

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2015

Session of  
1987

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NOVEMBER 24, 1987

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 8, 1987

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## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for the  
21 Department of Aging, for the Pennsylvania Council on Aging  
22 and for services and programs for older citizens; and  
23 reestablishing the Department of Aging.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Sections 2202-A, 2203-A, 2204-A, 2205-A, 2206-A,

1 2207-A, 2208-A, 2209-A, 2210-A and 2212-A of the act of April 9,  
2 1929 (P.L.177, No.175), known as The Administrative Code of  
3 1929, added June 20, 1978 (P.L.477, No.70), are amended to read:

4 Section 2202-A. Definitions.--As used in this article:

5 "Area agency" means the single local agency designated within  
6 each planning and service area to administer the delivery of a  
7 comprehensive and coordinated plan of social and other services  
8 and activities.

9 "Area plan" means the plan submitted to the department by an  
10 area agency describing the methods by which it will ensure a  
11 coordinated and comprehensive plan of social and other services  
12 and activities in the planning and service area.

13 ["Boarding home" means any institution or facility, however  
14 named which is operated for profit or otherwise and which is  
15 advertised, announced or maintained for the express or implied  
16 purpose of providing shelter, services or supervision for two or  
17 more persons, unrelated to the proprietor of the facility, who  
18 require some level of supervision or assistance in carrying out  
19 daily routine activities, but who are not so ill, aged or  
20 disabled as to require institutionalization in a facility  
21 providing a higher level of care.]

22 "Council" means the Pennsylvania Council on Aging.

23 "Department" means the Department of Aging.

24 "Domiciliary care" is a protected living arrangement in the  
25 community which [includes room, board and services for persons  
26 eighteen and older who cannot live independently because of  
27 their social and economic situation] provides a safe,  
28 supportive, homelike residential setting for three or less  
29 adults who are unrelated to the domiciliary care provider, who  
30 cannot live independently in the community, and who are placed

1 by a designated placement agency.

2 "Federal Older Americans Act of 1965" means Public Law 89-73,  
3 79 Stat. 218.

4 ["Local authority" means the county commissioners.]

5 "Long-term care" means those services designed to provide  
6 diagnostic, therapeutic, rehabilitative, supportive and  
7 maintenance services for individuals who have chronic functional  
8 impairments in a variety of institutional and noninstitutional  
9 care settings, including the home.

10 ["Nonprofit sponsor" means any nonprofit corporation  
11 designated as an area agency on aging or as the sponsor of any  
12 aging service or activity.]

13 "Older adults, older persons, aged, aging, elderly" [means]  
14 mean those persons residing within Pennsylvania who are age  
15 sixty or over, [or, as the secretary may determine appropriate,  
16 persons below this age] or as otherwise authorized by law.

17 ["Personal care home for adults" means any premises operated  
18 for profit in which food, shelter and personal assistance or  
19 supervision are provided for a period exceeding twenty-four  
20 hours for more than two adults who are not relatives of the  
21 operator and who require assistance or supervision in such  
22 matters as dressing, bathing, diet or medication prescribed for  
23 self administration.]

24 "Planning and service area" means the geographic unit within  
25 the State, as authorized by the Federal Older Americans Act of  
26 1965, as amended, for allocation of funds for the delivery of  
27 social services.

28 "Secretary" means the Secretary of Aging.

29 "Sole State agency" means that State agency as designated  
30 under the Federal Older Americans Act of 1965, as amended.

1     "Unit of general purpose local government" means, as used  
2     with reference to the designation of area agencies on aging, a  
3     county or other unit which carries general government authority  
4     for an area designated as a planning and service area under this  
5     act or a combination of such units.

6     Section 2203-A. Powers and Duties in General.--(a) The  
7     Department of Aging hereinafter referred to in this article as  
8     the department shall, subject to any inconsistent provisions in  
9     this act contained, have the power and its duty shall be to:

10    (1) Evaluate the need for services for the aged within the  
11    State and determine the extent to which public and private  
12    programs meet such a need with special emphasis on the needs and  
13    participation of the minority elderly.

