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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1604 Session of  
2005

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INTRODUCED BY SEMMEL, BASTIAN, BELARDI, BOYD, CALTAGIRONE,  
CAUSER, CRAHALLA, DALEY, DALLY, DONATUCCI, FRANKEL, FREEMAN,  
GEIST, GEORGE, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARRIS,  
HENNESSEY, HERSHEY, LEDERER, MANN, MILLARD, R. MILLER,  
S. MILLER, O'NEILL, PHILLIPS, REICHLEY, RUBLEY, SAYLOR,  
SHANER, STABACK, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON,  
WOJNAROSKI, YOUNGBLOOD, ZUG, HESS AND DENLINGER, MAY 27, 2005

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MAY 27, 2005

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AN ACT

1 Providing for a Statewide adult day resource and referral  
2 system; establishing a central adult day services database;  
3 and imposing additional responsibilities upon the Department  
4 of Aging.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Adult Day  
9 Resource and Referral Act.

10 Section 2. Legislative findings.

11 The General Assembly finds and declares as follows:

12 (1) The demand for high quality, affordable and  
13 accessible adult day services has increased dramatically as  
14 more care-dependent individuals choose to receive services in  
15 their homes and communities as alternatives to facility-based  
16 care.

1           (2) The number of older adult daily living centers in  
2       Pennsylvania has grown from six licensed centers in 1980 to  
3       approximately 250 at the present.

4           (3) A comprehensive, coordinated effort is needed to  
5       ensure that accurate, up-to-date adult day services  
6       information is readily available and easy to access.

7           (4) Local adult day resource and referral services are  
8       beneficial to:

9           (i) family members who work and are also caregivers  
10       for elderly relatives by enabling them to make informed  
11       choices in selecting and purchasing the adult day  
12       services that best meet their family's unique needs;

13          (ii) existing and prospective adult day services  
14       providers in their efforts to develop and maintain safe,  
15       high-quality adult day services;

16          (iii) businesses by providing a comprehensive  
17       resource for them to use in responding to adult day  
18       services needs of their employees; and

19          (iv) the community-at-large by contributing directly  
20       to the health, safety and well-being of this  
21       Commonwealth's care-dependent older citizens and their  
22       families.

### 23   Section 3. Definitions.

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

27       "Adult day resource and referral agency." A public or  
28       private nonprofit entity, including an association or  
29       corporation, that performs functions related to adult day  
30       resource and referral services.

1 "Adult day resource and referral services." The term  
2 includes, but is not limited to, the following:

3 (1) The provision of updated information to caregivers,  
4 employers and individuals in a community regarding the  
5 availability, cost and quality of adult day services in a  
6 defined geographic area.

7 (2) Assistance to caregivers so they can make informed  
8 decisions regarding appropriate and affordable adult day  
9 services.

10 (3) Information to employers on programs designed to  
11 meet the adult day services needs of employees.

12 (4) The provision of start-up information to potential  
13 adult day services providers to increase the supply of  
14 providers.

15 "Adult day services." Services provided at or arranged  
16 through an older adult daily living center to assist in meeting  
17 the needs, including personal care, social, nutritional, health  
18 and educational needs of clients, which services are provided,  
19 as appropriate for each client, through a planned program of  
20 social, educational, recreational, therapeutic, rehabilitative,  
21 habilitative and developmental activities. The term does not  
22 include services provided for persons whose needs are such that  
23 they can only be met in a long-term care facility on an  
24 inpatient basis receiving professionally supervised nursing care  
25 and related medical and other health services.

26 "Department." The Department of Aging of the Commonwealth.

27 "Older adult daily living center." A premises operated for  
28 profit or not-for-profit in which adult day services are  
29 simultaneously provided for four or more clients who are not  
30 relatives of the operator for part of a 24-hour day, and which

1 premises are licensed and regulated by the Department of Aging  
2 in accordance with the act of July 11, 1990 (P.L.499, No.118),  
3 known as the Older Adult Daily Living Centers Licensing Act, and  
4 6 Pa.Code Ch. 11 (relating to older adult daily living centers).

5 Section 4. Provision of adult day resource and referral  
6 services.

7 The department shall arrange for the availability of adult  
8 day resource and referral services across this Commonwealth  
9 through contractual agreements with public or private entities  
10 that can fulfill the responsibilities of an adult day resource  
11 and referral agency.

12 Section 5. Central adult day services database.

13 (a) Establishment.--The department shall provide for the  
14 establishment and maintenance of a central adult day services  
15 database, shall compile all information from adult day resource  
16 and referral agencies with which it has a contractual agreement  
17 under section 4 (relating to provision of adult day resource and  
18 referral services) and shall establish a comprehensive, accurate  
19 and up-to-date reference base on adult day services in this  
20 Commonwealth.

21 (b) Method of establishment.--The central adult day services  
22 database shall be created by utilizing applied demographic  
23 analyses, creation of statistical maps, as well as any other  
24 resources the department may have available. The department  
25 shall determine the nature and scope of all centralized adult  
26 day services data to be maintained pursuant to this act.

