

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1152 Session of  
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BELFANTI, MARCH 31, 2009

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MARCH  
31, 2009

AN ACT

1 Establishing the Department of Aging and Long-Term Living and  
2 providing for its powers and duties; and making related  
3 repeals.

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 Department of  
8 Aging and Long-Term Living Act.

9 Section 2. Objectives.

10 The objectives of this act shall be all of the following:

11 (1) To establish a cabinet-level State agency that  
12 combines the Department of Aging and selected functions of  
13 the Department of Public Welfare and whose jurisdiction,  
14 powers and duties concern and are directed to advancing the  
15 well-being and full participation of people with disabilities  
16 and older adults through the provision of long-term living

1 services.

2 (2) To effect the maximum feasible coordination of and  
3 eliminate duplication in the Commonwealth's administration of  
4 certain Federal and State programs for people with  
5 disabilities and older adults.

6 (3) To promote the development of a long-term living  
7 system that includes consumer choice and self-direction, is  
8 responsive to the needs and preferences of people with  
9 disabilities and older adults, recognizes their cultural  
10 differences and language barriers and assists them to attain  
11 and maintain lives of independence, dignity, integration and  
12 involvement in the social, economic and political affairs of  
13 their communities.

14 (4) To promote the efficient and economical  
15 administration and delivery of long-term living services to  
16 people with disabilities and older adults in ways that assure  
17 that long-term living services are provided in a manner  
18 consistent with applicable Federal and State law, including  
19 Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C.  
20 § 1396 et seq.).

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall  
23 have the meanings given to them in this subsection unless the  
24 context clearly indicates otherwise:

25 "Adult daily living center." An older adult daily living  
26 center as defined in the act of July 11, 1990 (P.L.499, No.118),  
27 known as the Older Adult Daily Living Centers Licensing Act.

28 "Area agency." The single local area agency on aging  
29 designated by the Department of Aging and Long-Term Living  
30 within each planning and service area to administer the delivery

1 of a comprehensive and coordinated plan of social and other  
2 services and activities.

3 "Area plan." The plan submitted to the Department of Aging  
4 and Long-Term Living by an area agency describing the methods by  
5 which it will ensure a coordinated and comprehensive plan of  
6 social and other services and activities in the planning and  
7 service area.

8 "Assessment." A determination based on a comprehensive  
9 review of an individual's social, physical and psychological  
10 status and needs, using the instruments and procedures  
11 established by the department for this purpose.

12 "Assisted living residence." An assisted living residence as  
13 defined in the act of July 25, 2007 (P.L.402, No.56), entitled  
14 "An act amending the act of June 13, 1967 (P.L.31, No.21),  
15 entitled 'An act to consolidate, editorially revise, and codify  
16 the public welfare laws of the Commonwealth,' further providing  
17 for State plan for regulating and licensing personal care homes,  
18 for Intra-Governmental Council on Long-Term Care and for rules  
19 and regulations for personal care homes and assisted living  
20 residences."

21 "Council." The Council on Aging and Long-Term Living.

22 "Department." The Department of Aging and Long-Term Living  
23 of the Commonwealth.

24 "Domiciliary care." A living arrangement in the community  
25 which provides a safe, supportive, homelike residential setting  
26 for no more than three adults who are unrelated to the  
27 domiciliary care provider and who cannot live independently in  
28 the community.

29 "Long-term living services." Those services designed to  
30 provide diagnostic, therapeutic, rehabilitative, supportive or

1 maintenance services for individuals who have chronic functional  
2 impairments provided in settings including the individual's home  
3 or a nursing facility. The term does not include services  
4 authorized under the act of October 20, 1966 (Sp.Sess. 3,  
5 P.L.96, No.6), known as the Mental Health and Mental Retardation  
6 Act of 1966, or similar services funded under Title XIX of the  
7 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

8 "Nursing facility." A long-term care nursing facility  
9 licensed by the Department of Health pursuant to the act of July  
10 19, 1979 (P.L.130, No.48), known as the Health Care Facilities  
11 Act.

12 "Older adults," "older persons," "aging," or "elderly." Any  
13 persons residing within this Commonwealth who are at least 60  
14 years of age.

