

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
AGING AND OLDER ADULT SERVICES COMMITTEE

ROOM 60 EAST WING
HARRISBURG, PENNSYLVANIA

PUBLIC HEARING ON
HOUSE BILLS 122 AND 726
SENIOR/SILVER ALERT SYSTEMS

WEDNESDAY, MARCH 10, 2010
9:32 A.M.

BEFORE:

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HONORABLE STEVE SAMUELSON
HONORABLE WILLIAM C. KORTZ, II
HONORABLE RICK MIRABITO
HONORABLE KEVIN P. MURPHY
HONORABLE KEN SMITH
HONORABLE TIM HENNESSEY, MINORITY CHAIRMAN
HONORABLE RANDY VULAKOVICH
HONORABLE KATHARINE M. WATSON
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INDEX

NAME	PAGE
OPENING REMARKS	4
INTRODUCTIONS	9
TIFFANI CHAMBERS FAMILY SERVICE COORDINATOR ALZHEIMER'S ASSOCIATION	12
CAPTAIN BRET WAGGONER DIRECTOR OF THE SPECIAL INVESTIGATIONS DIVISION BUREAU OF CRIMINAL INVESTIGATION PENNSYLVANIA STATE POLICE	29
CORPORAL RICHARD BRAMHALL TROOP F, MONTOURSVILLE PENNSYLVANIA STATE POLICE	42
RAYMOND PRUSHNOK DEPUTY SECRETARY PENNSYLVANIA DEPARTMENT OF AGING AND LONG-TERM LIVING	55

P R O C E E D I N G S

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CHAIRMAN MUNDY: Good morning, everyone. I'd like to call this meeting of the Aging and Older Adult Services Committee to order.

I think perhaps after Representative Youngblood makes her remarks, perhaps there will be more members here. There are a number of other committee meetings this morning, so I think our members are going to straggle in over the course of the next hour or so. I think we'll wait to introduce them until more of them get here.

So the purpose of today's meeting is to review what some people call the Silver Alert System, which is designed to protect vulnerable senior citizens who might wander away from their caregivers and be lost out in the community. And we have with us this morning Representative Rosita Youngblood, who is the prime sponsor of House Bill 726, which is Silver Alert System bill.

There is also another bill that we will be talking about, although Representative

1 Casorio can't be here this morning to explain
2 his bill, but it's House Bill 122.

3 So we will begin with Representative
4 Rosita Youngblood, who will explain --
5 briefly explain her bill and why she offered
6 it for consideration.

7 REPRESENTATIVE YOUNGBLOOD: Thank
8 you, Chairman Mundy.

9 Can you hear me?

10 CHAIRMAN MUNDY: It is a little
11 difficult. I don't know why. Is it turned
12 on?

13 REPRESENTATIVE YOUNGBLOOD: Yes.

14 CHAIRMAN MUNDY: Okay.

15 REPRESENTATIVE HENNESSEY: Could you
16 guys hear Phyllis?

17 REPRESENTATIVE YOUNGBLOOD: Yes, I
18 heard her.

19 CHAIRMAN MUNDY: I think speak more
20 directly into the microphone.

21 REPRESENTATIVE YOUNGBLOOD: Okay.

22 Thank you, Chairman Mundy, for having
23 me here regarding this Silver Alert, which is
24 House Bill 726.

25 The reason I introduced this bill was

1 to alert the public as well as other entities
2 that our seniors are wandering off, either
3 because of Alzheimer's, dementia, or some
4 other mental impairment. And I thought it was
5 important because the first twenty-four hours
6 are critical. If we don't locate them in the
7 first twenty-four hours, it has been proven
8 that when they wander off, they'll either die
9 or we'll find them in another location and
10 they can't get back.

11 So we thought, in patterning this
12 after the Texas Silver Alert, that it would be
13 important that we notify the state police and
14 all local authorities and Department of Aging
15 to put out a notice that the senior has
16 wandered off. Now, the state police will use
17 their discretion on if they think it is a true
18 emergency for our seniors.

19 But I think we need to protect our
20 most vulnerable citizens and help them at this
21 crucial point in life.

22 CHAIRMAN MUNDY: Thank you,
23 Representative Youngblood.

24 Chuck Quinnan, our executive
25 director, I think I'm going to ask you to sort

1 of talk about some of the provisions of the
2 bill, and then we will take testimony.

3 MR. QUINNAN: House Bill 726
4 establishes the Silver Alert for Missing
5 Senior Citizens Act for the purposes of
6 locating missing senior citizens who have some
7 form of mental impairment. This would apply
8 to senior citizens aged sixty-five and older.

9 It directs the Pennsylvania
10 Department of Aging, in cooperation with the
11 Pennsylvania State Police, to develop and
12 implement the state-wide Silver Alert System.

13 Secretary of Aging would be
14 responsible for appointing a director to serve
15 as the state-wide coordinator of the alert.

16 Some of the duties of the Department
17 of Aging and the state police, the
18 department's responsible for adopting the
19 rules and regulations and issuing any
20 directives to implement this program, the
21 procedures local law enforcement must
22 following, verifying that the senior citizen
23 is, in fact, missing and has an impaired
24 mental condition, direction of circumstances
25 under which law enforcement is required to

1 report a missing person to the department as
2 well as procedures to be used for reporting
3 information about a missing person to
4 designated media outlets.

5 As far as notification, a law
6 enforcement agency may notify the department
7 if it receives notice of a missing senior
8 citizen and verifies, as I mentioned, the
9 person's sixty-five years of age, the person's
10 location is unknown, the person resides in the
11 commonwealth, and the person, in fact, has an
12 impaired mental condition.

13 The department's required to confirm
14 the accuracy of the information submitted by
15 law enforcement, and if confirmed, to
16 immediately issue an alert to designated media
17 outlets. Provides for the consent of the
18 alert as well as provisions for the
19 termination of the Silver Alert.

20 The law enforcement agency that
21 locates the subject of the alert must notify
22 the department as soon as possible when that
23 person has been found.

24 CHAIRMAN MUNDY: Thank you.

25 I think right now we're going to go

1 around and introduce ourselves -- my
2 understanding is that this is on PCN or will
3 be on PCN in a taped version -- starting with
4 Representative Vulakovich.

5 REPRESENTATIVE VULAKOVICH:
6 Representative Randy Vulakovich from Allegheny
7 County, 30th District.

8 REPRESENTATIVE SAMUELSON:
9 Representative Steve Samuelson from the Lehigh
10 Valley.

11 REPRESENTATIVE KORTZ: Good morning,
12 everyone. My name is Bill Kortz, state
13 representative, 38th District, Allegheny
14 County.

15 REPRESENTATIVE MURPHY: Good
16 morning. My name is Representative Kevin
17 Murphy, Lackawanna County.

18 MS. SCHWARTZ: Good morning. I'm
19 Sharon Schwartz, and I'm the Republican
20 executive director for the caucus committee.

21 REPRESENTATIVE HENNESSEY: Tim
22 Hennessey, Republican chair of the House Aging
23 and Older Adult Services Committee, northern
24 and western Chester County, down in the
25 southeast.

1 CHAIRMAN MUNDY: Phyllis Mundy,
2 representative from the 120th District in
3 Luzerne County. I'm chair of this committee.

4 MR. QUINNAN: Chuck Quinnan, majority
5 executive director to the committee.

6 REPRESENTATIVE BOBACK: Karen Boback,
7 parts of Wyoming, Luzerne, Columbia Counties,
8 House District 117.

9 REPRESENTATIVE SWANGER: RoseMarie
10 Swanger from Lebanon County, House District
11 102.

12 REPRESENTATIVE WATSON: Good morning.
13 I'm Representative Kathy Watson. I represent
14 a portion of Bucks County, 144th Legislative
15 District.

16 CHAIRMAN MUNDY: Thank you all.

17 REPRESENTATIVE HENNESSEY: Madam
18 Chairman, if I could just -- for purposes of
19 roll call, if we're doing that at all, I have
20 a proxy, should we need that, from
21 Representative Swanger.

22 CHAIRMAN MUNDY: We won't be voting
23 today, but thank you. And Representative
24 Swanger's here.

25 REPRESENTATIVE HENNESSEY: I'm

1 sorry. I didn't even look around. Sorry.

