 family or a temporary illness. Services in this category may not  
13 be provided in excess of one week.

14 Section 3. Services for Children with Physical Disabilities  
15 Program.

16 (a) Establishment.--The Services for Children with Physical  
17 Disabilities, hereby established, shall be developed and  
18 administered by the department. It shall consist of personal  
19 assistance services for eligible children.

20 (b) Provider proposals.--Potential providers shall submit  
21 proposals to provide personal assistance. Proposals shall be  
22 submitted to the department in the form and manner it requires.

23 (c) Selection criteria.--In selecting providers, the  
24 department shall give highest priority to proposals which will  
25 serve children with severe physical disabilities and children at  
26 greatest risk of receiving an out-of-home placement or of being  
27 institutionalized. The department may establish other criteria  
28 by regulation.

29 (d) Agreements with providers.--The department may enter  
30 into written agreements with providers who will provide personal

1 assistance services to eligible children.

2 (e) Terms of agreement.--An agreement between a provider and  
3 the department shall establish, at a minimum, the following:

4 (1) The number of clients to be served.

5 (2) The types of personal assistance services to be  
6 provided.

7 (3) The cost of services.

8 (4) The method of payment.

9 (5) The criteria to be employed in evaluating the  
10 provision of services.

11 (f) Participation.--Providers shall include when  
12 appropriate, the families of eligible children in the planning,  
13 start-up, delivery and administration of personal assistance  
14 services and training of personal assistants. Families and  
15 children who are clients may engage in hiring, managing and  
16 firing personal assistants.

17 (g) Consumer assessment reports.--The department shall  
18 determine eligibility and the need for personal assistance  
19 services. The determination shall be based on consumer  
20 assessment reports filed by eligible children's advocates and by  
21 providers.

22 (h) Waiting list.--The department, in conjunction with  
23 providers, shall develop a waiting list for eligible children  
24 who cannot be served immediately. The waiting list shall be  
25 based on who needs services most.

#### 26 Section 4. Funding.

27 (a) Use of funds.--Funds made available under this act shall  
28 be used only for the planning, designing, delivering and  
29 administering of personal assistance services and training of  
30 personal assistants.

1 (b) Federal and private funds.--Programs for personal  
2 assistance services shall use Federal funds where possible. The  
3 department shall apply for and use, subject to specific  
4 appropriation by the General Assembly, all Federal funds which  
5 become available to carry out a program of personal assistance  
6 services. The department shall use private funds which become  
7 available to carry out a program of personal assistance  
8 services.

9 (c) Program fee schedule.--The department shall develop a  
10 sliding fee schedule for personal assistance services for  
11 eligible children.

12 (d) Disbursement of funds.--The department shall disburse  
13 funds in a manner that ensures, to the extent of available  
14 funds, equitable distribution of service among eligible children  
15 with need for personal assistance services and among various  
16 regions of this Commonwealth.

17 (e) Availability of services.--Personal assistance services  
18 shall be available only to the extent that they are funded  
19 through annual appropriation of Federal and State funds and  
20 program fees.

## 21 Section 5. Demonstration projects.

22 The department may initiate demonstration projects to test  
23 new ways of providing personal assistance services, as well as  
24 conduct specific research into ways to best provide personal  
25 assistance services in both urban and rural environments.

## 26 Section 6. Rules or regulations.

27 The department shall promulgate the rules or regulations  
28 necessary for the effective administration of any programs  
29 within the Services for Children with Physical Disabilities  
30 Program. The regulations shall encourage in-home care and client

1 control of the personal assistance services which are provided.

2 Section 7. Report.

3 Prior to June 30, 1993, the secretary shall submit a report  
4 to the legislative committees having jurisdiction over  
5 appropriations and the legislative committees having  
6 jurisdiction over health and welfare service. This report shall  
7 include at least the following information regarding personal  
8 assistance services:

9 (1) A summary of the personal assistance services  
10 provided under this act, including, but not limited to, a  
11 description of service models utilized, costs by service  
12 model, unit of service and per eligible child and eligible  
13 child demographics.

14 (2) Recommendations regarding the direction of and  
15 funding priorities for attendant care services for fiscal  
16 years 1993-1994 and 1994-1995.

17 Section 8. Effective date.

18 This act shall take effect July 1, 1992.