15 "Older Americans Act of 1965." The Older Americans Act of  
16 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

17 "People with disabilities." Individuals 18 to 59 years of  
18 age residing within this Commonwealth who have been determined  
19 to be eligible to receive, or who are receiving, attendant care  
20 services under the act of December 10, 1986 (P.L.1477, No.150),  
21 known as the Attendant Care Services Act, or services under a  
22 home and community-based services waiver or other long-term  
23 living services program administered by the Department of Aging  
24 and Long-Term Living.

25 "Personal care home." A personal care home licensed by the  
26 Department of Public Welfare under Article X of the act of June  
27 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

28 "Planning and service area." The geographic unit within this  
29 Commonwealth, as authorized by the Older Americans Act of 1965  
30 (Public Law 89-73, 42 U.S.C. § 3001 et seq.), for allocation of

1 funds for the delivery of social services to older adults.

2 "Secretary." The Secretary of Aging and Long-Term Living.

3 "Sole State agency." As used with reference to the Older  
4 Americans Act of 1965 (Public Law 89-73, 42 U.S.C. § 3001 et  
5 seq.), the Department of Aging and Long-Term Living.

6 "Unit of general purpose local government." As used with  
7 reference to the designation of area agencies on aging, a county  
8 or other unit which carries general government authority for an  
9 area designated as a planning and service area under this act or  
10 a combination of those units.

11 Section 4. Department of Aging and Long-Term Living.

12 (a) Establishment.--The Department of Aging and Long-Term  
13 Living is established.

14 (b) Powers and duties.--The department shall have the power  
15 and duty to do all of the following:

16 (1) Administer programs that provide long-term living  
17 services to people with disabilities and older adults.

18 (2) Assist with planning and provide consultation to  
19 State agencies with respect to services, programs and  
20 activities which they may furnish to people with disabilities  
21 and older adults.

22 (3) Develop and periodically update in consultation with  
23 the council and the area agencies, a comprehensive plan for  
24 coordinating major Commonwealth services, programs and  
25 activities that are directed toward people with disabilities  
26 and older adults who require long-term living services.

27 (4) Administer the former act of November 4, 1983  
28 (P.L.217, No.63), known as the Pharmaceutical Assistance  
29 Contract for the Elderly Act.

30 (5) Administer the former act of November 6, 1987

1 (P.L.381, No.79), known as the Older Adults Protective  
2 Services Act.

3 (6) Prepare for the Governor an annual budget as may be  
4 reasonably required to address the needs of the council.

5 (7) Make recommendations for legislative action to the  
6 Governor and the General Assembly.

7 (8) Publish a description of the organization and  
8 function of the department so that all interested agencies  
9 and individuals may be better able to solicit assistance from  
10 the department.

11 (9) Administer and supervise a domiciliary care program  
12 for adults.

13 (10) Administer and supervise an attendant care program  
14 for people with disabilities under the act of December 10,  
15 1986 (P.L.1477, No.150), known as the Attendant Care Services  
16 Act, and any related home and community-based services  
17 waiver.

18 (11) Conduct, in cooperation with appropriate State and  
19 local public and private agencies, studies and evaluations  
20 pertaining to the quality of life, health and social needs,  
21 civil rights and status of people with disabilities and older  
22 adults receiving long-term living services and report the  
23 findings and recommendations to the General Assembly.

24 (12) In cooperation with the area agencies and Federal,  
25 State and local organizations and agencies that support  
26 people with disabilities and older adults, work toward the  
27 development of a continuum of home and community-based  
28 service and housing options for older adults and for people  
29 with disabilities designed to maintain them in the community  
30 and avoid or delay institutional care. System development

1 activities shall include coordinating the Commonwealth's  
2 plans for the provision, expansion and effective  
3 administration of all of the following:

4 (i) In-home services, including personal assistance  
5 and supportive services, which shall include consumer-  
6 directed services.

7 (ii) Housing options such as service-enriched  
8 housing options, personal care homes and assisted living  
9 residences.

10 (iii) Special services to caregivers who support  
11 people with disabilities and older adults.

12 (iv) Adult daily living center services, respite  
13 services and other community-based services to support  
14 caregivers.

15 (v) The promotion of informal community supports.

16 (vi) Assessment and nursing facility screening  
17 programs.

18 (vii) Special advocacy efforts to promote greater  
19 awareness of, and more effective response to, Alzheimer's  
20 disease and other related brain disorders.

