

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1088

Session of
1975

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 1976

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. SECTION 316, ACT OF JUNE 13, 1967 (P.L.31, <—
10 NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," IS AMENDED TO READ:

11 SECTION 316. BOARDS OF TRUSTEES OF GENERAL HOSPITALS; POWERS
12 AND DUTIES; SUPERVISION.--(A) THE BOARD OF TRUSTEES OF EACH OF
13 THE STATE GENERAL HOSPITALS SHALL HAVE GENERAL DIRECTION AND
14 CONTROL OF THE PROPERTY AND MANAGEMENT OF SUCH INSTITUTION. IT
15 SHALL HAVE THE POWER, AND ITS DUTY SHALL BE:

16 (1) SUBJECT TO THE APPROVAL OF THE GOVERNOR, TO ELECT A
17 SUPERINTENDENT OF THE HOSPITAL, WHO SHALL, SUBJECT TO THE
18 AUTHORITY OF THE BOARD, ADMINISTER THE INSTITUTION IN ALL ITS

1 DEPARTMENTS;

2 (2) ON NOMINATION BY THE SUPERINTENDENT FROM TIME TO TIME,
3 TO APPOINT SUCH OFFICERS AND EMPLOYES AS MAY BE NECESSARY;

4 (3) TO FIX THE SALARIES OF ITS EMPLOYES IN CONFORMITY WITH
5 THE STANDARDS ESTABLISHED BY THE EXECUTIVE BOARD;

6 (4) SUBJECT TO THE APPROVAL OF THE SECRETARY, TO MAKE SUCH
7 BYLAWS, RULES, AND REGULATIONS FOR THE MANAGEMENT OF THE
8 INSTITUTION AS IT MAY DEEM WISE.

9 (5) WHEN ONLY A PART OF A HOSPITAL IS USED AS A GERIATRIC
10 CENTER, THE RESPONSIBILITIES OF THE BOARD OF TRUSTEES OF SUCH
11 HOSPITAL SHALL CONTINUE TO EXTEND TO THE ENTIRE INSTITUTION.

12 (B) FISCAL, FINANCIAL AND ADMINISTRATIVE CONTROL SHALL BE
13 VESTED IN THE DIRECTOR OF STATE GENERAL HOSPITALS IN HARRISBURG.

14 SECTION ~~1- 2.~~ ARTICLE VI, ~~ACT OF JUNE 13, 1967 (P.L.31,~~ <—
15 ~~NO.21), KNOWN AS THE "PUBLIC WELFARE CODE,"~~ OF THE ACT is <—
16 amended to read:

17 ARTICLE VI

18 [THE AGED]

19 OLDER PENNSYLVANIANS ACT

20 [Section 601. Annual Grants; Aid for Community Living.--The
21 department shall have the power to enter into agreements with
22 county commissioners to make annual grants to defray part of the
23 cost of care and services designed to help dependents and
24 potential dependents to live outside of county institutions. The
25 amount of each such annual grant shall be calculated in
26 accordance with a formula to be established by the department.]

27 Section 601.1. Purpose.--In keeping with the objectives of
28 the Older Americans Act of 1965 (Pub.L.89-73, as amended), to
29 entitle older persons to the opportunity for adequate retirement
30 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:

"Advisory committee" means the Advisory Committee for the Aging as established by the act of April 9, 1929 (P.L.177, No.75), known as "The Administrative Code of 1929."

"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 deputy secretary 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 Regional Commissioner for the Aging serving in each of the regional offices of the Department of Public Welfare and responsible directly to the Deputy Secretary for the Aging.

"Consumer" means an individual who participates or is eligible to participate in aging programs provided pursuant to the Older Americans Act and other aging programs.

"Department" means the Department of Public Welfare.

"Deputy secretary" means the Deputy Secretary for the Aging in the Department of Public Welfare who is responsible directly to the secretary.

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

1 "Local authority" means the county commissioners.

2 "Office" means the Office for the Aging.

3 "Older persons" means those persons residing within
4 Pennsylvania who are age sixty or over.

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

8 "Secretary" means the Secretary of Public Welfare.

