
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2722 Session of
2018

INTRODUCED BY MADDEN, SCHLOSSBERG, HILL-EVANS, YOUNGBLOOD,
DRISCOLL, DALEY, THOMAS, KINSEY, VAZQUEZ, STURLA, HAGGERTY,
DAVIS, RADER, TAI AND V. BROWN, OCTOBER 17, 2018

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
OCTOBER 17, 2018

AN ACT

1 Providing for financial protection of individuals receiving
2 long-term care services; and prohibiting employees of long-
3 term care providers from being guardians, agents under a
4 power of attorney, beneficiaries of insurance policies or
5 annuities and executors of estates of individuals receiving
6 long-term care services.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Long-Term
11 Care Consumer Financial Protection Act.

12 Section 2. Definitions.

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

16 "Employee." An individual who:

17 (1) is employed by a facility, or the affiliated
18 corporate entity of a facility, or enters into a contractual
19 relationship with a facility or the affiliated corporate

1 entity of a facility, a long-term care consumer, a long-term
2 care consumer's family member, agent or legal representative,
3 to provide care;

4 (2) has unsupervised access to a long-term care consumer
5 and that individual's living quarters, resources or personal
6 records; and

7 (3) is not a family or household member of the long-term
8 care consumer.

9 "Facility." Any of the following:

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

13 (2) Any of the following entities as defined in section
14 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as
15 the Health Care Facilities Act:

16 (i) A home health care agency.

17 (ii) A long-term care nursing facility.

18 (iii) A hospice.

19 (iv) A home care agency.

20 (v) A home care registry.

21 (3) A facility that provides continuing care as defined
22 under section 3 of the act of June 18, 1984 (P.L.391, No.82),
23 known as the Continuing-Care Provider Registration and
24 Disclosure Act.

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

28 (5) A personal care home as defined in section 1001 of
29 the act of June 13, 1967 (P.L.31, No.21), known as the Human
30 Services Code.

1 (6) An assisted living residence as defined in section
2 1001 of the Human Services Code.

3 (7) A PACE provider as defined in section 1894(a)(3) of
4 the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395eee(a)
5 (3)).

6 (8) A State-approved home and community-based waiver
7 provider that operates under a Medicaid home and community-
8 based waiver granted by the Centers for Medicaid and Medicare
9 Services to the Department of Human Services under the
10 authority of section 1915(c) of the Social Security Act (42
11 U.S.C. § 1396n(c)) and that provides long-term care to
12 nursing-facility-eligible consumers in the consumers' homes
13 or at locations in the community to assist consumers to
14 function as independently as possible.

15 "Family or household member." Any of the following:

16 (1) The spouse, unless an action for divorce is pending.

17 (2) An adult child.

18 (3) A parent.

19 (4) An adult sibling.

20 (5) An adult grandchild.

21 (6) A relative who resides in the same household as the
22 long-term care consumer or any person with whom the long-term
23 care consumer has made his home.

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

26 "Long-term care provider." A facility licensed, certified or
27 otherwise approved by the Commonwealth to provide long-term care
28 services.

29 Section 3. Financial interest prohibition.

30 (a) General rule.--An employee of a long-term care provider

1 may not:

2 (1) Be appointed or act as a guardian of a long-term
3 care consumer in the care of the employee.

4 (2) Serve as an agent of a long-term care consumer in
5 the care of the employee under a power of attorney, durable
6 or otherwise.

7 (3) Be a beneficiary of an insurance policy or annuity
8 of a long-term care consumer in the care of the employee.

9 (4) Serve as an executor of the estate of a long-term
10 care consumer in the care of the employee.

11 (b) Applicability.--Subsection (a) does not apply to an
12 employee who, prior to the long-term care consumer being placed
13 at the long-term care provider at which the employee is
14 employed, has:

15 (1) been appointed or acted as a guardian of a long-term
16 care consumer in the care of the employee;

17 (2) been appointed or served as an agent of a long-term
18 care consumer in the care of the employee under a power of
19 attorney;

20 (3) been designated as a beneficiary of an insurance
21 policy or annuity of a long-term care consumer in the care of
22 the employee; or

23 (4) been named as an executor of the estate of a long-
24 term care consumer in the care of the employee.

25 Section 4. Effective date.

26 This act shall take effect immediately.