21 (13) In cooperation with the Department of Public  
22 Welfare, and consistent with the authority of the Department  
23 of Public Welfare as the single State agency responsible for  
24 the Medical Assistance Program funded under Title XIX of the  
25 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.),  
26 do all of the following:

27 (i) Develop and administer a system of preadmission  
28 assessment for persons who are at risk of needing  
29 institutional care.

30 (ii) Develop and administer home and community-based

1 long-term living service programs for people with  
2 disabilities and older adults who are assessed as being  
3 clinically eligible for nursing facility care, including  
4 residents of assisted living residences.

5 (iii) Administer those provisions of the act of June  
6 13, 1967 (P.L.31, No.21), known as the Public Welfare  
7 Code, which relate to long-term living services for  
8 people with disabilities and older adults.

9 (14) Review all proposed Commonwealth program plans and  
10 policies, and administrative regulations that are published  
11 in the Pennsylvania Bulletin for their impact on people with  
12 disabilities and older adults. If the secretary believes that  
13 they have an impact on such persons, the secretary may  
14 comment in accordance with the provisions of the act of July  
15 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
16 Documents Law.

17 (15) Promulgate rules and regulations necessary to  
18 perform the duties required of the department under this act.

19 (16) At the option of the secretary, to administer the  
20 provisions of the former act of January 22, 1968 (P.L.42,  
21 No.8), known as the Pennsylvania Urban Mass Transportation  
22 Assistance Law of 1967, which relate to special transit  
23 programs for the elderly. The secretary shall confer with the  
24 Department of Transportation in order to ensure that the  
25 regulations promulgated by the department do not conflict  
26 with those promulgated by the Department of Transportation.

27 (17) Review the activities of regulatory agencies of the  
28 Commonwealth which affect the full and fair utilization of  
29 State and community resources for programs and benefits for  
30 people with disabilities and older adults and initiate



1 programs which will help assure such utilization.

2 (18) Conduct, in cooperation with the Department of  
3 Health and the Department of Public Welfare, periodic studies  
4 and evaluations pertaining to the quality of care and related  
5 services for consumers of long-term living services and  
6 report the findings to the General Assembly.

7 (19) Conduct, in cooperation with the Department of  
8 Health, an ongoing Statewide prescription drug education  
9 program designed to inform older adults of the dangers of  
10 prescription drug abuse and misuse.

11 (20) Collaborate with the Department of Community and  
12 Economic Development and the Pennsylvania Housing Finance  
13 Agency in the location, design, management of and services  
14 for accessible and affordable housing built for people with  
15 disabilities and older adults and upon request, provide  
16 technical assistance to local housing authorities, nonprofit  
17 housing and community groups, redevelopment authorities and  
18 other groups with a special emphasis on programs related to  
19 utility costs, rehabilitation and maintenance of the homes of  
20 those persons.

21 (21) Review and comment on all rules, regulations,  
22 eligibility or payment standards issued by the Department of  
23 Public Welfare, the Department of Health, the Department of  
24 Environmental Protection or the Department of Labor and  
25 Industry relating to the licensure and regulation of nursing  
26 facilities and hospitals; medical assistance, supplemental  
27 security income; home support and home health care. The  
28 rules, regulations and standards may not take effect until  
29 they have been submitted to the department for comment.

30 (22) Review and comment on rules, regulations,

1 eligibility standards or contract provisions issued by the  
2 Department of Revenue and the Department of Transportation  
3 relating to activities financed in whole or in part by the  
4 Pennsylvania Lottery. The rules, regulations, eligibility  
5 standards and contract provisions may not take effect until  
6 they have been submitted to the department for comment.

7 (23) Review and comment on rules, regulations,  
8 eligibility standards or contract provisions issued by the  
9 Department of Transportation relating to specialized  
10 transportation needs of people with disabilities and older  
11 adults in rural and urban areas. The rules, regulations,  
12 eligibility standards or contract provisions may not take  
13 effect until they have been submitted to the department for  
14 comment.

15 (24) In coordination with the area agencies and the  
16 council, develop and conduct research, demonstration programs  
17 and training programs to advance the interests of people with  
18 disabilities and older adults.

19 (25) Advance the interests of people with disabilities  
20 and older adults at all levels of government and provide  
21 consultation and assistance to the area agencies, service  
22 providers, communities and civic groups developing local  
23 services for people with disabilities and older adults.

24 (26) Maintain a clearinghouse of information related to  
25 the interests of people with disabilities and older adults  
26 and provide technical assistance and consultation to all  
27 agencies, both public and private with respect to programs  
28 and services for those persons.