2 CHAIRMAN MUNDY: I think before we go
3 any further, we heard about House Bill 726
4 from the prime sponsor. As I mentioned, there
5 is another bill, Representative Casorio's
6 bill, House Bill 122, and I'm going to ask
7 Chuck to describe that one as well, before we
8 begin the testimony.

9 MR. QUINNAN: House Bill 122
10 establishes the Pennsylvania Senior Alert Act
11 to aid in the recovery of missing endangered
12 adults through prompt notification to law
13 enforcement and the public.

14 One of the main differences with this
15 bill, it defines missing endangered adults as
16 a person eighteen years of age or older who
17 has been reported through law enforcement
18 authority and is believed to be either a
19 temporary or permanent resident of
20 Pennsylvania, at a location that cannot be
21 determined by someone familiar with the
22 missing person, or incapable of returning home
23 without assistance because of mental illness,
24 mental retardation, dementia, or another
25 physical or mental incapacity.

1 An alert issued under this act shall
2 be known as an Endangered Adult Medical Alert
3 and signify that law enforcement is searching
4 for the missing endangered adult.

5 The bill also provides for the
6 preparation, content, and distribution of
7 missing endangered adult reports as well as
8 relevant information and for the participation
9 of media, broadcaster, print, et cetera.

10 There's also notification requirement
11 as well as provisions dealing with false
12 reports and related penalties.

13 Lastly, I'd like to point out that
14 the bill does provide for immunity for those
15 who, in good faith -- in good faith, conduct
16 or compliance with the act's provisions.

17 CHAIRMAN MUNDY: All right. Our
18 first testifier for this morning is the
19 Alzheimer's Association, Pennsylvania chapter,
20 Tiffani Chambers, the family service
21 coordinator.

22 Good morning, Miss Chambers.

23 MS. CHAMBERS: Good morning.

24 CHAIRMAN MUNDY: Thank you for being
25 here.

1 MS. CHAMBERS: Thank you for having
2 me.

3 CHAIRMAN MUNDY: You can begin
4 whenever you're ready.

5 MS. CHAMBERS: Can you hear me?

6 CHAIRMAN MUNDY: I think so. You
7 need to speak right into the microphone to be
8 heard.

9 MS. CHAMBERS: Madam Chair, Mr. Vice
10 Chair, and members of the House Aging and
11 Older Adult Services Committee, I welcome the
12 opportunity to provide testimony on behalf of
13 the individuals and caregivers touched by
14 Alzheimer's disease or related dementia and
15 the Alzheimer's Association's Pennsylvania
16 public policy counsel -- coalition -- sorry --
17 regarding legislation to implement a state
18 Silver Alert System.

19 The association continues to support
20 the creation of a Silver Alert System that is
21 responsive and sensitive to the needs of
22 people -- persons living with dementia and
23 their families.

24 As we have the same goal at heart,
25 which is the safe return of individuals who

1 wander from their families and care setting, I
2 would wish to reiterate the seriousness of
3 wandering by sharing the following incident.

4 An 89-year-old Pittsburgh woman who
5 suffered from dementia and heart problems was
6 found on the roof of a large metropolitan
7 hospital. The woman wandered, unnoticed, from
8 her twelfth room -- twelfth-floor room on
9 Tuesday, December 2nd, 2008, and made her way
10 to the roof. Her body was found by
11 maintenance workers on Wednesday morning.
12 Overnight temperatures dipped to twenty-three
13 degrees, and she was dressed only in a
14 hospital gown and slippers.

15 Six out of ten people with
16 Alzheimer's disease will wander. This can
17 happen at any stage in the disease and
18 frequently occurs by foot but can occur by car
19 or other forms of transportation. It only
20 takes a moment for someone to wander. This is
21 just as true at home as it is at the local
22 mall or grocery store.

23 Most people with Alzheimer's disease
24 who wander are found within 1.5 miles of home,
25 and up to half of these individuals who wander

1 will suffer serious injury or death if not
2 found within twenty-four hours.

3 An 85-year-old Philadelphia man
4 suffered from dementia, wandered away from his
5 home on a cold February night in 2004. Still
6 functioning well at home, his family was not
7 concerned about leaving him alone and often
8 kept a close eye on him. However, this time
9 was different. He never returned home.

10 After an intensive five-week search,
11 his body was found in the backyard about a
12 mile and a half away from his home.
13 Authorities placed his likely time of death
14 that first night that he was gone.

15 As we have testified in previous
16 hearings, Pennsylvania sets a ground zero with
17 a sizable aging-in-place population and
18 upwards of four hundred thousand of its
19 citizens currently afflicted with Alzheimer's
20 disease or related dementia.

21 Wandering and becoming lost is a
22 dangerous situation for individuals with
23 dementia as it is often difficult for them to
24 recognize when they are in danger.

25 Many of them have lost their

1 cognitive ability to remember when to eat,
2 drink, or even to protect themselves from
3 extreme weather. For this reason, a timely
4 local search response is crucial.

5 In thinking about Alzheimer's disease
6 or related dementia, we also need to consider
7 that the face of dementia is changing. It is
8 no longer a disease of the elderly. Younger
9 onset Alzheimer's disease, other dementias
10 like Lewy Bodies and Frontotemporal Dementia
11 affect people who are in their thirties,
12 forties, and fifties.

13 In 2009, as many as 5.3 million
14 people were living with Alzheimer's disease
15 nationwide. This includes as many as two
16 hundred thousand people under the age of
17 sixty-five.

18 Dementia does not have an age
19 threshold and neither should an all-inclusive
20 Silver Alert program.

21 The Alzheimer's Association is the
22 leading source of information, education, and
23 support for millions of individuals,
24 caregivers, and care professionals who face
25 dementia every day. Silver Alert legislation

1 can enhance current successful protocols such
2 as our MedicAlert Safe Return program.

3 The Alzheimer's Safe Return program
4 was initiated in April 1993 in partnership
5 with the Department of Justice. In November
6 2007, we partnered with the MedicAlert
7 Foundation to launch the MedicAlert Safe
8 Return program. This program also offered
9 vital information to law enforcement and helps
10 in the response of facilitating the reunion.

11 Since 1993, over a hundred sixty
12 thousand people are enrolled. We have
13 facilitated sixteen thousand reunions, and we
14 boast nearly a hundred percent recovery rate
15 for enrollment.

16 Whether reported missing by a
17 caregiver, law enforcement, or a good
18 samaritan, MedicAlert Safe Returns notifies
19 the appropriate parties and the local
20 Alzheimer's Association chapter. A large part
21 of our success is that we provided education
22 to families and law enforcement.

23 The Alzheimer's Association is
24 committed to working with lawmakers to ensure
25 that a Silver Alert System is comprehensive

1 and will grow with the increasing and ever-
2 changing population of individuals touched by
3 some form of dementia.

4 Based on our earlier testimony,
5 upwards of two hundred forty thousand
6 Pennsylvanians with dementia will wander at
7 some time during the disease process. Many of
8 these people will wander multiple times.

9 Although we have a functioning
10 mechanism to respond to wandering, we
11 understand that we don't reach the silent
12 majority of people that are affected.

13 A program such as Silver Alert has
14 the potential to increase human interest and
15 awareness of people who are at risk and offer
16 the community a positive solution to a problem
17 that occurs every day. It is an appropriate
18 way to provide support to families and help
19 them work with law enforcement and community
20 services.

21 It is necessary for the state to move
22 forward to join the efforts to support and
23 educate communities about persons living with
24 the effects of dementia. The most effective
25 system will foster a relationship between

1 families, law enforcement, local government,
2 and organizations like the Alzheimer's
3 Association.

4 We feel a successful program will, at
5 minimum, work with existing programs like the
6 MedicAlert Safe Return program and include a
7 mechanism to enroll individuals in the
8 program. This should also include dementia-
9 specific training for first responders and
10 involved organizations which would include
11 information, at minimum, about wandering
12 behaviors.

13 There should not be an age threshold,
14 and it should be tailored to the needs of
15 individuals with Alzheimer's or dementia who
16 wander, no specific proof of diagnosis should
17 be required; instead, we should require a
18 caregiver's statement.

19 We should also use a tiered approach
20 to emphasize local search first and then only
21 escalate to regional and state wide if a
22 person has left the immediate area.

23 We should allow for searching to
24 begin within twenty-four hours of a reported
25 disappearance.

1 And, finally, it should collect data
2 on the safe alert -- I'm sorry -- on the
3 Silver Alert usage and evaluate program
4 operation.