9 Section 603. Deputy Secretary for the Aging.--(a) The
10 secretary shall appoint a Deputy Secretary for the Aging. The
11 office of the deputy shall be the single organizational unit
12 within the department. It shall have delegated authority for,
13 and its principal responsibilities shall be, Statewide planning,
14 coordination, administration, and evaluation of programs and
15 activities related to the purposes of the Older Americans Act.
16 The Deputy Secretary for the Aging, with the approval of the
17 secretary, shall develop plans and programs and make
18 recommendations with respect to the Commonwealth's aging
19 programs. He shall initiate, develop, and with the approval of
20 the secretary help carry into effect plans and programs for
21 services for older persons. The Deputy Secretary for the Aging
22 shall provide information and technical assistance to and
23 consider the advice given by the advisory committee.

24 (b) The deputy secretary, with the approval of the
25 secretary, shall establish planning and service areas, and shall
26 upon the submission of an acceptable plan by the local
27 authority, approve the designation of the area agency pursuant
28 to section 608.

29 (c) The deputy secretary shall serve as advisor to the
30 secretary in all matters affecting the interest of older

persons. In addition, the Deputy Secretary on Aging shall, with the approval of the secretary, have the power and his duty shall be to:

(1) Direct, supervise and evaluate the activities of the regional aging commissioners and area agencies on aging.

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

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

(4) Maintain a clearinghouse of information related to the interests of older persons.

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

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

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

(8) To develop, in cooperation with the advisory committee, a basic policy for State programs and activities for older persons.

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

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

1 (11) Make recommendations for legislative action to the
2 secretary, the Governor and the General Assembly.

3 (12) The deputy secretary may pursuant to section 601.1,
4 appoint or designate advisory committees and citizens task force
5 to provide advice and counsel with respect to programs for the
6 aging administered by the office.

7 Section 604. Evaluation, Research and Demonstration.--(a)
8 The deputy secretary shall continually review and evaluate the
9 activities of area agencies and the impact and effectiveness of
10 all programs under this act. The deputy secretary shall seek the
11 views of the advisory committee and the advisory boards of area
12 agencies in developing appropriate criteria for evaluations. The
13 deputy secretary shall ensure that evaluations, including an
14 onsite evaluation, be made annually of all area agency
15 activities and programs. A written report of the findings of the
16 evaluation shall be submitted to the area agency subject to the
17 evaluation and within thirty days shall be available to the
18 public. In all evaluations, the deputy secretary shall obtain
19 the views of program beneficiaries concerning strengths and
20 weaknesses of the program. Other departments and agencies of the
21 Commonwealth shall make available to the deputy secretary
22 information necessary for such evaluations. All studies,
23 evaluations, proposals, and data produced or developed by the
24 agency shall become the property of the Commonwealth and be
25 available to the public. A portion of all funds appropriated for
26 aging programs shall be used for evaluations required or
27 authorized by this section. Annually the department shall submit
28 to the Governor and the General Assembly a report on the
29 activities of the office and area agencies on aging, including
30 statistical data reflecting services and activities provided

1 older persons during the preceding fiscal year.

2 (b) In recognition of the need for expanded knowledge and
3 experience concerning the status of older persons in
4 Pennsylvania, the deputy secretary shall be responsible, subject
5 to the approval of the secretary, for providing for research and
6 demonstration programs for the purpose of:

7 (1) Studying current living conditions and needs of older
8 persons, with special emphasis on persons with low income,
9 functional disabilities, advanced age and isolated living
10 situations.

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

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

15 (4) Developing new approaches and alternatives for living
16 arrangements, social services, institutional care, health
17 services, legal representation and the coordination of community
18 services for older persons.

19 Section 605. Education and Training.--The deputy secretary,
20 with the advice of the advisory committee and subject to the
21 approval of the secretary, shall develop and make provision for
22 programs of education and training for and about older persons,
23 and increase opportunities for employment and community services
24 for older persons.

25 Section 606. Deputy Secretary's Comment on Proposed
26 Commonwealth Policies.--The deputy secretary shall review all
27 proposed Commonwealth program plans and policies, and
28 administrative regulations that are published in the
29 Pennsylvania Bulletin for their impact on older persons. Where
30 the deputy secretary believes that they will have an impact on

1 older persons, he shall comment in accordance with the
2 provisions of the Commonwealth Documents Law. Any comment
3 indicating disapproval of all or part of the proposed
4 administrative regulations must be specifically considered by
5 the agency and commented on by the agency if it adopts the
6 provisions to which the deputy secretary objected in its order
7 adopting the regulations.