29 (27) Promote, utilizing wherever possible the area  
30 agencies, community education regarding the problems of

1 people with disabilities and older adults through institutes,  
2 publications and use of communications media.

3 (28) Under the Older Americans Act of 1965, to:

4 (i) Evaluate the need for services for older adults  
5 within this Commonwealth and determine the extent to  
6 which public and private programs meet such a need with  
7 special emphasis on the needs and participation of the  
8 minority elderly.

9 (ii) Provide for services to older adults that  
10 promote lives of independence, dignity, integration and  
11 involvement through area agencies and other appropriate  
12 agencies, organizations and institutions authorized in  
13 accordance with the Older Americans Act of 1965, related  
14 Federal acts and applicable State law and to stimulate  
15 services and opportunities for older adults which are not  
16 otherwise available.

17 (iii) Function as the sole State agency to receive  
18 and disburse Federal funds under the Older Americans Act  
19 of 1965 and State funds made available for providing  
20 services to older adults.

21 (iv) Develop and administer the State plan for the  
22 aging required by Federal law.

23 (v) Promote and support programs, studies and  
24 policies, in cooperation with other government agencies,  
25 which will enhance the opportunity for continued work,  
26 education and training for older adults.

27 (vi) Promote, through the use of area agencies and  
28 direct grants, contracts and technical assistance, the  
29 development of independent senior centers, service  
30 organizations, clubs, associations and organizations

1 dedicated to the rights and needs of older adults when  
2 these are not in conflict with State or area plans for  
3 the aging.

4 (vii) Establish and administer a State Long-Term  
5 Care Ombudsman Program, including providing resources to  
6 area agencies or other contractors to investigate and  
7 resolve complaints related to the health, safety or  
8 rights of older adults who are consumers of long-term  
9 living services and prepare and submit to the General  
10 Assembly an annual report containing data and findings  
11 regarding the types of problems experienced and  
12 complaints investigated.

13 (c) Preference.--In filling vacancies authorized to the  
14 department, the secretary shall assure that preference is given  
15 to people with disabilities and older adults.

16 Section 5. Council on Aging and Long-Term Living.

17 (a) Creation.--

18 (1) There is created in the Office of the Governor the  
19 Council on Aging and Long-Term Living, which shall consist of  
20 21 persons and which shall include the chairpersons of the  
21 regional councils on aging and long-term living, as described  
22 under subsection (f) (7).

23 (2) (i) At least seven members of the council shall be  
24 older adults.

25 (ii) At least seven members of the council shall be  
26 people with disabilities.

27 (iii) At least four members of the council shall be  
28 current consumers of long-term living services.

29 (iv) At least three members of the council shall be  
30 current providers of services to people with disabilities

1 or older adults.

2 (3) Eleven members of the council shall constitute a  
3 quorum.

4 (4) Absence of a member at three consecutive meetings  
5 shall result in the member forfeiting the seat, unless the  
6 member requests in writing and receives approval from the  
7 chairman for an absence necessitated by illness of the member  
8 or the death of a loved one.

9 (b) Nomination and terms.--The members of the council shall  
10 be nominated by the Governor, subject to the consent of a  
11 majority of the members elected to the Senate, and shall  
12 represent, as far as possible, different geographical sections  
13 of this Commonwealth. The members shall serve staggered three-  
14 year terms and shall serve until their successors are appointed  
15 and qualified. Members shall be eligible for reappointment.

16 (c) Organization.--The council shall provide for its  
17 organization and procedure including the selection of a chairman  
18 and other officers as deemed necessary.

19 (d) Compensation.--The members of the council shall receive  
20 no compensation for their services on the council but shall be  
21 reimbursed by the department, in accordance with regulations,  
22 for any ordinary and necessary expenses incurred in the  
23 performance of their duties.

24 (e) Meetings.--The council shall meet at least six times per  
25 year to review and comment upon all reports of the department to  
26 the Governor and the General Assembly and conduct other council  
27 business.

28 (f) Powers and duties.--The council shall have the following  
29 powers and duties:

30 (1) To review and comment on rules and regulations

1 promulgated by the department.