5 In conclusion, the Alzheimer's
6 Association welcomes the opportunity to assist
7 Pennsylvania in joining thirteen states, most
8 recently New Jersey, that have successfully
9 enacted Silver Alert legislation.

10 Thank you.

11 CHAIRMAN MUNDY: Thank you very much,
12 Miss Chambers.

13 Questions from the committee?

14 I have one. Okay. You talk about
15 your MedicAlert Safe Return program. And I'm
16 wondering, can you give me statistics how many
17 families are already enrolled in that program?

18 MS. CHAMBERS: I can get back to you
19 with that. I don't have the exact number for
20 Pennsylvania.

21 CHAIRMAN MUNDY: I did hear you say
22 that although you have such a program, there
23 are an awful lot of people who don't know
24 about it, who aren't enrolled in it. So I
25 think, you know, if nothing else comes out of

1 this hearing, hopefully Alzheimer's families
2 will become aware that there is such a
3 program.

4 Can you tell me more about the
5 program, how you go about enrolling in it? Do
6 you just call your local Alzheimer's
7 Association?

8 MS. CHAMBERS: You can enroll via our
9 website, by phone, or you can contact your
10 local chapter. There is a fee of 54.90 to
11 enroll initially, and there's a twenty-five
12 dollar annual fee.

13 We take the caregiver's information.
14 We also take the person that has dementia, all
15 their medication, if they're allergic to
16 anything. Anything that we need to know about
17 the person, we keep on our database. And if
18 they're reported missing, then that's shared
19 with the appropriate people.

20 CHAIRMAN MUNDY: So it's largely paid
21 for through the fees that you charge?

22 MS. CHAMBERS: Yes.

23 CHAIRMAN MUNDY: Okay. And,
24 obviously, the overhead of the Alzheimer's
25 Association comes from donations and other --

1 MS. CHAMBERS: Exactly.

2 CHAIRMAN MUNDY: And some government
3 funding.

4 MS. CHAMBERS: Um-hum.

5 CHAIRMAN MUNDY: Not much.

6 MS. CHAMBERS: And it's more the fee
7 goes to operation, having people, you know,
8 there to answer the phones if there are
9 incidents and things like that.

10 CHAIRMAN MUNDY: Sure. Sure.

11 Okay. Can you tell me, with the
12 MedicAlert Safe Return program, just give me a
13 little idea of how your relationship is with
14 the state police.

15 MS. CHAMBERS: I think --

16 CHAIRMAN MUNDY: And it is the state
17 police that you contact, or is it local
18 police?

19 MS. CHAMBERS: It's local police
20 first in the immediate area, and if we do need
21 to go as far out as the state police, we do.

22 CHAIRMAN MUNDY: But first you
23 contact your local police. And what is your
24 experience with the local police?

25 MS. CHAMBERS: In this area, I found

1 that it's really responsive. They are
2 sensitive to dementia.

3 I have also had some police officers
4 give me a call and make referrals on, you
5 know, educating caregivers and getting them
6 resources in the community.

7 CHAIRMAN MUNDY: Representative
8 Boback, I think that might be a topic that we
9 would want to take up with our elder abuse
10 task force. Not that it's -- we're expanding
11 our mission, I think.

12 MS. CHAMBERS: Um-hum.

13 CHAIRMAN MUNDY: Always expanding our
14 mission.

15 Representative Hennessey, do have
16 questions?

17 REPRESENTATIVE HENNESSEY: I do.
18 Thank you.

19 Miss Chambers, you had mentioned the
20 safe return program at the Alzheimer's
21 Association. I guess that's formulated from
22 scratch; you've created that program?

23 MS. CHAMBERS: Yes.

24 REPRESENTATIVE HENNESSEY: Is that a
25 nationwide program?

1 MS. CHAMBERS: It is nationwide, yes.

2 REPRESENTATIVE HENNESSEY: Okay. I
3 noticed in some of your research that probably
4 two-thirds of the states have already adopted
5 Silver Alert programs or something rather
6 similar to that.

7 MS. CHAMBERS: Um-hum.

8 REPRESENTATIVE HENNESSEY: And
9 there's a number of other programs that are in
10 process, doing the same thing. How does the
11 safe return program interface with a
12 successful Silver Alert program?

13 MS. CHAMBERS: I think that it's very
14 important to have an organization like the
15 Alzheimer's Association, where if there is an
16 incident, a referral can be made to us where
17 we would educate the family. We could do some
18 environmental things with them to see, you
19 know, why the person wandered or if there was
20 a communication problems, what escalated to
21 this situation.

22 I think we could work with the
23 program on a referral basis to provide that
24 education and support and, you know, the local
25 resources that the police officer can't always

1 take the time to do.

2 REPRESENTATIVE HENNESSEY: So the
3 safe return program, then, is an immediate
4 step taken by the Alzheimer's Association
5 locally when a report comes in?

6 MS. CHAMBERS: Yeah.

7 REPRESENTATIVE HENNESSEY: The report
8 would have come in from the family, though,
9 not from the police. Or do they involve you
10 when they can?

11 MS. CHAMBERS: They do involve us.
12 If there's a wandering incident, we're one of
13 the first people that are contacted. So what
14 we have to do within twenty-four hours is
15 follow up with that family, you know, to offer
16 support and, you know, reenact the situation
17 with them to see if there's anything that, you
18 know, could be changed or just to educate them
19 a little bit more.

20 REPRESENTATIVE HENNESSEY: Okay.
21 Currently, before the legislature, we have
22 three, I'll say, parallel approaches. We have
23 Senate Bill 976, which is Senator O'Pake. We
24 have the Casorio bill here in the house, and
25 we have Representative Youngblood's bill here

1 in the house.

2 Has the Alzheimer's Association
3 locally taken a look at each of those three
4 bills? Do you have a preference? Do you feel
5 that any of them or none of them really meet
6 the needs of the successful Silver Alert
7 program, that would work with you in this --
8 you know, interface with this safe return
9 program?

10 MS. CHAMBERS: At this time, I can't
11 pick one, but I think it's important that we
12 realize that dementia is not age specific.
13 And if we put an age limit on that, then we
14 will be leaving out the people that have the
15 younger onset Alzheimer's disease that are in
16 their thirties and forties and even fifties.

17 REPRESENTATIVE HENNESSEY: So the
18 emphasis is that it's just to get us away from
19 thinking in terms of age specific sixty-five
20 or sixty and older --

21 MS. CHAMBERS: Exactly.

22 REPRESENTATIVE HENNESSEY: -- and
23 realizing that it affects a wider spectrum of
24 our society.

25 MS. CHAMBERS: Yes.

1 REPRESENTATIVE HENNESSEY: Thank you.

2 Thank you, Madam Chairman.

3 CHAIRMAN MUNDY: Other questions?

4 Representative Watson.

5 REPRESENTATIVE WATSON: Thank you,
6 Madam Chairman.

7 Good morning. And I thank you for
8 testifying.

9 I looked at your testimony again
10 where you actually bullet-point suggestions or
11 what you see as a successful program to
12 incorporate. When you say "allow local
13 searching to begin within," you mean --
14 "twenty-four hours of reported disappearance,"
15 I assume what you're suggesting to us is that,
16 based on the anecdotes that you gave, it's
17 critical that searching begin before a twenty-
18 four-hour period because it is usually during
19 that time when someone comes to some kind of
20 harm --

21 MS. CHAMBERS: Exactly.

22 REPRESENTATIVE WATSON: -- in this
23 situation.

24 MS. CHAMBERS: Yes.

25 REPRESENTATIVE WATSON: And I know

1 that -- I believe, and I'm sure we'll hear
2 some testimony, that usually the protocol is
3 always, you wait twenty-four hours to see --
4 in regular missing persons, you know, to see
5 if someone turns up, whatever it might be.
6 But it is -- I just want to be careful that
7 whatever we determine, your recommendation
8 would be working with -- whether it's local
9 police, or in some cases in Pennsylvania, not
10 where I am from, but I know that the local
11 police would be the state police. But it is
12 your recommendation that it all take place or
13 begin before that twenty-four hour --

14 MS. CHAMBERS: Exactly.

15 REPRESENTATIVE WATSON: -- because
16 that's the critical period.

17 MS. CHAMBERS: Yes.

18 REPRESENTATIVE WATSON: Okay. I just
19 wanted to be clear on that.

20 Thank you very much.

21 CHAIRMAN MUNDY: Other questions from
22 committee members?

23 All right. Thank you very much, Miss
24 Chambers.

25 MS. CHAMBERS: Thank you.

1 CHAIRMAN MUNDY: Appreciate your
2 testimony and the work of the Alzheimer's
3 Association.

4 Next we have the Pennsylvania State
5 Police, Captain Bret Waggoner, director of the
6 Special Investigations Division, Bureau of
7 Criminal Investigation.

