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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 1099 Session of  
1999

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INTRODUCED BY SCHULER, BAKER, PISTELLA, FICHTER, STABACK,  
ARMSTRONG, GEIST, SEYFERT, SAYLOR, BARD, M. COHEN, ROSS,  
ORIE, GODSHALL, MELIO, TRELLO, CORRIGAN, ROEBUCK, RUBLEY,  
SATHER, MUNDY, HALUSKA, BARRAR, ZIMMERMAN, ROONEY, JOSEPHS,  
FRANKEL, TIGUE, ROBERTS, HERSHEY, TRUE, HARHART, FREEMAN,  
LYNCH, HERMAN, SHANER, SEMMEL, LAUGHLIN, MANDERINO, MYERS,  
E. Z. TAYLOR, BISHOP, YOUNGBLOOD, WILLIAMS, BELFANTI, STERN,  
MARSICO, CIVERA, BROWNE, STEELMAN, DAILEY, HENNESSEY, HESS,  
THOMAS, J. TAYLOR, R. MILLER, FLICK, COLAFELLA, SNYDER,  
L. I. COHEN, COSTA, SAMUELSON, TRICH AND RAMOS,  
MARCH 25, 1999

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SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-  
REPORTED AS AMENDED, MARCH 20, 2000

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AN ACT

- 1 Directing the Department of Aging ~~and the Department of Public~~ <—  
2 ~~Welfare to develop a study and to submit a proposed course of~~  
3 ~~action to address the issue of~~ TO CONDUCT A STUDY OF AREA <—  
4 AGENCIES ON AGING CONCERNING waiting lists for persons in  
5 need of home and community-based long-term care services.
- 6 ~~The General Assembly finds and declares as follows:~~ <—  
7     ~~(1) There are approximately 10,500 persons in this~~  
8 ~~Commonwealth on the area agency on aging waiting list for~~  
9 ~~services.~~
- 10     ~~(2) Due to many economic factors, including, but not~~  
11 ~~limited to, low unemployment and low wages in home care, many~~  
12 ~~communities cannot find staff to serve clients.~~
- 13     ~~(3) From 1990 to the year 2000, it is projected that the~~

1 ~~number of persons who are 65 years of age and older and who~~  
2 ~~receive home health services will increase by 13%, and that~~  
3 ~~for persons who are 85 years of age and older, a 39% increase~~  
4 ~~is projected.~~

5 ~~(4) The Department of Aging and the Department of Public~~  
6 ~~Welfare shall develop a proposed course of action for the~~  
7 ~~manner in which these persons can gain quicker access to the~~  
8 ~~services they need in order to stay in their homes and the~~  
9 ~~community and, thereby, avoid the need for cost intensive~~  
10 ~~nursing facility care.~~

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the Area Agency  
15 on Aging Services Waiting List Act.

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 ~~"Council." The Intra Governmental Council on Long Term Care,~~ <—  
21 ~~as established in accordance with the act of June 13, 1967~~  
22 ~~(P.L.31, No.21), known as the Public Welfare Code.~~

23 ~~"Department." The Department of Aging and the Department of~~ <—  
24 ~~Public Welfare of the Commonwealth.~~

25 Section 3. Waiting list study.

26 ~~(a) General rule. The department shall direct and oversee a~~ <—  
27 ~~study by the council to determine the extent of the existence,~~  
28 ~~Statewide, of waiting lists for services at the local area~~  
29 ~~agencies on aging. Data shall be collected and published in a~~  
30 ~~consistent manner for area agencies on aging.~~

~~(b) Contents of study. The study shall include, but not be limited to:~~

~~(1) The development of a definition of waiting list, including priority need categories.~~

~~(2) A review of each area agency on aging in order to identify the types of services for which individuals are waiting.~~

~~(3) Statistical information on any current waiting lists and projected increases in waiting lists at the local level.~~

~~(4) The average length of time that individuals remain on the list prior to receiving services.~~

~~(5) A snapshot profile of the provider community that exists in order to support the service needs identified.~~