2 (2) To prepare and submit to the Governor, the General  
3 Assembly and the secretary, public reports evaluating the  
4 level and quality of services and programs provided to people  
5 with disabilities and older adults by Commonwealth agencies  
6 together with recommendations for improved, expanded or  
7 additional programs and services for people with disabilities  
8 and older adults, including recommendations for improving  
9 cultural sensitivity within these programs and services.

10 (3) To carry out public hearings on matters affecting  
11 the rights and interests of people with disabilities and  
12 older adults, including matters involving cases of neglect,  
13 abuse and age discrimination against people with disabilities  
14 and older adults in the administration of the laws of the  
15 Commonwealth and its political subdivisions.

16 (4) To carry out studies about major issues affecting  
17 people with disabilities and older adults and to report to  
18 the Governor, the General Assembly, the secretary and the  
19 public its findings and recommendations in regard to  
20 appropriate action and a long-term strategy for addressing  
21 these issues.

22 (5) To assist the department in the preparation of the  
23 State plan on aging.

24 (6) To consult with the secretary regarding the  
25 operations of the department.

26 (7) To establish no more than five regional councils on  
27 aging and long-term living consisting of 15 citizen members,  
28 with the composition, members' terms of offices, organization  
29 and duties and responsibilities determined by the council.

30 (8) To employ, with funds as are annually appropriated

1 by the General Assembly, sufficient staff and services to  
2 carry out these duties and powers as well as the duties and  
3 powers of the regional councils.

4 Section 6. Area agencies.

5 (a) Planning and service area.--Planning and service areas  
6 in existence on the effective date of this section may only be  
7 changed by order of the secretary under provisions set forth by  
8 the department for combining or dividing geographical areas to  
9 bring about more effective and efficient planning and service  
10 delivery.

11 (b) Designated area agencies.--

12 (1) For each planning and service area there shall be an  
13 area agency designated by the department in accordance with  
14 the Older Americans Act of 1965, to serve as a focal point in  
15 the community for the coordination of services for older  
16 adults and for the issues and concerns of aging.

17 (2) An area agency designated under paragraph (1) shall  
18 be one of the following:

19 (i) An established office of aging.

20 (ii) An office or agency of the unit of general  
21 purpose local government which is designated for the  
22 purpose under paragraph (1) by the chief elected  
23 officials of the unit of general purpose local  
24 government.

25 (iii) An office or agency designated by the chief  
26 elected officials of a combination of units of general  
27 purpose local government to act on behalf of that  
28 combination for the purpose under paragraph (1).

29 (iv) A public or nonprofit private agency in a  
30 planning and service area which is under the supervision

1 or direction, for the purpose under paragraph (1), of the  
2 designated State agency and which can engage in the  
3 planning or provision of a broad range of social services  
4 within the planning and service area and must provide  
5 assurance, found adequate by the department, that it will  
6 have the ability to develop and administer an area plan.

7 (3) The secretary may redesignate or designate new area  
8 agencies based on established regulations. The regulations  
9 shall include criteria of efficiencies, appropriateness and  
10 equity and shall provide for public hearings on redesignation  
11 conducted in the affected planning and service areas. Any  
12 determinations of redesignation shall be executed not less  
13 than 100 days prior to the beginning of the fiscal year of  
14 the local authority. A designation or redesignation may  
15 occur:

16 (i) if changes are made in established planning and  
17 service area boundaries;

18 (ii) if a currently designated area agency is unable  
19 or unwilling to continue as the area agency;

20 (iii) if removal of an area agency designation is  
21 requested by the local authority with cause shown; or

22 (iv) if the department determines that a currently  
23 designated area agency is incapable of carrying out its  
24 approved area plan.

25 (4) The removal of an area agency designation and the  
26 designation of a new area agency shall be carried out under  
27 regulations promulgated by the department and consistent with  
28 the Older Americans Act of 1965.

29 (5) For the purpose of this subsection, the term "local  
30 authority" shall mean county commissioners or county council.



1 (c) Powers and duties.--

2 (1) The area agency shall have the authority to act as  
3 an advocate at all levels of government and within the  
4 community at large for the interests of older adults within  
5 the planning and service area. It shall develop a  
6 comprehensive area plan to coordinate services for older  
7 adults within its planning and service area. The area plan  
8 shall make provision for all of the following:

9 (i) Information about and referral to advocacy  
10 programs.

11 (ii) Case management, including protective services  
12 and long-term living services.

13 (iii) Transportation services.

14 (iv) Legal counseling and representation.