8 Thanks so much, Captain, for coming
9 today. Appreciate your being here.

10 CAPTAIN WAGGONER: Thank you, Madam
11 Chairman. And good morning.

12 As introduced, I'm Bret Waggoner,
13 captain with the Pennsylvania State Police
14 with the Bureau of Criminal Investigation.
15 With me today is Corporal Rick Bramhall. The
16 reason I brought Rick is he's actually in the
17 field. He's assigned to Troop F,
18 Montoursville, Criminal Investigation
19 Assessment.

20 As far as the Amber Alert system,
21 which I know you're all familiar with, Rick is
22 actually hands-on with that system, has a lot
23 of experience. And although we're looking, in
24 this situation, away from the Amber situation,
25 he does bring specific knowledge to it that,

1 when it comes to the question-and-answer
2 period, he may be able to more appropriately
3 address.

4 I do commend your committee for
5 taking this issue on, because we realize how
6 serious it is. I tried to equate -- if could
7 I back up a second, I do have some, in
8 paragraph form, testimony that I assume is in
9 front of you. That's for your reading.

10 The way I present this is we'll, more
11 or less, be going over that paragraph by
12 paragraph, but I won't be reading from it
13 verbatim, just try to make my point from the
14 bullet notes I have here.

15 As I thought about this situation,
16 the only thing I could equate it to in my
17 personal life -- I think that's always
18 important, your background -- to get a
19 perspective on it, is a two -- my two-year-old
20 son -- this goes back many years ago -- for
21 that three or four minutes, he was missing as
22 far as we were concerned. He really wasn't
23 missing. He was right there at a church
24 picnic of about a thousand people. But he
25 wandered away from us.

1 And if anyone ever goes through that,
2 whether it's a child or a parent, it is -- it
3 has to be one of the most devastating feelings
4 to happen. So I can relate to it.

5 Again, fortunately, we found him
6 within three or four minutes. He had just
7 wandered off to the playground. Of course, I
8 felt like a delinquent parent for allowing
9 that to happen. But I -- it is something that
10 we can relate, to know how serious something
11 like this is.

12 So that's why, as law enforcement
13 officers, it is important for us to work and
14 do our level best to look at our policies, to
15 look at what we have in place that we can
16 bring these situations to a successful
17 resolution.

18 I won't stick to Amber too much.
19 That is our background. We've been
20 experienced with it, I think it was 2002. But
21 the situation with Amber as it relates to
22 this, there is very strict criteria for
23 activating, for giving an Amber Alert.

24 First off, a child -- it has to be a
25 child, someone less than eighteen years of

1 age. There has to be an abduction involved or
2 indication of an abduction. That really
3 narrows the scope of how Amber can be used.
4 Obviously, the situation we're discussing here
5 this morning, they don't apply.

6 Even so, there are situations, like I
7 said, missing adults with special needs,
8 hourly, and even missing children who are
9 outside the Amber parameter. There's not an
10 indication of abduction, but they're still
11 missing. What can we do for them?

12 One of the primary concerns we, at
13 the state police, have for expanding the
14 overall inclusion is the word "alert" as it
15 is. We are very protective of the Amber
16 program because of the success of it. And
17 whenever we talk about adding other alerts as
18 named alerts, it causes a little concern,
19 because one of the things we don't want to
20 happen is to have -- is for the public, the
21 main resource in the recovery, to become
22 desensitized.

23 I tried -- I will give you an example
24 totally unrelated to what we're talking
25 about: Reality shows. One, two reality shows

1 came on TV, then what do we have? We have an
2 explosion, so much so that if you flipped the
3 dial -- it's exaggerating, but every three
4 channels, you fall into a reality show. We
5 don't want that to happen with emergency
6 alerts. There's so many out there that the
7 worse thing that could happen is the public
8 becomes desensitized to the information that's
9 being distributed.

10 Another example -- this backfired on
11 me the last time I used it in a private
12 conversation, but I'll give it a run -- is a
13 car alarm. If I park my car in a mall parking
14 lot and I get out and I start walking in
15 towards the mall and I hear a car alarm,
16 what's the first thing that I think of? I
17 don't think of car theft. That's the purpose
18 of the car alarm. It's to prevent car theft.

19 That's not what I think. I think,
20 someone missed a key, someone reached back
21 into the car to unlock it inappropriately,
22 because I've done it myself on my Honda. On
23 at least three occasions, I've inappropriately
24 done it and the alarm goes off. That's what
25 we don't want to happen with any type of

1 additional alerts we put out there.

2 So, with that in mind, the
3 Pennsylvania State Police, in cooperation with
4 the Pennsylvania Amber Alert stakeholders and
5 the National Center for Missing and Exploited
6 Children developed what is called Missing and
7 Endangered Persons Advisory System, or the
8 acronym MEPAS.

9 What is a MEPAS? It's to offer
10 investigating agencies the ability to transmit
11 information to the public rapidly across a
12 broad spectrum of technology without
13 interrupting broadcast programming, except at
14 the discretion of the broadcasting entities.
15 That would be up to them if they would do
16 that.

17 The MEPAS would use existing, secure
18 e-mail systems to notify radio and television
19 stations of a missing person investigation.
20 This notification provides the opportunity to
21 further distribute the information to the
22 public in a timely manner.

23 Moving on to address the different
24 bills that we're looking at today. As I add
25 my comments, I don't want to take away from

1 the overall effort of what's going on here. I
2 fully recognize that it's very good what we're
3 doing, so I don't want my comments to appear
4 overly critical or detract from the intent.

5 But regarding House Bill 122, some
6 things we noticed as we read through the
7 bill. And this one is the one establishing
8 the Senior Alert System. Although titled
9 Senior Alert System, the system applies to
10 anyone eighteen years and older. That, by
11 name, could cause a little confusion with the
12 public. Whenever you hear the word "senior,"
13 what do you think of? I think of what someone
14 might have said today, sixty-five or older. I
15 don't think of a nineteen-, twenty-year-old.

16 And, you know, conversely, with this
17 proposal, it doesn't allow law enforcement to
18 use, in a situation where the child or the
19 missing person is less than eighteen and they
20 don't meet that Amber criteria, if you recall,
21 about abduction. We could have a missing
22 child, ten years old, that is not an abduction
23 situation. There is no evidence of that. But
24 by the way this is written, we won't be able
25 to apply this system because they're less than

1 eighteen years of age.

2 The House Bill 122 contains specific
3 investigative procedures for law enforcement
4 to follow in conducting a missing person
5 investigation. And I'm not so sure it's
6 written as "shall," so there possibly is some
7 leeway here.

8 One of the things is a requirement
9 for law enforcement to complete the associated
10 report within five hours. I will assume that
11 the legislative intent with that isn't a final
12 report, dotted on the line, submitted to the
13 supervisor. I'm just going to take the lead
14 there and assume that's not what the intent
15 was. The intent was to get the information
16 out within five hours. Which I don't know if
17 we can put an arbitrary figure, number, on how
18 quickly it goes out.

19 Only thing I want to stress is when
20 you're following up leads, when you are still
21 doing interviews, when you're getting
22 information, the clock keeps rolling. The
23 important thing is to get enough accurate
24 information that you can do some sort of
25 emergency advisory. But as far as completing

1 a report, that's essentially probably not
2 possible in most situations.

3 And the other thing, a minor thing I
4 noted, it directed law enforcement to actually
5 speak with the person making the report and
6 get input from them how far the distribution
7 of the information can go. I think in most
8 cases law enforcement, from the information
9 they give, can make that decision, depending
10 on the pattern of the person, depending on
11 where they have other relatives, how far to
12 distribute the information.

13 Moving on to House Bill 726, known as
14 the Silver Alert System, the bill directs the
15 Pennsylvania State Police to work in
16 conjunction with the Department of Aging to
17 establish an alert system for seniors. As
18 described, they are sixty-five years of age
19 and older.

