

MAUREE A. GINGRICH, MEMBER
101ST LEGISLATIVE DISTRICT

LEGISLATIVE OFFICE
430 IRVIS OFFICE BUILDING
PO BOX 202101
HARRISBURG, PA 17120-2101
PHONE: (717) 783-1815
FAX: (717) 705-2569

DISTRICT OFFICE
445 WEST PENN AVENUE
CLEONA SQUARE
CLEONA, PA 17042
PHONE: (717) 270-1905
FAX: (717) 270-1854

MGINGRIC@PAHOUSEGOR.COM



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGING & OLDER ADULT SERVICES
HEALTH AND HUMAN SERVICES
LOCAL GOVERNMENT
Minority Chairman - Subcommittee
on Boroughs
STATE GOVERNMENT

LOCAL GOVERNMENT COMMISSION

MEMORANDUM

TO: *All House Members*

FROM: *Representative Mauree A. Gingrich*

DATE: *January 18, 2011*

SUBJECT: *Co-sponsor Legislation- Home and Community Based Services Accountability Act*

I am reintroducing legislation that I proposed last session as House Bill 313, the Home and Community-based Services Accountability Act. The 2005-06 session version (HB 1446) passed the House of Representatives unanimously and died in the Senate.

My legislation was prompted by a horrific situation that occurred on March 15, 2005. Police in Lebanon County closed five care homes, four of which did not require licensure but did serve publicly-funded consumers, and charged the owner and three employees with aggravated assault, simple assault and neglect of a care-dependent person. The homes came to the attention of authorities after doctors at the Lebanon VA Medical Center reported a resident's injuries. Twenty residents from the five homes were moved to other care settings such as nursing and personal care homes. Both civil and criminal investigations ensued and resulted in certain sanctions against the perpetrators.

As a result of this tragedy, I identified several key issues that I believe must be addressed legislatively in order to ensure that situations similar to the "Tina Fake" disaster do not recur. It is important to note that my proposal pertains to home and community-based care situations involving consumers who are 60 years of age and older and who are assessed as nursing facility clinically eligible. In addition, this proposal does not apply to the care of persons who are family members to each other or a private contractual agreement between persons where public funding is not involved. I want to stress that this proposal is a starting point to what I hope will be a comprehensive approach to ensuring that all consumers in home and community-based settings receive safe, appropriate care.

Some of the key issues that my bill addresses are: strengthening the care management responsibilities of the local area agencies on aging; requiring criminal background checks for individuals who are in direct contact with consumers; requiring communicable disease screenings for individuals who have direct contact with consumers; prohibiting individuals with direct contact with consumers from serving as guardian, power of attorney, etc.; and, ensuring that consumers have private access to telephones.

If you are interested in co-sponsoring this bill, please notify Nicole Foit in my office at nfoit@pahousegop.com or 783-1815. Thank you.

Previous Co-sponsors: *BARRAR, BEYER, GEIST, GOODMAN, HENNESSEY, HORNAMAN, KAUFFMAN, KORTZ, MAJOR, MELIO, MOUL, PHILLIPS, PICKETT, RAPP, SWANGER AND VULAKOVICH*