15 (v) In-home services including personal assistance  
16 and supportive services, which shall include consumer-  
17 directed services.

18 (vi) Assistance to secure adequate housing and  
19 health services.

20 (vii) Other services required by Federal law and  
21 services and activities designated by the department or  
22 identified as critical needs by the area agency and the  
23 area agency advisory board. The State plan on aging and  
24 grants and contracts provided by the department shall  
25 reasonably accommodate locally designated priorities and  
26 critical needs.

27 (viii) The establishment of an affiliated network of  
28 senior community centers.

29 (2) The area agency shall be responsible for working  
30 toward the development, in cooperation with State and local

1 organizations and agencies, of a continuum of community-based  
2 service and housing options for older adults designed to  
3 maintain them in the community and avoid or delay  
4 institutional care. System development activities shall  
5 include coordinating area plans for the provision, expansion  
6 and effective administration of:

7 (i) In-home services including personal assistance  
8 and supportive services, which shall include consumer-  
9 directed services.

10 (ii) Housing options such as service-enriched  
11 housing, personal care homes and assisted living  
12 residences.

13 (iii) Special supports to caregivers who care for  
14 older adults.

15 (iv) Adult daily living services, respite services  
16 and other community-based services to support caregivers.

17 (v) The promotion of informal community supports.

18 (vi) Assessment programs.

19 (vii) Special services to protect the health, safety  
20 and welfare of older adults who lack the capacity to  
21 protect themselves.

22 (ix) Special advocacy efforts to promote greater  
23 awareness of Alzheimer's disease and other related brain  
24 disorders. To the extent that the needs of other adults  
25 involve and overlap the needs of older adults addressed  
26 under this subparagraph, the area agency shall serve as  
27 an advocate for adults of any age.

28 (3) The area agency shall give priority of services to  
29 older adults with the greatest social need and greatest  
30 economic need, with particular attention to low-income

1 minority individuals and older adults residing in rural  
2 areas.

3 (4) In filling employment vacancies, the area agency  
4 shall assure that preference is given to older adults.

5 (5) Consistent with the Older Americans Act of 1965 and  
6 provisions set forth by the department, the area agency may  
7 grant to or contract with any public or private agency for  
8 the provision of social services. The area agency is  
9 authorized to use, with their consent, the services,  
10 equipment, personnel and facilities of Federal and State  
11 agencies, with or without reimbursement and on a similar  
12 basis, to cooperate with other public and private agencies,  
13 and instrumentalities in the use of services, equipment and  
14 facilities.

15 (d) Advisory councils.--In each planning and service area,  
16 an advisory council of at least 15 members shall be appointed to  
17 advise the area agency with regard to the needs of older adults  
18 residing in the planning and service area and the area agency's  
19 responses to those needs. The composition and responsibility of  
20 the area agency advisory council shall be consistent with the  
21 provisions of the Older Americans Act of 1965 and the  
22 regulations of the department. The regulations shall require  
23 that each advisory council be composed of a majority of older  
24 adults. Advisory councils shall be given the maximum possible  
25 opportunity to influence local programs and policies and  
26 advocacy roles within area agency programs and local  
27 communities. Area agencies shall provide advisory councils with  
28 the funds necessary to carry out their functions.

29 (e) Reports and plans.--

30 (1) Under provisions set forth by the department, the

1 area agency shall submit to the department a comprehensive  
2 area plan which clearly explains the area agency's objectives  
3 for providing services to the older adults of the planning  
4 and service area. The plan may be submitted as part of a  
5 coordinated county human service plan if the format is  
6 approved by the department.

7 (2) Each area agency, under provisions set forth by the  
8 department, shall submit an annual report which describes and  
9 evaluates its programs and services after the close of each  
10 year of funding by the department.

11 (f) Allocation of resources.--

12 (1) The area agency shall receive a basic allocation of  
13 resources, consisting of Federal and State funds weighted by  
14 the proportion of poor older adults who reside in the  
15 planning and service area in relation to the total number of  
16 poor older adults who reside in this Commonwealth utilizing  
17 poverty threshold income standards as determined by the  
18 United States Office of Management and Budget, except that  
19 each area agency shall be held harmless to the amount of  
20 State funds received in the preceding program year.

