

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 893 Session of 2011

INTRODUCED BY K. SMITH, B. BOYLE, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA, DEASY, DeLUCA, DERMODY, FLECK, GEORGE, GOODMAN, HARHAI, HORNAMAN, JOSEPHS, KORTZ, KULA, MAHONEY, MANN, MICOZZIE, MILLER, MOUL, MULLERY, MURPHY, M. O'BRIEN, READSHAW, REICHLEY, VULAKOVICH AND YOUNGBLOOD, MARCH 2, 2011

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MARCH 2, 2011

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," providing for background checks for  
8 applicants and recipients and for rulemaking authority.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The act of November 6, 1987 (P.L.381, No.79),  
12 known as the Older Adults Protective Services Act, is amended by  
13 adding a section to read:

14 Section 312. Background checks for applicants and recipients.

15 (a) Applicants.--

16 (1) Prior to the admission of an applicant to a  
17 facility, the facility shall perform a search for the  
18 applicant's name on the Pennsylvania State Police registry of  
19 offenders and sexually violent predators established in 42

1 Pa.C.S. § 9798.1 (relating to information made available on  
2 the Internet).

3 (2) Prior to the admission of an applicant who  
4 previously resided outside this Commonwealth, to a facility,  
5 the facility shall perform a search for the applicant's name  
6 on the Dru Sjodin National Sex Offender Public Website,  
7 established under section 120 of the Adam Walsh Child  
8 Protection and Safety Act of 2006 (Public Law 109-248, 120  
9 Stat. 597).

10 (b) Recipients.--Within 30 days of the effective date of  
11 this section, the facility shall search:

12 (1) The Pennsylvania State Police registry of offenders  
13 and sexually violent predators established under 42 Pa.C.S. §  
14 9798.1 using the names of its recipients as search criteria.

15 (2) The Dru Sjodin National Sex Offender Public Website  
16 established under section 120 of the Adam Walsh Child  
17 Protection and Safety Act of 2006 using the names of its  
18 recipients who previously resided outside this Commonwealth  
19 as search criteria.

20 (c) Notification.--The facility shall notify its licensing  
21 agency if it finds an applicant or recipient listed on either:

22 (1) the Pennsylvania State Police registry of offenders  
23 and sexually violent predators established under 42 Pa.C.S. §  
24 9798.1; or

25 (2) the Dru Sjodin National Sex Offender Public Website  
26 established under section 120 of the Adam Walsh Child  
27 Protection and Safety Act of 2006.

28 (d) Regulations.--The licensing agency shall promulgate  
29 regulations specifying:

30 (1) The type of notification to be given to recipients

1 and their caretakers if the name of a recipient is found in a  
2 registry during a search performed under subsection (a) or  
3 (b).

4 (2) A safety plan for the protection of the recipients.

5 (e) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Facility." Any of the following:

9 (1) A person or entity providing domiciliary care as  
10 defined in section 2202-A of the act of April 9, 1929  
11 (P.L.177, No.175), known as The Administrative Code of 1929.

12 (2) A long-term care nursing facility as defined in  
13 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),  
14 known as the Health Care Facilities Act.

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

18 (4) A personal care home as defined in section 1001 of  
19 the act of June 13, 1967 (P.L.31, No.21), known as the Public  
20 Welfare Code.

21 (5) An assisted living residence as defined in section  
22 1001 of the Public Welfare Code.

23 "Licensing agency." The State or local agency responsible  
24 for licensing the facility or promulgating regulations governing  
25 the facility.

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