

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2651 Session of
2008

INTRODUCED BY MURT, BELFANTI, BEYER, BOBACK, CARROLL, CREIGHTON,
GINGRICH, GODSHALL, GOODMAN, HARPER, HENNESSEY, HERSHEY,
HORNAMAN, KORTZ, KOTIK, KULA, LONGIETTI, MELIO, R. MILLER,
MOUL, MOYER, PAYNE, PICKETT, REICHLEY, ROCK, ROSS, SAYLOR,
SIPTROTH, SONNEY, STERN, SWANGER, THOMAS, VEREB, VULAKOVICH,
WATSON AND YOUNGBLOOD, JUNE 18, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 18, 2008

AN ACT

1 Prohibiting employees of long-term care providers from serving
2 as guardian, agent under a power of attorney, insurance or
3 annuity beneficiary or estate executor of individuals who
4 receive services from a long-term care provider.

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 Long-Term
9 Care Consumer Financial Interest Prohibition Act.

10 Section 2. Definitions.

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

14 "Facility." Any of the following:

15 (1) A facility that provides "domiciliary care" as
16 defined under section 2202-A of the act of April 9, 1929
17 (P.L.177, No.175), known as The Administrative Code of 1929.

1 (2) An "assisted living residence" as defined under
2 section 1001 of the act of June 13, 1967 (P.L.31, No.21),
3 known as the Public Welfare Code.

4 (3) A "personal care home" ad defined under section 1001
5 of the act of June 13, 1967 (P.L.31, No.21), known as the
6 Public Welfare Code.

7 (4) A "long-term care nursing facility" as defined under
8 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
9 known as the Health Care Facilities Act.

10 (5) A facility that provides "continuing care" as
11 defined under section 3 of the act of June 18, 1984 (P.L.391,
12 No.82), known as the Continuing-Care Provider Registration
13 and Disclosure Act.

14 (6) An "older adult daily living center" as defined
15 under section 2 of the act of July 11, 1990 (P.L.499,
16 No.118), known as the Older Adult Daily Living Centers
17 Licensing Act.

18 "Home and community-based provider." Any of the following:

19 (1) A "home care agency" as defined under section 802.1
20 of the act of July 19, 1979 (P.L.130, No.48), known as the
21 Health Care Facilities Act.

22 (2) A "home health care agency" as defined under section
23 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as
24 the Health Care Facilities Act.

25 (3) A State-approved home and community-based waiver
26 provider that operates pursuant to a Medicaid home and
27 community-based waiver granted by the Centers for Medicaid
28 and Medicare Services to the Department of Public Welfare
29 under the authority of section 1915(c) of the Social Security
30 Act (49 Stat. 620, 42 U.S.C. § 1396n (c)) and that provides

1 long-term care to nursing-facility-eligible consumers in the
2 consumers' homes or at locations in the community to assist
3 consumers to function as independently as possible.

4 "Long-term care." Assistance, service or other devices which
5 may be provided over an extended period of time and designed to
6 meet medical, personal and social needs associated with aging,
7 chronic disease or disability, acute illness or injury or
8 behavioral health problems that enable a person to live as
9 independently as possible.

10 "Long-term care consumer." An individual who receives
11 services from a long-term care provider.

12 "Long-term care provider" or "provider." A facility or a
13 home and community-based provider licensed, certified or
14 otherwise approved by the Commonwealth to provide long-term
15 care.

16 Section 3. Financial interest prohibition.

17 No employee who is paid by a provider to provide long-term
18 care services to a long-term care consumer, and no contract
19 employee who has direct contact with a long-term care consumer
20 or unsupervised access to the personal living quarters of a
21 long-term care consumer may:

22 (1) Be appointed or act as guardian of a long-term care
23 consumer.

24 (2) Serve as an agent under a power of attorney of a
25 long-term care consumer.

26 (3) Be a beneficiary of any insurance policy or annuity
27 of a long-term care consumer.

28 (4) Serve as an executor of the estate of a long-term
29 care consumer.

30 Section 4. Effective date.

1 This act shall take effect immediately.