14    (2) [Develop, in consultation with the council and  
15    administer a comprehensive State plan for services, programs,  
16    and activities for the aging furnished by State agencies.]  
17    Assist with planning and provide consultation to State agencies  
18    with respect to services, programs and activities which they may  
19    furnish to older citizens.

20    (2.1) Develop and periodically update a comprehensive plan  
21    for coordinating all major Commonwealth services, programs and  
22    activities which are directed towards persons with chronic  
23    physical or mental impairments which necessitate long-term care.

24    (3) Provide for services to the aging through area agencies  
25    for the aging and other appropriate agencies, organizations and  
26    institutions authorized in accordance with the Federal Older  
27    Americans Act of 1965, related Federal acts, and applicable  
28    State law and to stimulate services and opportunities for the  
29    aging which are not otherwise available.

30    (4) Function as the sole State agency to receive and

1 disburse Federal funds under the Older Americans Act of 1965 and  
2 State funds made available for providing services to older  
3 persons.

4 (5) [Administer] Develop and administer the State plan for  
5 the aging required by Federal law.

6 (5.1) Administer the act of November 4, 1983 (P.L.217,  
7 No.63), known as the "Pharmaceutical Assistance Contract for the  
8 Elderly Act."

9 (6) Serve as an advocate for the aging at all levels of  
10 government and to provide consultation and assistance to  
11 communities and civic groups developing local services for older  
12 persons.

13 (7) Maintain a clearinghouse of information related to the  
14 interests of older persons and provide technical assistance and  
15 consultation to all agencies, both public and private with  
16 respect to programs and services for older persons.

17 (8) Provide an annual budget as may be reasonably required  
18 by the Pennsylvania Council on Aging[, the four] and its  
19 regional councils [on aging and the Technical Advisory  
20 Committee].

21 (9) Promote community education regarding the problems of  
22 older persons through institutes, publications, and use of  
23 communications media.

24 (10) Cooperate with agencies of the Federal Government in  
25 studies and conferences designed to examine the needs of the  
26 aging population and to assist in preparing programs and  
27 developing facilities to meet those needs.

28 (11) Promote and support programs, studies and policies, in  
29 cooperation with the Departments of Labor and Industry,  
30 Education, Commerce, Public Welfare and other agencies, which

1 will enhance the opportunity for continued work, education and  
2 training for older persons and for preretirement assistance  
3 where appropriate.

4 (12) Promote, through direct grants, contracts and technical  
5 assistance, the development of independent senior centers,  
6 service organizations, clubs, associations and organizations  
7 dedicated to the rights and needs of older persons [and  
8 providing activities] when these are not in conflict with State  
9 or area plans for the aging.

10 (13) Make recommendations for legislative action to the  
11 Governor and the General Assembly.

12 (14) In coordination with the council, develop and conduct  
13 research, demonstration programs and training programs to  
14 advance the interests of older persons.

15 (15) Publish a description of the organization and function  
16 of the department so that all interested agencies and  
17 individuals may be better able to solicit assistance from the  
18 department.

19 (16) Administer and supervise a domiciliary care program for  
20 adults.

21 (17) Conduct, in cooperation with appropriate State and  
22 local public and private agencies [yearly] studies and  
23 evaluations pertaining to the quality of life, health and social  
24 needs, civil rights and status of older persons residing in  
25 [boarding homes,] personal care homes and similar residencies  
26 and report such findings and recommendations to the General  
27 Assembly [annually].

28 (17.1) In cooperation with Federal, State and local  
29 organizations and agencies, work toward the development of a  
30 continuum of community-based service and housing options for

impaired and chronically ill older persons designed to maintain them in the community and avoid or delay institutional care. System development activities shall include, but not be limited to, coordinating the Commonwealth's plans for the provision, expansion and effective administration of:

(i) A wide array of personal care and health-related services provided to adults in their homes.

(ii) A wide array of housing options such as service assisted housing options and personal care homes.

(iii) Special supports to caregivers who care for impaired older persons.

(iv) Adult day-care services, respite services and other community-based services to support care by caregivers.

(v) The promotion of informal community supports.

(vi) Geriatric assessment and nursing home screening programs.

(vii) Special services to protect the health, safety and welfare of older persons who lack the capacity to protect themselves.