27 (c) Dissemination of information.--The department shall  
28 provide, at least annually and at no charge, adult day resource  
29 and referral agencies under contract with the department with  
30 information developed regarding adult day services in their

1 specific geographic areas.

2 (d) Duty of adult day resource and referral agencies.--Each  
3 adult day resource and referral agency under contract with the  
4 department shall maintain a comprehensive database on adult day  
5 services supply and demand in the geographic area served by the  
6 agency.

7 Section 6. Resource and referral services offered.

8 The department shall arrange for adult day resource and  
9 referral services across this Commonwealth through contracts  
10 with adult day services which shall provide, at a minimum, the  
11 following services:

12 (1) Identification of all State-approved older adult  
13 daily living centers in their specific geographic area and a  
14 profile of each older adult daily living center to indicate  
15 the types of services it provides and the costs of such  
16 services.

17 (2) Maintenance of a regularly updated resource file  
18 that demonstrates supply and demand of adult day services.

19 (3) Maintenance of a resource and referral service for  
20 users of adult day services and assistance, if requested, in  
21 evaluating adult day services needs and appropriateness of  
22 types of adult day services.

23 (4) Establishment of a public education program to  
24 inform consumers and provide referral counseling about adult  
25 day services options, including information on types of adult  
26 day services, availability, cost and standards, through such  
27 means as printed materials, telephone contacts, education  
28 sessions or workshops.

29 (5) Provision of information and technical assistance to  
30 adult day services providers and prospective providers, as

1 requested. Types of information to be made available shall  
2 include, but not be limited to, information regarding career  
3 opportunities in the field, continuing education, training  
4 opportunities, accreditation programs, regulatory  
5 requirements, demographic information to determine the  
6 existence of markets for adult day services and to help  
7 stimulate the supply of adult day services needed in the  
8 geographic area.

9 (6) Service as a resource to employers who are trying to  
10 meet the adult day services needs of their employees.

11 (7) Collection and maintenance of data, as may be useful  
12 in State and local planning efforts, on the number and usage  
13 of different adult day services providers, the type,  
14 availability and cost of adult day services in a particular  
15 geographic area and demographic information to determine  
16 whether the supply meets the demand for adult day services in  
17 a particular geographic area.

18 (8) Provision of information to caregivers about  
19 opportunities for Federal and State funding of adult day  
20 services. The adult day resource and referral agency shall,  
21 to the extent possible, help to facilitate the availability  
22 of public funding opportunities for consumers of adult day  
23 services.

24 Section 7. Standard operating procedures for adult day resource  
25 and referral agencies.

26 Adult day resource and referral agencies as providers of  
27 adult day resource and referral services shall:

28 (1) Conduct business during hours convenient to working  
29 caregivers, including some evening and weekend hours, if  
30 deemed necessary.

1           (2) Have the authority to establish a reasonable range  
2 of fees for services, with the approval of the department.

3           (3) Advertise their services and inform all recipients  
4 of adult day resource and referral services of applicable  
5 fees prior to the provision of such services, as designated  
6 by this act.

7           (4) Tailor services provided for in this act to the  
8 particular geographic area in which they are located.

9           (5) Seek opportunities to provide educational and  
10 consumer awareness programs.

11           (6) Utilize, to the maximum extent possible, the most  
12 cost-effective means of providing adult day resource and  
13 referral services in accordance with this act, including, but  
14 not limited to, public-private partnerships, where deemed  
15 appropriate, and contractual arrangements with existing  
16 providers or adult day resource and referral services.

17           (7) Maintain confidentiality of records and not publicly  
18 disclose information contained in the records in such a  
19 manner so as to identify individuals, provided that certain  
20 nonidentifying information may be collected in aggregate form  
21 for the purpose of data collection.

22           (8) Report to the department on a regular basis  
23 information regarding:

24               (i) The number of caregivers and clients served.

25               (ii) The extent of assistance given to providers of  
26 adult day services, caregivers, businesses and others.

27               (iii) Fees charged for adult day resource and  
28 referral services provided for under this act.

29               (iv) The impact of the adult day resource and  
30 referral services on quality and availability of adult

day services in their particular geographic area.

(v) Any recommendations that may contribute to the improvement of the provision of adult day resource and referral services.

#### Section 8. Annual report.

The department shall submit an annual report to the General Assembly which shall reflect the information collected by the adult day resource and referral agencies designated by the department. The report shall:

(1) Describe how the adult day resource and referral agencies further the department's goal to improve the quality, availability and affordability of adult day services.

(2) Include any recommendations of the department for improvements to the Statewide adult day resource and referral system, as well as the availability of private, corporate and government funding for adult day resource and referral services.

#### Section 9. Regulations.

The department shall, in the manner provided by law, promulgate the rules and regulations necessary to establish adult day resource and referral services to be offered in accordance with this act.

#### Section 10. Adult day resource and referral services implementation.

The department shall establish a three-year implementation schedule for phasing-in adult day resource and referral services throughout this Commonwealth.

#### Section 11. Effective date.

This act shall take effect in 90 days.