8 Section 607. Planning and Service Area.--The Commonwealth
9 shall be divided into district planning and service areas
10 contiguous with the boundaries established pursuant to the
11 provisions of the act of October 20, 1966 (P.L.96, No.6), known
12 as the "Mental Health and Mental Retardation Act of 1966,"
13 unless the secretary, after consultation with the deputy
14 secretary agrees to the recommendations of local authorities for
15 a different geographical boundary. In considering whether or not
16 a different geographical boundary should be employed, the
17 secretary must consider:

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

20 (2) Boundaries for county government.

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

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

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

27 Section 608. Designated Area Agencies.--(a) For each
28 planning and service area there shall be an area agency
29 established by the same local authority as that providing mental
30 health and mental retardation services unless the secretary,

1 after consultation with the deputy secretary, agrees to a
2 request by local authorities for delivery of aging services by
3 an entity other than the local authority.

4 (b) An area agency so designated must be:

5 (1) an established office of aging; or

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

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

12 and must provide assurance, found adequate by the department,
13 that it will have the ability to develop and administer an area
14 plan. Where a nonpublic agency is already serving as an area
15 agency for the aging, a local authority may not act as a
16 designated area agency for the aging without the prior express
17 written consent of the secretary. The approval granted by the
18 secretary pursuant to this section may be revoked by the
19 secretary by written notice furnished the local authority one
20 hundred days prior to the beginning of the fiscal year of the
21 local authority.

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

30 (1) Information and referral.

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

3 (3) Transportation services.

4 (4) Legal counseling and representation.

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

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

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

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

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

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

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

22 (4) Low income.

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

25 (d) In carrying out this section, the area agency shall
26 establish a merit personnel system in accordance with
27 regulations promulgated by the department which shall include
28 all area agency personnel and the employment generated through
29 area agency subcontracts. Such regulations shall stipulate that
30 any merit system adopted by area agencies and all agreements

with subcontractors shall provide for preferential employment for persons aged sixty or over, including provision for the substitution of experience and skills for educational and professional qualifications.

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

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

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

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

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

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

(c) Prior to making such appointments the chief elected officials of the local authority will appoint a nominating panel of five persons who will be representatives of the general

1 public including older persons. It will be the function of the
2 panel to nominate no fewer than two persons for each existing
3 vacancy on the advisory board. The chief elected officials of
4 the local authority will appoint advisory board members only
5 from the list of nominees submitted by the panel.

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

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

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

14 (3) Upon the occurrence of a vacancy, to recommend to local
15 authorities not less than two persons for the position of
16 administrator. Such persons shall meet the standards of
17 professional skills and experience as the department may
18 establish by regulation. The local authority may delegate to the
19 advisory board the power to appoint the administrator.

20 (4) To assist the administrator in the development of the
21 area plan, to hold public hearings on the plan, approve the area
22 plan, and upon approval submit comments on the plan to the
23 department in accordance with regulations established by the
24 department.

25 (5) To make recommendations regarding the program and any
26 other matters relating to services for the aging in the planning
27 and service area.

28 (6) To act as an advocate and ombudsman for older persons,
29 establishing and maintaining a procedure for hearing personal
30 complaints and grievances with respect to denial of services or

1 maltreatment.

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

4 Section 612. Area Agencies; Reports and Plans.--(a) The area
5 agency shall submit to the department through the Office for the
6 Aging an annual report describing and evaluating its programs
7 and services within thirty days after the close of the fiscal
8 year.

9 (b) The area agency shall submit to the department through
10 the Office for the Aging for approval an area plan ninety days
11 prior to the start of each fiscal year. If the department
12 through the Office for the Aging approves the area plan, or
13 fails to act within sixty days, the area plan shall go into
14 effect at the beginning of the fiscal year. If the department
15 through the Office for the Aging disapproves the area plan, it
16 shall forward the reasons for disapproval to the area agency
17 which shall have twenty days to resubmit an amended area plan.
18 If the department through the Office for the Aging approves the
19 resubmitted area plan, it shall be effective at the beginning of
20 the fiscal year. If the resubmitted area plan is disapproved,
21 the department through the Office for the Aging shall forward
22 its revised area plan for implementation by the area agency at
23 the beginning of the fiscal year: Provided, That the department
24 shall hold a hearing in the area prior to such action and that
25 the department may authorize the continuation of the provision
26 of services under the current area plan for a period not to
27 exceed ninety days.

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

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

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

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

20 Section 2- 3. This act shall take effect immediately.

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