21 (2) The department may allocate additional resources to  
22 area agencies based upon the total number of older adults who  
23 reside within the planning and service area, the availability  
24 of transportation services, the rural-urban distribution of  
25 older adults, rural program cost differentials, the need for  
26 social and medical services, the amount of funds devoted by  
27 county commissioners for older adults and other special  
28 circumstances as determined by the secretary.

29 (3) Funds appropriated to carry out the purposes of this  
30 act shall be distributed to the area agencies as grants or

cost reimbursement for services to older adults, if there is an acceptable plan in accordance with subsection (e).

(g) Evaluation.--The department shall continually review and evaluate the activities of area agencies and the impact and effectiveness of all programs under this act, which may include an onsite evaluation. A written report of the findings of the evaluation shall be submitted to the area agency subject to the evaluation and within 30 days shall be available to the public. In all evaluations, the department shall obtain the views of program beneficiaries concerning strengths and weaknesses of the program. Other departments and agencies of the Commonwealth shall make available to the department information necessary for the evaluations. The department shall annually submit to the Governor and the General Assembly a report on its activities including statistical data reflecting services and activities provided older adults during the preceding fiscal year.

#### Section 7. Demonstration programs.

In recognition of the need for expanded knowledge and experience concerning the status of people with disabilities and older adults in this Commonwealth, the secretary may provide for research and demonstration programs for the following purposes:

(1) Studying current living conditions and needs with special emphasis on persons with low income, medical and functional disabilities, advanced age and isolated living situations.

(2) Studying existing methods and alternatives for providing services, programs and opportunities.

(3) Identifying those factors of particular detriment or benefit to the welfare of people with disabilities and older adults.

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

5 Section 8. Reorganization.

6       (a) Employees.--All Department of Public Welfare personnel  
7       employed by the Office of Long-Term Living and the allocations,  
8       appropriations, equipment, files, records, contracts,  
9       agreements, obligations and other materials which are used or  
10      expended by the Department of Public Welfare in connection with  
11      the powers, duties or functions exercised by the Office of  
12      Long-Term Living are transferred to the department with the same  
13      force and effect as if the appropriations had been made to and  
14      the items had been the property of the Department of Aging and  
15      Long-Term Living and as if the contracts, agreements and  
16      obligations had been incurred or entered into by the department.

17      (b) Contracts, etc.--The reorganization of the Department of  
18      Aging as the department shall not affect the status of any  
19      contract, agreement or obligation entered into by the Department  
20      of Aging.

21      (c) Civil service.--All positions in the department shall be  
22      deemed to be included in the list of positions under section  
23      3(d) of the act of August 5, 1941 (P.L.752, No.286), known as  
24      the Civil Service Act, and the provisions and benefits of the  
25      act shall be applicable to the employees of and positions in the  
26      department.

27      (d) Personnel.--All personnel transferred to the department  
28      from the Department of Public Welfare under this act shall  
29      retain any civil service or other employment status assigned to  
30      the personnel in those departments and agencies prior to the

1 effective date of this section.

2 (e) Personal care homes and assisted living residences.--

3 Nothing in this act shall affect the licensing and regulation of  
4 personal care homes and assisted living residences by the  
5 Department of Public Welfare pursuant to Article X of the act of  
6 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

7 (f) References.--A reference in a statute or regulation to  
8 the Department of Aging shall mean a reference to the  
9 department. A reference in a statute or regulation to the  
10 Secretary of Aging shall mean a reference to the secretary.

11 (g) Secretary of Aging.--The Secretary of Aging shall become  
12 the secretary on the effective date of this section. Programs  
13 and activities authorized under this act shall not commence  
14 before that date, except that the secretary and adequate staff,  
15 to be supported from the affected authorizations, shall  
16 immediately commence transitional and budgetary activities.

17 Section 19. Repeals.

18 Repeals are as follows:

19 (1) The General Assembly declares that the repeals under  
20 paragraphs (2) and (3) are necessary to effectuate the  
21 purposes of this act.

22 (2) The provisions of the act of June 13, 1967 (P.L.31,  
23 No.21), known as the Public Welfare Code, are repealed to the  
24 extent that they are inconsistent with this act.

25 (3) Article XXII-A of the act of April 9, 1929 (P.L.177,  
26 No.175), known as The Administrative Code of 1929, is  
27 repealed.

28 (4) All other acts and parts of acts are repealed  
29 insofar as they are inconsistent with this act.

30 Section 20. Effective date.

1       This act shall take effect July 1, 2009, or immediately,  
2   whichever is later.