20 The one thing about that is, I think
21 it was already alluded to in the prior
22 testimony from the Alzheimer's Association,
23 what if you run into a situation, everything's
24 the same but the person's sixty years old and
25 they have dementia. I think the way it's

1 written would not apply because they're not
2 sixty-five. So, again, putting an age on it
3 could -- could cause some restrictions
4 probably not intended.

5 The bill places significant
6 administrative and implementation
7 responsibility on the Department of Aging. In
8 briefly talking to the gentleman from the
9 Department of Aging, I tried to get a feel,
10 because I didn't know, are they staffed
11 twenty-four/seven to handle something like
12 that? Because these things could come in the
13 middle of the night.

14 I think -- they do have a hotline for
15 further issues. I will assume that could be
16 expanded, but I don't know at this current
17 point whether they're ready to go in a
18 situation like this, twenty-four hours a days,
19 seven days a week.

20 And, again, as I previously
21 mentioned, the age issue there at sixty-five.

22 The gentleman mentioned Senate Bill
23 976, and that's included in my remarks. This
24 senate bill was drafted in coordination with
25 the Pennsylvania State Police and with the

1 Pennsylvania Amber Alert stakeholders, so I do
2 ask, as you go through your process, you just
3 consider that. And I will highlight some of
4 the points of that.

5 When I say that, it was actually our
6 Amber people that sat down with Senator
7 O'Pake's office when that was drafted for
8 input. And that included, as I said, the
9 stakeholders.

10 Essentially, what it does, it amends
11 the current Amber Alert law to establish
12 MEPAS, as I previously defined as Missing
13 Endangered Person Advisory System. It uses
14 parts of the existing and proven Amber Alert
15 framework to assist in the recovery of any
16 missing person -- it's not age specific --
17 regardless of age, who is proven to be missing
18 and endangered.

19 Part of the effort includes
20 establishing a system, as I also previous, to
21 avoid alerts. And, again, that goes back to
22 our protectiveness of the Amber program, to
23 not -- to keep that separate, so as to not
24 desensitize or confuse the public.

25 We have -- what we attempted to do

1 here is focus on a catch-all system that can
2 be used in various situations outside the
3 Amber system. Many states have already
4 implemented this type of advisory system, as
5 the gentleman alluded to. I think about
6 two-thirds of the fifty states, and that's
7 right on with what we have. We are looking at
8 about thirty-four states have some sort of
9 system beyond an Amber system already
10 established.

11 And what we're proposing here with
12 Senate Bill 976 is use the tested methodology
13 that we already have in place for Amber.

14 So that concludes my formal remarks.
15 Again, I do complement you for what you're
16 doing here, because I do see it as necessary.
17 The Pennsylvania State Police see it as
18 necessary. And it is a good thing, and I
19 salute you for it.

20 I'll be glad to take your questions
21 at this time. I may kick them over to
22 Corporal Bramhall, because, as I alluded to
23 earlier, I consider him as being one of our
24 six designees, is somewhat of a subject expert
25 on the emergency alert system.

1 Thank you.

2 CHAIRMAN MUNDY: Thank you, Captain.
3 Appreciate your testimony very much.

4 I'd love to move the senate bill,
5 except that it's not in my committee. But it
6 is helpful to know that it was drafted in
7 conjunction with your department. And perhaps
8 we can do some amendments that would be more
9 closely reflect the senate bill. So that is
10 very helpful information.

11 Can you tell me what -- what happens
12 now when there is a missing person -- not the
13 Amber Alert but a missing person? What role
14 does the state police play now? What time
15 frame does that occur in, your activity, your
16 role? And how does that all work?

17 CAPTAIN WAGGONER: I'll answer that
18 initially, and then you can kick in with any
19 more specific comments.

20 If we get a call for a missing
21 person, we'll go out to the scene, and say it
22 is an adult, we'll conduct an investigation
23 right then and there. There doesn't --
24 there's no set time limit as far as waiting.

25 CHAIRMAN MUNDY: So this -- so the

1 twenty-four-hour period that keeps being
2 referred to is simply that's the time frame
3 during which we're most likely to find a
4 person who's missing. You want to get to it
5 as quickly as possible. But, from your
6 perspective, there is no requirement that you
7 wait for someone to be missing for twenty-four
8 hours. I think people get that from
9 television.

10 CAPTAIN WAGGONER: You're exactly
11 right, that's where they do. Call us back in
12 twenty-four hours. No. We take immediate --
13 there's certain steps we can take immediately
14 for that investigation.

15 CHAIRMAN MUNDY: Okay. And then what
16 happens after that? You go out to the scene
17 and you begin to investigate.

18 CORPORAL BRAMHALL: Yes, ma'am.
19 That's correct. Just like the captain said,
20 the response is immediate. And there is no
21 twenty-four-hour waiting period.

22 If there are special issues, you
23 know, special needs, dementia, Alzheimer's,
24 autism or anything like that, you know, that
25 entry can be made into the National Crime

1 Information Center computer, the NCIC
2 computer, immediately as soon as the
3 information's gained, because that person is
4 or would be considered endangered because of
5 their condition.

6 So it doesn't require any kind of
7 waiting period. The only time period that
8 would pass before there's an entry into the --
9 into the national computer would simply be in
10 gathering the information.

11 CHAIRMAN MUNDY: So when you begin
12 the investigation, at what point do you notify
13 the public through the media, the radio, the
14 television? What triggers that? And what's
15 the time frame for doing something like that?

16 CORPORAL BRAMHALL: Well, the way the
17 situation exists right now in the Pennsylvania
18 State Police, as in most local police
19 departments, that notification to the public
20 would occur by means of a public information
21 report or news release to the media.

22 And in what's proposed in Senate Bill
23 976, the MEPAS, what that would allow us to do
24 is utilize the framework that is already used
25 in the Amber Alert, you know, that being the

1 emergency alert system throughout
2 Pennsylvania, to put that information for
3 missing endangered person of all ages who
4 don't meet the Amber criteria due to age or
5 other circumstances, to put that information
6 out to the media in a much more timely
7 manner. Because, you know, as you can imagine
8 when something like this occurs, it's very
9 burdensome, sometimes, on the police
10 department in trying to organization searches,
11 et cetera, et cetera. And so there's some
12 delay between when the information is obtained
13 and searches are organized and begin to occur
14 and an actual media release goes out.

15 This would enable us to get the media
16 alert out quicker to help that police
17 department at a time when they certainly could
18 use it.

19 CHAIRMAN MUNDY: So there is no
20 particular time frame. It's just whenever you
21 feel it's necessary.

22 CORPORAL BRAMHALL: Yes, I would say
23 that's correct. There is no time frame. And,
24 you know, it often comes down to a matter of
25 as soon as someone can get to completing that

1 media release or that news release.

2 CAPTAIN WAGGONER: Just a further
3 point of clarification, there is internal,
4 within policing, information system, to pass
5 it on. Those aren't open to the public. But
6 the corporal mentioned NCIC. We also has what
7 is called CLEAN, Commonwealth Law Enforcement
8 Network, and if we do send one of those out
9 then that can be controlled as far as how many
10 miles it goes. So that's open for all
11 Pennsylvania law enforcement. They
12 participate in that, so they get the
13 information.

14 As an agency, we do four-hour
15 reporting, where we send out -- and that's
16 done through e-mails. So we do have it pretty
17 well covered as far as internally within law
18 enforcement, but we're just -- as you are
19 looking to expand it to the public.

20 CHAIRMAN MUNDY: Right. Okay. Thank
21 you.

22 Other committee members have
23 questions?

24 Representative Watson.

25 REPRESENTATIVE WATSON: Thank you,

1 Madam Chairman.

2 Gentlemen, good morning. And thank
3 you very much for being here.

4 I was just trying, as I read through
5 your testimony and listened to you summarize,
6 would it be -- and I don't want to put words
7 in your mouth -- would it be that your
8 recommendation would be that continue the
9 Amber Alert, there's only, for the public's
10 perception, one name that goes out there, but
11 if I were to do my English teacher background
12 and outline, under the roman numeral Amber
13 Alert, would be categories, the A, B, and Cs.
14 And we would fold in those who have some form
15 of a dementia, what might be, regardless of
16 age, into one category, much like you have the
17 category four, children who are believed to
18 have been taken by a person known or unknown
19 who doesn't have custody.

