

## 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,  
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WOJNAROSKI, YOUNGBLOOD, ZUG, HESS, DENLINGER, WRIGHT AND  
ARMSTRONG, MAY 27, 2005

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 13, 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

1 care.

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

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

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

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

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

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

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

### 24 Section 3. Definitions.

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

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

1 resource and referral services.

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

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

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

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

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

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

27 "AREA AGENCY ON AGING." THE SINGLE LOCAL AGENCY DESIGNATED  
28 BY THE DEPARTMENT OF AGING WITHIN EACH PLANNING AND SERVICE AREA  
29 TO ADMINISTER THE DELIVERY OF A COMPREHENSIVE AND COORDINATED  
30 PLAN OF SOCIAL AND OTHER SERVICES AND ACTIVITIES.

<—

1 "DEFINED GEOGRAPHIC AREA." ANY OF NOT MORE THAN TEN  
2 GEOGRAPHIC AREAS ESTABLISHED BY THE DEPARTMENT OF AGING TO BE  
3 UTILIZED FOR THE PURPOSE OF CREATING ADULT DAY RESOURCE AND  
4 REFERRAL SERVICE AREAS.

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

6 "Older adult daily living center." A premises operated for  
7 profit or not-for-profit in which adult day services are  
8 simultaneously provided for four or more clients who are not  
9 relatives of the operator for part of a 24-hour day, and which  
10 premises are licensed and regulated by the Department of Aging  
11 in accordance with the act of July 11, 1990 (P.L.499, No.118),  
12 known as the Older Adult Daily Living Centers Licensing Act, and  
13 6 Pa. Code Ch. 11 (relating to older adult daily living  
14 centers).

15 Section 4. Provision of adult day resource and referral  
16 services.

17 (A) GENERAL RULE.--The department shall arrange for the <—  
18 availability of adult day resource and referral services IN <—  
19 DEFINED GEOGRAPHIC AREAS across this Commonwealth through  
20 contractual agreements with public or private entities that can  
21 fulfill the responsibilities of an adult day resource and  
22 referral agency.

23 (B) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED TO <—  
24 PROHIBIT AN AREA AGENCY ON AGING OR ANY OTHER GOVERNMENTAL  
25 ENTITY FROM ENTERING INTO A CONTRACTUAL AGREEMENT WITH THE  
26 DEPARTMENT TO SERVE AS AN ADULT DAY RESOURCE AND REFERRAL  
27 AGENCY.

28 Section 5. Central adult day services database.

29 (a) Establishment.--The department shall provide for the  
30 establishment and maintenance of a central adult day services

1 database, shall compile all information from adult day resource  
2 and referral agencies with which it has a contractual agreement  
3 under section 4 (relating to provision of adult day resource and  
4 referral services) and shall establish a comprehensive, accurate  
5 and up-to-date reference base on adult day services in this  
6 Commonwealth.

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

13 (c) Dissemination of information.--The department shall  
14 provide, at least annually and at no charge, adult day resource  
15 and referral agencies under contract with the department with  
16 information developed regarding adult day services in their <—  
17 ~~specific geographic areas.~~

18 ~~(d) Duty of adult day resource and referral agencies. Each~~  
19 ~~adult day resource and referral agency under contract with the~~  
20 ~~department shall maintain a comprehensive database on adult day~~  
21 ~~services supply and demand in the geographic area served by the~~  
22 ~~agency.~~ THIS COMMONWEALTH. <—

23 Section 6. Resource and referral services offered.

24 ~~The department shall arrange for adult day resource and~~ <—  
25 ~~referral services across this Commonwealth through contracts~~  
26 ~~with adult day services which shall provide, at a minimum, the~~  
27 ~~following services:~~ AN ADULT DAY RESOURCE AND REFERRAL AGENCY <—  
28 SHALL PROVIDE, AT A MINIMUM, THE FOLLOWING SERVICES:

29 (1) Identification of all State-approved older adult  
30 daily living centers in their ~~specific~~ DEFINED geographic <—

1 area and a profile of each older adult daily living center to  
2 indicate the types of services it provides and the costs of  
3 such services.

4 ~~(2) Maintenance of a regularly updated resource file~~ <—  
5 ~~that demonstrates supply and demand of adult day services.~~

6 (2) MAINTENANCE OF A COMPREHENSIVE DATABASE ON ADULT DAY <—  
7 SERVICES SUPPLY AND DEMAND IN THE DEFINED GEOGRAPHIC AREA  
8 SERVED BY THE AGENCY.

9 (3) Maintenance of a resource and referral service for  
10 users of adult day services and assistance, if requested, in  
11 evaluating adult day services needs and appropriateness of  
12 types of adult day services.

13 (4) Establishment of a public education program to  
14 inform consumers and provide referral counseling about adult  
15 day services options, including information on types of adult  
16 day services, availability, cost and standards, through such  
17 means as printed materials, telephone contacts, education  
18 sessions or workshops.

19 (5) Provision of information and technical assistance to  
20 adult day services providers and prospective providers, as  
21 requested. Types of information to be made available shall  
22 include, but not be limited to, information regarding career  
23 opportunities in the field, continuing education, training  
24 opportunities, accreditation programs, regulatory  
25 requirements, demographic information to determine the  
26 existence of markets for adult day services and to help  
27 stimulate the supply of adult day services needed in the  
28 DEFINED geographic area. <—

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

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

~~(8)~~ (7) Provision of information to caregivers about opportunities for Federal and State funding of adult day services. The adult day resource and referral agency shall, to the extent possible, help to facilitate the availability of public funding opportunities for consumers of adult day services.

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

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

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

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

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

~~(4) Tailor services provided for in this act to the~~

(2) ADVERTISE THEIR SERVICES.

(3) TAILOR SERVICES PROVIDED FOR UNDER THIS ACT TO THE  
DEFINED particular geographic area in which they are located.

1           ~~(5)~~ (4) Seek opportunities to provide educational and       <—  
2 consumer awareness programs.

3           ~~(6)~~ (5) Utilize, to the maximum extent possible, the       <—  
4 most cost-effective means of providing adult day resource and  
5 referral services in accordance with this act, including, but  
6 not limited to, public-private partnerships, where deemed  
7 appropriate, and contractual arrangements with existing  
8 providers or adult day resource and referral services.

9           ~~(7)~~ (6) Maintain confidentiality of records and not       <—  
10 publicly disclose information contained in the records in  
11 such a manner so as to identify individuals, provided that  
12 certain nonidentifying information may be collected in  
13 aggregate form for the purpose of data collection.

14           ~~(8)~~ (7) Report to the department on a regular basis       <—  
15 information regarding:

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

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

19               ~~(iii) Fees charged for adult day resource and       <—  
20 referral services provided for under this act.~~

21               ~~(iv)~~ (III) The impact of the adult day resource and       <—  
22 referral services on quality and availability of adult  
23 day services in their ~~particular geographic area.~~ DEFINED       <—  
24 GEOGRAPHIC AREA.

25               ~~(v)~~ (IV) Any recommendations that may contribute to       <—  
26 the improvement of the provision of adult day resource  
27 and referral services.

28 Section 8. Annual report.

29 The department shall submit an annual report to the General  
30 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.