
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1629 Session of
2001

INTRODUCED BY WOJNAROSKI, PISTELLA, SCHULER, GRUCELA, B. SMITH,
C. WILLIAMS, ARMSTRONG, SAMUELSON, WATSON, PALLONE AND
YUDICHAK, MAY 21, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MAY 21, 2001

AN ACT

1 Providing for long-term care facilities and for facilities which
2 offer cognitive support services to persons with mental
3 impairment.

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 Cognitive
8 Support Services Licensing 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 "Cognitive support services." Assessment, program planning,
14 ongoing monitoring, personal care services, health support
15 services, dementia-care activity programming and crisis
16 management provided as part of a coordinated care plan to
17 residents who have memory impairments and other cognitive

1 problems that significantly interfere with their ability to
2 carry out activities of daily living without assistance and who
3 require that supervision, monitoring and programming be
4 available to them 24 hours per day, seven days per week, in
5 order for them to reside safely in the setting of their choice.

6 "Cognitive support services license." A permit issued under
7 section 3 which allows a long-term care facility to provide
8 cognitive support services.

9 "Department." The department that has the respective
10 licensing authority over a long-term care facility. For a long-
11 term nursing facility, the term shall mean the Department of
12 Health. For a personal care home, the term shall mean the
13 Department of Public Welfare. For an adult daily living center,
14 the term shall mean the Department of Aging.

15 "Long-term care facility." A facility licensed by the
16 Commonwealth to provide long-term care. The term includes, but
17 is not limited to, a long-term nursing facility, a personal care
18 home and an adult daily living center.

19 "Long-term care specialty facility." A long-term care
20 facility that has been issued a cognitive support services
21 license.

22 "Personal care services." Assistance or supervision in
23 dressing, bathing, diet, financial management or evacuation of a
24 consumer in a personal care home, in the event of an emergency
25 or medication prescribed for self-administration and shall
26 include prompting, cueing, monitoring and focusing on
27 maintaining functioning.

28 "Resident." A person with a cognitive impairment who
29 receives services in either a long-term care facility or a long-
30 term care specialty facility.

1 "Restricted unit." A unit within a long-term care facility
2 that has received a long-term care specialty license under this
3 act and that provides services to people with cognitive
4 impairments.

5 Section 3. Cognitive support services license.

6 (a) Agency duties.--Within six months of the effective date
7 of this act, each department authorized to license a long-term
8 care facility shall meet to establish the requirements which a
9 long-term care facility must fulfill in order to obtain a
10 cognitive support services license. Only those long-term care
11 facilities that receive a cognitive support services license
12 shall be permitted to advertise that they offer cognitive
13 support services and are a long-term care speciality facility.

14 (b) Regulations.--Within 90 days of enactment of this act,
15 each such department shall promulgate the rules and regulations
16 which are appropriate for a long-term care facility under its
17 authority that applies for a cognitive support services license.
18 These rules and regulations shall provide:

19 (1) Admission and transfer criteria for those with
20 cognitive services.

21 (2) Adequate indoor and outdoor wandering space
22 requirements.

23 (3) Requirements relating to provision of therapeutic
24 activities that meet the scheduled and unscheduled individual
25 needs of each resident, with services focusing on maximizing
26 independence and on the individual's strengths and abilities.

27 (4) Physical design and safety requirements, including
28 electronic monitoring.

29 (5) Additional and specialized training requirements for
30 staff in the area of cognitive problems and care.

(6) Prearranged procedures for notification of authorities should a resident wander away from the long-term care speciality facility.

(7) Minimum staffing requirements that shall apply to a long-term care specialty facility.

Section 4. Administrator training.

(a) Administrator proficiency to be tested.--In order for a long-term care facility to receive a cognitive support services license, its administrators shall receive training and pass a test in a program approved by each department. Each administrator shall demonstrate proficiency in the following areas:

(1) The definition and diagnosis of dementia, description of the reversible and irreversible causes and explanations of differences between dementia, delirium and depression.