20 Is that what I'm getting? So, in
21 effect --

22 CAPTAIN WAGGONER: I'll answer that
23 by throwing a question back. It's my
24 understanding what you're saying, roman
25 numeral one would be Amber Alert. Then we

1 would see it as roman numeral two with the
2 MEPAS, which is the catch-all for all other
3 situations.

4 REPRESENTATIVE WATSON: Okay. All
5 right. But you would use a lot of the same --
6 the system you already have set up for
7 protocols and who gets contacted when and the
8 scope of an investigation, that would all be
9 the same, because that method has worked,
10 regardless of the age or mental acuity of --
11 I'll call it victims, not really victim but
12 the missing person.

13 CAPTAIN WAGGONER: Correct. The
14 structure's all there. We would be using the
15 same structure.

16 REPRESENTATIVE WATSON: Okay. That
17 helps me try to figure out what bill and what
18 we should be doing.

19 Thank you very much.

20 CHAIRMAN MUNDY: Chairman Hennessey.

21 REPRESENTATIVE HENNESSEY: Thank you,
22 Madam Chairman.

23 Captain, Corporal, recently I heard
24 on the news some discussion where police
25 departments are actually reaching out to --

1 especially in the cities -- taxi drivers, with
2 taxi cab dispatchers quickly getting the
3 information, so that there are more -- you
4 know, not just in the broadcasting it to the
5 police officers to be on the watch for
6 somebody in the local locale, but also
7 notifying the taxi cab dispatcher to try to
8 get that information out to -- in the sense
9 just putting more eyes on the street as the
10 taxi cab drivers go about their daily work.

11 It would seem to me that that might
12 be something that we would -- through police
13 efforts -- we don't want to do it
14 legislatively, I don't think. I don't know
15 whether we could properly handle that in
16 trying to draft a bill that would cover that.
17 But it would seem to me that that might be an
18 avenue approach that PSP might want to look
19 into to see whether or not -- certainly in the
20 areas where they have established dispatchers
21 for taxi cabs, you might want to look into
22 seeing whether you can incorporate them into
23 the MEPAS system or some other type of system
24 that we might develop as a result of this
25 hearing and the legislation that's running.

1 CAPTAIN WAGGONER: If I could just
2 comment to that. That's an excellent idea.

3 What we constantly do with the Amber
4 program is looking for additional
5 communication avenues. I'll give you an
6 example. The lottery has come on board some
7 time back, where once we have an Amber Alert,
8 when the ticket prints out for the lottery
9 ticket, there will be information on that
10 lottery ticket and displayed at the digital
11 billboards. As you go into a Sheetz or
12 something like that, there's the digital
13 billboards at the lottery. They'll put the
14 information up there. So we continually look
15 for other communication avenues.

16 And I don't know if -- Corporal
17 Bramhall, I don't if know taxi drivers or taxi
18 cabs have ever come up before as a
19 communication resource to your knowledge?

20 CORPORAL BRAMHALL: I have heard of
21 local departments using that. I think it's a
22 great idea.

23 I would just point out, on that note,
24 that, you know, in -- within -- within the
25 senate bill and within the idea behind the

1 MEPAS, we specifically do not want to infringe
2 upon local departments from utilizing existing
3 procedures and protocols that they have. So
4 it's a supplement to help them get the
5 information out to the public through the
6 media. But if they have a system in place,
7 for example, where they utilize, you know,
8 public transportation dispatchers, then they
9 are free to continue to do that and encouraged
10 to do that.

11 We don't want to try to take them
12 over from them. We simply want to assist them
13 in getting the information out in a timely
14 manner.

15 REPRESENTATIVE HENNESSEY: I just
16 mentioned it because I thought -- when I heard
17 on the news broadcast, I thought it was a
18 rather interesting and very innovative type of
19 way to get more help to our local police and
20 to the state police in terms of having people
21 watching and being aware.

22 Most police departments I know of are
23 interconnected with their computers in the
24 cars now, you -- it would seem to me that in
25 addition to the description of a person, if

1 they said it was me, I have gray hair -- and I
2 don't know how else they'd like to describe
3 me, a big guy wearing a blue suit. But it
4 might be helpful if they could immediately
5 transmit a photograph across the computer
6 system.

7 I don't know whether the taxi people
8 would have that kind of computer capability,
9 maybe they do, but it would seem to me that,
10 you know, in the day and age that we live in
11 today, we could feed pictures into scanners
12 and immediately have photographs, not just
13 descriptions, because somebody could take off
14 the blue overcoat that they were wearing,
15 somebody -- just -- change shirts or
16 whatever. It just seems to me a photograph
17 would really be helpful.

18 And it seems to me that we have the
19 ability to do that, if we could try to work
20 that in to either your existing system. Maybe
21 you already have. But, you know,
22 photographs -- you know, picture's worth a
23 thousand words, as they said before, and do we
24 have that kind of capability within PSP?
25 Would it be difficult to clone that for a

1 local police department?

2 CAPTAIN WAGGONER: I'm almost sure
3 they do have that in the computers in the cars
4 to transmit pictures.

5 CORPORAL BRAMHALL: Yes. The
6 existing -- the existing Amber Alert system,
7 this advisory, missing endangered person
8 advisory, would go out using the EMnet secured
9 e-mail portion of the emergency alert system.
10 And that absolutely does have the capability
11 to attach photographs. The same way that we
12 do them with Amber Alert.

13 And we get those photographs out to
14 the media if and when possible, and they go up
15 on the billboards, you might see now, the
16 digital billboard billboards. They're a
17 secondary distributor and a great resource for
18 getting images out there to the motoring
19 public, et cetera.

20 And so, yes, we do have that
21 capability, utilizing the existing system of
22 the emergency alert system.

23 REPRESENTATIVE HENNESSEY: That's
24 comforting to know.

25 And just one reference -- excuse

1 me -- the idea that we don't want to
2 necessarily infringe on the protocols of the
3 police departments, I understand the
4 sensitivity there, but we also want to make
5 sure that the local police departments are
6 made aware of and update their protocols and
7 they're really taking advantage of all the new
8 technology that's out there.

9 I mean, it's a brand-new world out
10 there in terms of communications and the
11 instantaneous transmission of that
12 information, and maybe the local police need
13 some sort of boost to make sure they're up to
14 speed on that.

15 CAPTAIN WAGGONER: Just so you know,
16 as with Amber, there's an education process to
17 Amber, too, where the individuals, such as
18 Corporal Bramhall and Sergeant Menetto
19 (phonetic), who's not here today, they go out
20 and speak in any forum they can that's
21 appropriate to discuss the Amber, and
22 especially the local police.

23 So depending how this is expanded and
24 the role the state police end up playing, that
25 will happen. There'll be an education

1 process, working through the PA chief's
2 association, working through local police
3 officers themselves to be briefed on any
4 changes to what is implemented as per the role
5 of the state police in that new system.

6 REPRESENTATIVE HENNESSEY: Thank you,
7 Captain Waggoner.

8 Thank you, Corporal Bramhold, is it?

9 CORPORAL BRAMHALL: Bramhall. You're
10 correct. Bramhall, sir.

11 REPRESENTATIVE HENNESSEY: Thank you
12 very much.

13 CHAIRMAN MUNDY: Other questions from
14 committee members?

15 I have one final question about the
16 cost. And I think, since you helped draft the
17 senate bill, perhaps we could focus on that
18 for a moment, and just ask what you think any
19 additional cost to the Pennsylvania State
20 Police might be as a result of instituting the
21 MEPAS system?

22 CAPTAIN WAGGONER: There's no way for
23 me to give you a dollar figure. The
24 structure's already there, so I don't see any
25 administrative cost for that.

1 The only increased cost would be
2 personnel costs, because if these things occur
3 after hours, people have to be called in -- or
4 called -- actually, the laptop, they do much
5 of the work from their residence if it's after
6 hours, if not all of the work from the
7 residence.

8 So only thing we'd be looking at is
9 additional personnel costs, which I wouldn't
10 be able to put a dollar figure on.

11 CHAIRMAN MUNDY: Okay. Thank you
12 very much.

13 Thank you, Captain. Thank you,
14 Corporal, for being here today and for the
15 valuable information you've provided us.

16 CORPORAL BRAMHALL: Thank you.

17 CAPTAIN WAGGONER: Thank you.

18 CHAIRMAN MUNDY: And last but
19 certainly not least, we have the Pennsylvania
20 Depart of Aging, Ray Prushnok, deputy
21 secretary.

