

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 69

Session of
2001

INTRODUCED BY ORIE, THOMAS, READSHAW, YOUNGBLOOD, BELARDI,
SANTONI, GEIST, LAUGHLIN, SOLOBAY, TULLI, CAPPELLI, GRUCELA,
HERMAN, STABACK, PRESTON, FICHTER, FRANKEL, RAYMOND, DeLUCA,
PISTELLA, E. Z. TAYLOR, CURRY, SHANER, MARSICO, TIGUE,
KENNEY, McNAUGHTON, CIVERA, WASHINGTON, HARHART, PETRONE,
TRICH, HESS AND L. I. COHEN, JANUARY 23, 2001

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
JANUARY 23, 2001

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," further providing for reporting of older
8 adults in need of protective services.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 302(a) of the act of November 6, 1987
12 (P.L.381, No.79), known as the Older Adults Protective Services
13 Act, amended June 9, 1997 (P.L.160, No.13), is amended to read:

14 Section 302. Reporting; protection from retaliation; immunity.

15 (a) Reporting.--

16 (1) Any person having reasonable cause to believe that
17 an older adult is in need of protective services may report
18 such information to the agency which is the local provider of

1 protective services. Where applicable, reports shall comply
2 with the provisions of Chapter 7.

3 (2) Any person who, in the course of that person's
4 employment, occupation or practice of that person's
5 profession, comes into contact with an older adult shall
6 report or cause a report to be made in accordance with this
7 section when that person has reasonable cause to suspect, on
8 the basis of that person's medical, professional or other
9 training and experience, that an older adult coming before
10 that person in the person's professional or official capacity
11 is an abused older adult. Except with respect to confidential
12 communications made to an ordained member of the clergy which
13 are protected under 42 Pa.C.S. § 5943 (relating to
14 confidential communications to clergymen), the privileged
15 communication between any professional person required to
16 report and the patient or client of that person shall not
17 apply to situations involving older adult abuse and shall not
18 constitute grounds for failure to report as required by this
19 chapter.

20 (3) A person required to report under paragraph (2)
21 shall include, but not be limited to, any licensed physician,
22 osteopath, medical examiner, coroner, funeral director,
23 dentist, optometrist, chiropractor, podiatrist, intern,
24 registered nurse, licensed practical nurse, hospital
25 personnel engaged in the admission, examination, care or
26 treatment of persons, Christian Science practitioner, member
27 of the clergy, school administrator, school teacher, school
28 nurse, social services worker, day-care center worker or any
29 other adult-care or foster-care worker, mental health
30 professional, peace officer or law enforcement official.

1 (4) Whenever a person is required to report under
2 paragraph (2) in the capacity as a member of the staff of a
3 medical or other public or private institution, school,
4 facility or agency, that person shall immediately notify the
5 person in charge of the institution, school, facility or
6 agency or the designated agent of the person in charge. Upon
7 notification, the person in charge or the designated agent,
8 if any, shall assume the responsibility and have the legal
9 obligation to report or cause a report to be made in
10 accordance with this section. This paragraph shall not be
11 construed to require more than one report from any such
12 institution, school, facility or agency.

13 * * *

14 Section 2. This act shall take effect in 60 days.