(2) An explanation of dementia and related disorders, progression, stages and individual variability.

(3) Communication techniques.

(4) A description of behavioral symptoms of dementia and how to approach residents when they display challenging behaviors, including conflict avoidance and conflict resolution techniques.

(5) The role of personality, culture and environmental factors in behavioral symptoms and dementia care.

(6) Knowledge of community-based resources for consumers with dementia and their families.

(b) Grandfather clause.--Administrators who are so employed on the date this act is enacted shall have six months from the date the initial cognitive support services license regulations

1 are promulgated to demonstrate proficiency in the areas
2 specified in subsection (a).

3 Section 5. Staff training.

4 (a) Requirements.--Staff working in a long-term care
5 specialty facility shall receive training approved by the
6 department which issued its cognitive support services license.
7 Each staff member shall receive additional training that
8 includes, but is not limited to, the following:

9 (1) Assessment and reporting of health problems.

10 (2) Understanding dementia, including causes, symptoms,
11 treatments and management techniques.

12 (3) Changes in condition and appropriate responses.

13 (4) Dementia-capable activity programming, communication
14 skills and management of behavioral challenges.

15 (5) Mental health issues.

16 (6) Stress management.

17 (7) Awareness, identification, prevention and reporting
18 of abuse and neglect.

19 (b) Grandfather clause.--Staff who are employed in a long-
20 term care facility on the date this act is enacted shall have
21 six months from the date the initial cognitive support services
22 license regulations are promulgated to demonstrate proficiency
23 in the areas specified in subsection (a).

24 Section 6. Discharge and transfer.

25 Before a resident is discharged or transferred from a long-
26 term care facility to a long-term care specialty facility, the
27 following shall occur:

28 (1) The resident, a responsible family member or a legal
29 representative for the resident shall be informed by written
30 notice at least 30 days in advance of the long-term

1 facility's intent to discharge or transfer the resident. The
2 notice shall contain the following:

3 (i) A statement of the resident's rights to seek an
4 assessment from either the area agency on aging or
5 another qualified person that is independent from the
6 long-term care facility.

7 (ii) A statement of the resident's right to appeal
8 to the specified department and use the facility's
9 internal grievance process to address the appropriateness
10 of the transfer or discharge.

11 (2) Notice shall be provided to the resident and to
12 either a responsible family member or a legal representative
13 of the resident. The long-term care facility making the
14 transfer shall keep as part of the resident's records proof
15 that a responsible family member or legal representative
16 received the written notice.

17 (3) The notice requirement under this section does not
18 apply if the transfer or discharge is necessary to meet a
19 resident's needs or when the resident is a danger to himself
20 or other residents. However, the long-term care facility
21 shall provide as much advance notice as possible to the
22 resident and to either a responsible family member or legal
23 representative of the resident.

24 (4) A physician shall approve the transfer or discharge
25 and the resident and either a responsible family member or
26 legal representative shall also approve the transfer or
27 discharge.

28 (5) If the resident is not capable of understanding the
29 written notice for a transfer or discharge and there is no
30 responsible family member or a legal representative for the

1 resident, the long-term care facility shall refer the matter
2 to the local area agency on aging for review.

3 (6) The department shall, through its inspection
4 process, review transfer and discharge cases that are based
5 on cognitive impairments for compliance.

6 Section 7. Disclosure.

7 A long-term care specialty facility shall provide each
8 applicant with a disclosure form approved by the department that
9 contain the following:

10 (1) A mission statement on serving individuals with
11 cognitive impairments.

12 (2) The department regulations requiring physical space,
13 therapeutic activities, additional administrator and staff
14 training and security measures that must be met by a long-
15 term care specialty facility.

16 (3) A statement that the long-term care specialty
17 facility meets the requirements established by the
18 department.

19 (4) A description of the schedule and types of
20 individual and group activities, security measures and family
21 support programs.

22 Section 8. Effective date.

23 This act shall take effect in 180 days.