22 DEPUTY SECRETARY PRUSHNOK: Good
23 morning, Chairman Mundy, Chairman Hennessey,
24 and thank you for the opportunity to testify
25 this morning.

1 First, let me say, we've reviewed
2 both pieces of legislation for -- in the house
3 as well as the senate bill, and I'll speak
4 more generally about aspects that we believe
5 should be included in any legislation that
6 addresses this important issue.

7 And I'll first set the context by
8 again thanking you for the opportunity to
9 testify regarding Alzheimer's disease last
10 fall. As you recall, early onset Alzheimer's
11 was discussed at length, and that's an
12 important issue that we would -- in addition
13 to the comments you heard earlier from both
14 testifiers, I believe should be included in
15 any legislation.

16 As you know, through the Department
17 of Aging and the Office of Long-Term Living,
18 we represent individuals and have services and
19 programs for individuals eighteen and older,
20 including waivers that serve individuals with
21 traumatic brain injuries that may not have an
22 exact diagnosis of Alzheimer's but may exhibit
23 many of the same conditions and have similar
24 concerns with wandering. So we believe that
25 it's important for any emergency alert

1 legislation to encompass any adults with
2 cognitive impairments.

3 In addition, we -- both bills before
4 us today have names that don't really embrace
5 those populations, Senior Silver Alert, so we
6 would recommend something that would be a
7 little broader so it wouldn't be perceived to
8 be more limited in scope.

9 One thing that I did want to
10 highlight today is that we have a dual role in
11 terms of our advocacy and protection of older
12 adults and the balance of self direction. And
13 we support consumer independence and their
14 personal choices as much as possible. And
15 it's important to make sure that when we --
16 we're weighing the safety of our older adults
17 and younger individuals with cognitive
18 impairments with their own privacy and
19 dignity. So keeping in mind that, you know,
20 many individuals who wander may not have a
21 diagnosis of Alzheimer's so it really can't be
22 a diagnosis-based system but balancing out
23 that concern.

24 So we all understand, and I think as
25 the captain pointed out his own experience

1 with his son, families often err on the side
2 of caution. When they're seeing changes in
3 their loved ones, if they have a parent who
4 has the beginnings of Alzheimer's disease or
5 related dementia, they -- their concern may
6 not be as great as is what would be
7 established by a more objective party, like
8 the Area Agencies on Aging who would be
9 capable of doing an assessment to help
10 acknowledge or, you know, a medical
11 professional to determine whether or not that
12 person is in a capacity to make their own
13 decision and care for him or herself. And
14 knowing that those conditions may change, it
15 is important to honor what that individual
16 chooses.

17 So an -- in your testimony, we
18 included an example where, you know, if a
19 daughter were to stop by her mother's home and
20 find that she's not there, she may be
21 concerned. And, you know, perhaps, you know,
22 put forward an alert that -- that obviously
23 would have a response and activate the local
24 community, media, and law enforcement. But it
25 turns out that she may have gone out to run

1 some errands or gone for lunch. So we need to
2 make sure that we adequately address her
3 independence, because that, of course,
4 would -- for an individual who may be
5 suffering from the early signs of dementia,
6 she -- her independence and dignity would
7 certainly be sacrificed by having that in the
8 local media when it may have just been a false
9 alarm.

10 So think in terms of how we balance
11 our care and concern with, you know, rights of
12 the independence is an important part of this
13 conversation.

14 And in addition to that, we, again,
15 would emphasize that the scope of this
16 legislation should ultimately be not limited
17 to specific diagnoses or to populations or
18 certain, you know, age thresholds.

19 In addition, we feel that the most
20 effective way to administer such a program
21 would be at the local level. We also believe
22 that having some kind of registry, where we
23 can expedite the process would be an important
24 step. So if an individual chose, they could,
25 you know, go through a process where they

1 could have an assessment by a AAA or a medical
2 professional so that they could be on a
3 registry similar to the kind that the
4 Alzheimer's Association maintains in order to
5 expedite a -- a alert or advisory when the
6 local police department begins their
7 investigation.

8 And, in closing, I think there were a
9 couple items that we'd like to see in any
10 legislation that we want to include. First,
11 that we would like to see that individuals
12 that are found through this type of alert or
13 advisory be put in touch with the appropriate
14 social service agencies that may be able to
15 connect them to, you know, eliminate risks for
16 further elopements.

17 In addition, a provision for data
18 collection would be an important piece, to
19 make sure that we're monitoring the degree to
20 which this is happening across the
21 commonwealth.

22 Again, we support the intent of both
23 pieces of legislation before us today, but,
24 again, wanted to emphasize our concerns. And
25 we look forward to working with the committee

1 as they consider this issue moving forward.

2 Thank you.

3 CHAIRMAN MUNDY: Thank you.

4 One of my big issues was the cost.

5 And it was good to hear the captain from the
6 state police say that the only cost would be,
7 perhaps, additional personnel. So I would
8 like to move a bill.

9 It does seem as though we should move
10 a bill more aligned to the senate bill than
11 the ones that are currently in the committee,
12 which would, of course, require amending one
13 of those two bills that are currently here.

14 As far as your concerns about the
15 dignity and privacy of individuals with
16 dementia or early onset Alzheimer's and some
17 of the concerns you raise, I honestly don't
18 know how you get at that through legislation,
19 and perhaps you can enlighten me as to what
20 ideas you might of have.

21 For every law that's on the books,
22 there are abusers of it, whether it's domestic
23 violence Protection from Abuse Orders, you
24 know, there are people who abuse those. You
25 know, if you raised the issue of daughter who

1 didn't approve of her mother taking trips and
2 spending money, how do you prevent a daughter
3 from making a false report or a report just
4 based on her anger at her mother that she's
5 doing these things? I really don't know how
6 you get at that.

7 Do you have any suggestions?

8 DEPUTY SECRETARY PRUSHNOK: Sure.
9 Madam Chair, I think that's a fair point, and
10 I think in looking at legislation in other
11 states, it really goes across the spectrum. I
12 think Texas, which is one of the longest
13 established programs, they have a more
14 stringent threshold where law enforcement
15 shall require that the family of the missing
16 senior citizen provide documentation from a
17 medical or mental health professional of the
18 senior's condition. And that's sort of one
19 extreme where you have to have a documented
20 diagnosis of Alzheimer's, for example,
21 whereas, on the other extreme, other states
22 have a more open approach.

23 So, ultimately, that's going to come
24 down to local discretion and the judgment of
25 law enforcement or the AAAs in terms of who --

1 who is implementing this kind of a law, and,
2 obviously, how that's handled will impact the
3 cost on personnel.

4 In terms of, you know, the Department
5 of Aging, again, I think, we -- as the captain
6 pointed out, while we have some limited
7 capacity through the Older Adults Protective
8 Services Act and our protective services
9 programs, we are accessible twenty-four hours
10 a day, seven days a week, that's for a
11 separate and distinct purpose, and nor do we
12 have, you know, I think, limitless capacity in
13 the AAAs to conduct these types of
14 investigations as well, so that would have to
15 be balanced.

16 CHAIRMAN MUNDY: Well, I don't really
17 see the role of the agency either at the state
18 level or the local level as conducting the
19 investigation. I don't read the bills that
20 way. Do you?

21 DEPUTY SECRETARY PRUSHNOK: The --
22 within -- not within the individual
23 investigations, but in the -- it was the -- I
24 guess within the Youngblood bill, the
25 department will be responsible for the

1 development of regulations, and, I think,
2 working on the protocols as well as
3 coordinating alerts to media. So there would
4 have to be obvious coordination to ensure that
5 the department is -- knows when an
6 investigation is concluded and can get that
7 message out.

8 CHAIRMAN MUNDY: Yeah. I missed that
9 last part when I read the bill. But what I
10 took her language to mean is that you would
11 set up -- you would do the regulatory piece to
12 the bill, which would set up whatever
13 regulations might flow from the bill, as you
14 do with most every piece of legislation that
15 we pass; not that you would, on an ongoing
16 basis, have a direct role in regulating or
17 implementing that program. And that's what I
18 understood it to mean.

19 That would be my inclination of how
20 to amend the bill, if that's the case.

21 DEPUTY SECRETARY PRUSHNOK: Nor do we
22 believe that that's our appropriate role in
23 terms of going out and doing search and --

24 CHAIRMAN MUNDY: Right. Searching or
25 being responsible for alerting the media. I

1 don't think that's appropriate either.