~~(6) Financial information on the amount of additional Federal, State or other funds that may be required annually for the operational costs associated with the elimination of waiting lists.~~

~~(7) A valid random sample survey of persons on waiting lists to determine self reported severity of need, availability of informal caregivers, approximate income, program eligibility based on that income, housing status, approximate assets and willingness to participate in cost sharing approaches or medical assistance estate recovery to help defray the cost of services.~~

~~(c) Report to department. The council shall report the results of the study to the department no later than one year from the effective date of this act.~~

~~Section 4. Waiting list proposed course of action.~~

~~(a) Development. The department shall develop and submit to the Governor and the Aging and Youth Committee of the Senate and~~

~~the Aging and Youth Committee of the House of Representatives,  
within one year from receipt of the study, a proposed plan of  
action designed to address the issue of current and future  
waiting lists for persons in need of home and community based  
long term care services through local area agencies on aging.~~

~~(b) Contents. The proposed course of action shall include,  
but not be limited to:~~

~~(1) Statistical information on the current and projected  
increase in the waiting list, including demographic data for  
individuals on the waiting lists.~~

~~(2) Financial information on the amount of Federal,  
State or other funds that may be required annually for the  
operational costs associated with the waiting list for home  
and community based services.~~

~~(3) An analysis of the impact and feasibility of  
incorporating cost sharing into the funding of home and  
community based services through the area agencies on aging.~~

~~(4) Information regarding the types of services for  
which individuals are waiting.~~

~~Section 5. Public input.~~

~~In the development of the proposed course of action required  
by this act, the department shall conduct at least three public  
input hearings to include one each in the eastern, central and  
western regions of the State and obtain public comment from  
persons in need of home and community based long term care  
services, their families, guardians and providers of home and  
community based long term care services.~~

~~Section 6. Annual submission of proposed course of action.~~

~~The department shall update the statistical and financial  
data to the proposed course of action to the Governor and the~~

1 ~~Aging and Youth Committee of the Senate and the Aging and Youth~~  
2 ~~Committee of the House of Representatives on or before December~~  
3 ~~31 of each year.~~

4 (A) GENERAL RULE.--THE DEPARTMENT SHALL CONDUCT A STUDY BY <—  
5 GEOGRAPHIC REGION OF THE LENGTH OF TIME OLDER PENNSYLVANIANS  
6 WAIT FOR LOTTERY-FUNDED SERVICES PROVIDED BY AREA AGENCIES ON  
7 AGING. THE STUDY SHALL INCLUDE:

8 (1) AN EVALUATION OF THE ACCURACY OF THE WAITING LIST  
9 FOR LOTTERY-FUNDED SERVICES MAINTAINED BY AREA AGENCIES ON  
10 AGING.

11 (2) A REVIEW OF EACH AREA AGENCY ON AGING TO IDENTIFY:

12 (I) THE SERVICES OLDER PENNSYLVANIANS ARE SEEKING  
13 FROM THE AGENCY;

14 (II) THE TIME IT TAKES THE AGENCY TO PROVIDE THESE  
15 SERVICES; AND

16 (III) THE PARTIAL SERVICES, IF ANY, THAT ARE  
17 CURRENTLY BEING PROVIDED.

18 (3) A SURVEY OF COMMUNITY SERVICES AVAILABLE TO  
19 INDIVIDUALS ON AREA AGENCIES ON AGING WAITING LISTS AND TO  
20 PRIVATE PAY INDIVIDUALS.

21 (4) THE COST OF PROVIDING SERVICES TO INDIVIDUALS ON THE  
22 WAITING LIST BY CATEGORY OF NEED.

23 (B) REPORT.--THE DEPARTMENT SHALL REPORT THE RESULTS OF THE  
24 STUDY TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE AGING AND  
25 YOUTH COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY  
26 CHAIRMAN OF THE AGING AND YOUTH COMMITTEE OF THE HOUSE OF  
27 REPRESENTATIVES WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS  
28 ACT.

29 Section 7 4. Effective date. <—

30 This act shall take effect in 60 days.