

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2665 Session of  
2012

INTRODUCED BY SWANGER, HENNESSEY, CALTAGIRONE, COHEN, GINGRICH,  
HORNAMAN, JAMES, MICOZZIE, MILNE, MULLERY, MURT, QUINN, RAPP,  
SAYLOR, CULVER, SCHMOTZER, WATERS, WATSON, WILLIAMS AND  
YOUNGBLOOD, OCTOBER 2, 2012

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, OCTOBER  
2, 2012

AN ACT

1 Establishing the Pennsylvania Long-term Care Council; providing  
2 for its powers and duties; and repealing related provisions  
3 of the Public Welfare Code.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania  
8 Long-term Care Council Act.

9 Section 2. Definitions.

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

13 "Council." The Pennsylvania Long-term Care Council.

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

15 Section 3. Pennsylvania Long-term Care Council.

16 (a) Establishment.--The Pennsylvania Long-term Care Council  
17 is established within the department.

1 (b) Membership.--The council shall be composed of and  
2 appointed in accordance with the following:

3 (1) The Secretary of Aging.

4 (2) The Secretary of Community and Economic Development.

5 (3) The Secretary of Health.

6 (4) The Secretary of Public Welfare.

7 (5) The Insurance Commissioner.

8 (6) The Executive Director of the Pennsylvania Housing  
9 Finance Agency.

10 (7) Two members of the House of Representatives, one  
11 appointed by the Speaker of the House of Representatives and  
12 one appointed by the Minority Leader.

13 (8) Two members of the Senate, one appointed by the  
14 President pro tempore and one appointed by the Minority  
15 Leader.

16 (9) The following members to be recommended by the  
17 Secretary of Aging for appointment by the Governor as  
18 follows:

19 (i) One representative from the Pennsylvania Council  
20 on Aging.

21 (ii) Five members who represent consumer advocacy  
22 groups.

23 (iii) One member who represents the elder law  
24 section of the Pennsylvania Bar Association.

25 (iv) A licensed insurance producer with at least ten  
26 years' experience in the long-term care insurance market  
27 who is a member of an association through which members  
28 sell, solicit and negotiate contracts of health  
29 insurance.

30 (v) Five members who represent providers throughout

1 the long-term care continuum.

2 (vi) Four members of the public who represent  
3 business, labor, housing and the medical community, as  
4 the Governor shall appoint.

5 (c) Designee.--With the exception of the chairperson,  
6 governmental members may appoint a designee to attend and vote  
7 at meetings of the council. Each governmental member who  
8 appoints a designee shall do so by sending a letter to the  
9 chairperson stating the name of that designee.

10 (d) Chairperson.--The Secretary of Aging shall serve as  
11 chairperson.

12 (e) Executive director.--The Secretary of Aging shall  
13 appoint an executive director of the council.

14 (f) Terms of members.--

15 (1) The terms of those members who serve by virtue of  
16 the public office they hold shall be concurrent with their  
17 service in the office from which they derive their  
18 membership.

19 (2) The remaining members shall serve until their  
20 successors are appointed, provided that they represent the  
21 interest of the membership class for which they were  
22 appointed.

23 (g) Expenses.--Members shall not receive compensation or  
24 remuneration, but shall be entitled to reimbursement for all  
25 reasonable and necessary actual expenses accrued in the  
26 performance of their duties as members.

#### 27 Section 4. Powers and duties of council.

28 (a) General rule.--The council shall have the following  
29 powers and duties:

30 (1) To consult with various departments and agencies and

1 to make recommendations on regulations, licensure, financing  
2 or any other responsibilities of those departments or  
3 agencies relating to long-term care.

4 (2) To perform such other duties as the Governor may  
5 assign relating to long-term care.

6 (3) To approve reports produced by any committee  
7 established under section 5 before release to the public or  
8 the General Assembly.

9 (4) To develop and adopt rules for conducting council  
10 meetings, including, but not limited to, the procedure for  
11 formally adopting the approval of committee reports before  
12 release to the public.

13 (5) To develop and adopt rules for conducting committee  
14 meetings. This power includes, but is not limited to,  
15 determining the scope of responsibilities for each committee,  
16 the number of members for each committee and the procedure  
17 for formally adopting the approval of committee reports  
18 before release to the council.

19 (6) To assign topics for research and study to each  
20 committee. Nothing in this paragraph shall be construed to  
21 prohibit a committee from proposing topics for consideration  
22 to the council.

23 (b) Scope.--All the powers and duties enumerated in this  
24 section shall be performed in a manner that addresses all areas  
25 of long-term care, including institutional care and home-based  
26 and community-based services.

27 Section 5. Council committees.

28 (a) Establishment.--The council shall establish committees  
29 to address the following areas:

30 (1) Regulatory review and access to care.

1           (2) Community access and public education.

2           (3) Long-term care services models and delivery.

3           (4) Work force.

4       (b) Composition.--The council chairperson, with concurrence  
5 by the council, shall appoint committee members to serve in the  
6 same manner as section 3(f). The members shall represent:

7           (1) Advocacy groups.

8           (2) Consumers.

9           (3) Long-term care providers.

10          (4) Direct caregivers.

11          (5) The general public.

12          (6) Governmental entities.

13       (c) Chairpersons and vice chairpersons.--The chairperson of  
14 the council shall appoint a chairperson and vice chairperson for  
15 each committee.

16       (d) Duties.--The council committees shall have the following  
17 powers and duties:

18           (1) To study and report on the topics assigned by the  
19 council.

20           (2) To retain individuals, with the permission of the  
21 council, to assist in researching, studying and drafting  
22 reports for the council.

23           (3) To approve reports and recommendations for  
24 submission to the council. Only members appointed to the  
25 committee may participate in approving reports and  
26 recommendations.

27 Nothing in this section shall be construed to prohibit the  
28 chairperson, with concurrence by the council, from establishing  
29 additional committees or ad hoc work groups to assist the  
30 council of committees.

1 Section 6. Existing council members.

2 (a) General rule.--Nongovernmental members of the Intra-  
3 Governmental Council on Long-Term Care currently serving on the  
4 council shall continue to serve until successors are appointed.

5 (b) Construction.--Nothing in this section shall be  
6 construed to prohibit the reappointment of existing members.

7 Section 7. Repeal.

8 Repeals are as follows:

9 (1) The General Assembly declares that the repeal under  
10 paragraph (2) is necessary to effectuate this act.

11 (2) Section 212 of the act of June 13, 1967 (P.L.31,  
12 No.21), known as the Public Welfare Code, is repealed.

13 Section 8. Effective date.

14 This act shall take effect in six months.