2 I think, again, the local police, in
3 coordination with the state police, would be
4 the ones, as a result of whatever
5 investigation they're undertaking, if they
6 decide that that's necessary, then that's what
7 they should be doing, not the Department of
8 Aging here in Harrisburg. That doesn't -- or
9 the AAA, really.

10 Well, it does seem as though we need
11 some more conversation, and we definitely need
12 to amend one of these bills to be more in line
13 with the O'Pake bill in the senate. But I
14 would very much like to move a bill that would
15 protect older adults in this fashion.

16 And, you know, I hear the concerns
17 about not limiting it to those sixty-five and
18 older. I think that's very well taken.

19 And, of course, any committee input
20 from members, I welcome; what would you like
21 to do and how would you like to proceed.

22 But I would very much like to move a
23 bill, amended, on this topic.

24 REPRESENTATIVE HENNESSEY: Madam
25 Chairman, along that -- pursuant to that

1 invitation, we might want the committee to
2 take a look at Representative Matt Baker's
3 bill, an adult protective services bill which
4 deals with the, I think, age nineteen to
5 fifty-nine community. That might give us some
6 head start in terms of trying to look at the
7 broader spectrum, applying these kind of
8 alerts to people younger than sixty or sixty-
9 five, who, you know, obviously need the kind
10 of quick response that a wandering or missing
11 person alert can bring.

12 CHAIRMAN MUNDY: No. That bill is
13 far different, far different from what we're
14 talking about here. And there's also
15 Representative Babette Josephs' bill along
16 those same lines. And, also, Senator Vance
17 has a bill about the Older Adults Protective
18 Services Act and expanding it to those
19 nineteen to fifty-nine.

20 So -- but --

21 REPRESENTATIVE HENNESSEY: I'd just
22 ask, if we get those bills to the committee
23 members, we can all look them over and see
24 what parts of the bills might be --

25 CHAIRMAN MUNDY: Well, we could get

1 you the bill numbers.

2 REPRESENTATIVE HENNESSEY: That's
3 fine. It's not just me, but I mean the entire
4 committee.

5 CHAIRMAN MUNDY: We can get --
6 whoever wants the bill number, we can send out
7 a notice about what those bills are.

8 But I would tell you that my issue
9 with cost, those bills require some six
10 million dollars annually in new expenses for a
11 brand-new program. So -- well, and I will
12 say, as I've said many times before, those who
13 want to vote for that kind of legislation
14 better be prepared to put up the money to pay
15 for it.

16 This committee is not going to be
17 moving bills with the false hope that we're
18 going to raise taxes to pay for it or that
19 we're going to take it away from other people
20 in order to pay for it.

21 So I would simply urge you to be --
22 you know, we're in the same kind of a budget
23 situation we were last year. The committee
24 members -- the committee chairmen on our side
25 of the aisle have been urged to be extremely

1 careful about moving bills that spend lots of
2 money. We just don't have any right now.

3 So I'm talking to Representative
4 Wheatley, who's subcommittee chairman in
5 Health and Human Services. He's very
6 interested in moving a bill that would expand
7 the Older Adults Protective Services Act. And
8 I would love to do that. I just don't know
9 where you come up with six million dollars in
10 this climate.

11 So that's why I asked about the cost
12 of this bill. And I think the cost of this
13 bill is much more in line with our current
14 economic situation than the other ones.

15 So let's work on this bill for now.
16 Certainly not precluding running one of those
17 other bills on the expansion of the Older
18 Adults Protective Services Act in future
19 sessions or even this session, if our economic
20 situation improves.

21 I might even be convinced to move it
22 to Appropriations and let them deal with the
23 cost, if we get to that point.

24 But I think, for now, this bill is a
25 good place to start in protecting our

1 vulnerable senior citizens and vulnerable
2 adults, people who are not covered by any
3 other notification. Let's not call it an
4 alert in deference to the state police. So we
5 will continue to work on this bill with
6 appropriate amendments.

7 Thank you.

8 REPRESENTATIVE HENNESSEY: Madam
9 Chairman, just so you understand, I wasn't
10 suggesting that we necessarily move those
11 other bills. I think there are other bills
12 that deal with other age spectrums, and we
13 ought to take a look at that to see if there's
14 anything that we can pick and choose from
15 those bills, whether it's Representative
16 Josephs', Matt Baker's, or Representative
17 Wheatley's, anybody.

18 There's certain ideas within those
19 bills that may not have a cost factor attached
20 to them and those ideas we might be able to
21 pick and choose to improve these bills.

22 CHAIRMAN MUNDY: Well, that would be
23 done through the amendment process. And
24 anybody's welcome to offer amendments to
25 whatever bills we bring up. So, of course.

1 Thank you.

2 Oh, Representative Vulakovich, you
3 have a question?

4 REPRESENTATIVE VULAKOVICH: Maybe
5 more of a short statement.

6 You know, I signed on to these two
7 bills because I know that we need some type of
8 system to get it out to the people when
9 someone's missing. And I understand the state
10 police because I was a former policeman, and
11 we do not want to take away from the Amber
12 Alert, because it is such a valuable program.

13 And if you start adding more and more
14 on there, you get to the point that you do
15 weaken it, and also you will continuously have
16 more people who want to jump on for their
17 special interest.

18 So I think that -- I agree with the
19 state police, the captain, and the senate
20 bill's probably -- is probably the better bill
21 because it's not really reinventing the
22 wheel. And there's really -- we don't want to
23 throw any more on Aging. They've already got
24 enough cost in there and things we want to
25 do.

1 And as far as the cost of this
2 system, I know there has to be someone to
3 enter it, in the state police's situation,
4 where they won't patrol for, maybe, twenty-
5 four hours in a certain area because they're
6 the only police force there, they may have to
7 call someone up. But as far as the regular
8 police force goes that is there twenty-four
9 hours, there's not a lot of additional cost
10 that -- to run this program than there is for
11 any other thing that you deal with. It's the
12 nature of the job.

13 And I think there is a lot of
14 questions here about legislate -- some people
15 think you need to legislate some of the
16 procedures that the police officers do. Well,
17 stay away from that. That's what we do. And
18 when we made mistakes in the past, we have
19 corrected them. We've learned from our
20 mistakes. We'll make some in the future, but
21 you can't legislate everything that police
22 officers do.

23 You know, in our police department, I
24 took care of a lot of that. We had pictures
25 of our Alzheimer's people that -- we got a

1 picture from the family. We had a
2 description. We had the phone calls to make
3 there. We don't wait twenty-four hours or
4 within twenty-four hours. We start
5 immediately looking for that person.

6 They tell us they have some type of
7 mental incapacity there of any type, we don't
8 wait. We do it right away. There's no, Well,
9 we'll wait three hours or four hours. No. We
10 have a system what we do. We start the
11 furthestest point we think they could have made
12 it to. You start people coming in that way
13 and go in and come to a point.

14 So police officers know what to do.
15 And that cost is built in to the type of work
16 that we do. So the only cost would be the
17 entry and putting it out, maybe having to
18 bring somebody in to do that if the state
19 wouldn't have somebody there, or if the state
20 police had to actually bring somebody out to
21 investigate, which they do any ways. So as
22 far as the system goes, I don't know how much
23 cost there would really be to doing this.

24 And we don't need to reinvent the
25 wheel. We have the Amber Alert system. Let's

1 just do it that way and let's not microanalyze
2 all the things that the police department do.
3 They know what their job is and they know how
4 to do it well.

5 CHAIRMAN MUNDY: Other committee
6 comments, questions?

7 I want to thank the people who came
8 to testify today, the state police, the
9 Department of Aging, and the Alzheimer's
10 Association. I believe we will be moving a
11 bill on this topic. We need to spend some
12 time looking at mandatory language. But I
13 thank you very much for coming forward today
14 to offer your valuable information.

15 Thank you.

16 Meeting adjourned.

17 (Whereupon, the hearing concluded at
18 10:43 a.m.)

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20 * * * * *

REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was present
upon the hearing of the above-entitled matter
and there reported stenographically the
proceedings had and the testimony produced;
and I further certify that the foregoing is a
true and correct transcript of my said
stenographic notes.

BRENDA J. PARDUN, RPR
Court Reporter
Notary Public