(viii) Special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap the needs of older persons addressed by this paragraph, the department shall serve as an advocate for adults of any age.

(17.2) IN COOPERATION WITH THE DEPARTMENT OF PUBLIC WELFARE, DEVELOP AND ADMINISTER A SYSTEM OF PREADMISSION ASSESSMENT FOR PERSONS WHO ARE AT RISK OF NEEDING INSTITUTIONAL CARE, IF THE DEPARTMENT FINDS SUCH A SYSTEM COST EFFECTIVE.

(17.3) DEVELOP AND ADMINISTER A SYSTEM OF MANAGED COMMUNITY-

1 BASED LONG-TERM CARE FOR PERSONS WHO ARE ASSESSED AS BEING  
2 CLINICALLY ELIGIBLE FOR NURSING HOME CARE AND WHO CAN BE CARED  
3 FOR WITHIN COST OF CARE GUIDELINES ESTABLISHED BY THE  
4 DEPARTMENT, IF THE DEPARTMENT FINDS SUCH A SYSTEM COST  
5 EFFECTIVE.

6 (18) Review all proposed Commonwealth program plans and  
7 policies, and administrative regulations that are published in  
8 the Pennsylvania Bulletin for their impact on older persons.  
9 Where the secretary believes that they have an impact on older  
10 persons, he shall comment in accordance with the provisions of  
11 the Commonwealth Documents Law.

12 (19) Make and enforce rules and regulations necessary and  
13 proper to the performance of its duties.

14 (20) After July 1, 1979 and at the option of the secretary,  
15 to administer those provisions of the act of January 22, 1968  
16 (P.L.42, No.8), known as the "Pennsylvania Urban Mass  
17 Transportation Assistance Law of 1967," which relate to [free  
18 local transit for the elderly] special transit programs for the  
19 elderly. The secretary shall confer with the Department of  
20 Transportation in order to insure that the regulations  
21 promulgated by the Department of Aging do not conflict with  
22 those promulgated by the Department of Transportation.

23 (21) Serve as an advocate for the needs of the adult  
24 handicapped as such needs involve and overlap the needs and  
25 services of older persons.

26 (22) Cooperate with the Pennsylvania Office of Planning in  
27 the development of local, regional and Statewide solutions to  
28 the needs of older persons.

29 (23) Review the activities of regulatory [and] agencies of  
30 the Commonwealth which affect the full and fair utilization of



1 State and community resources for programs and benefits for  
2 older persons and initiate programs which will help assure such  
3 utilization.

4 (24) Conduct, in cooperation with the Department of Health  
5 and the Department of Public Welfare, [yearly] periodic studies  
6 and evaluations pertaining to the quality of care and related  
7 services for [nursing home patients] consumers of long-term care  
8 services and report such findings to the General Assembly  
9 [annually].

10 (24.1) Conduct, in cooperation with the Department of  
11 Health, an ongoing Statewide prescription drug education program  
12 designed to inform older adults of the dangers of prescription  
13 drug abuse and misuse.

14 (24.2) Establish and administer a State Long Term Care  
15 Ombudsman Program, including providing resources to area  
16 agencies on aging or other contractors to investigate and  
17 resolve complaints related to the health, safety or rights of  
18 older individuals who are residents of long-term care facilities  
19 (such as nursing homes and personal care homes) and to prepare  
20 an annual report containing data and findings regarding the  
21 types of problems experienced and complaints investigated.

22 (25) Collaborate with the Department of Community Affairs  
23 and the Pennsylvania Housing Finance Agency in the location,  
24 design, management and services of housing built for older  
25 persons and upon request provide technical assistance to local  
26 housing authorities, nonprofit housing and community groups,  
27 redevelopment authorities, and other groups with a special  
28 emphasis on programs on utility costs, rehabilitation and  
29 maintenance of the homes of older persons.

30 (26) Review and comment on all rules, regulations,

1 eligibility or payment standards issued by the Departments of  
2 Public Welfare, Environmental Resources, Health or Labor and  
3 Industry relating to the licensure and regulation of nursing  
4 homes, hospitals, and other health facilities; medical  
5 assistance, supplemental security income; homemaking and home-  
6 health care or residential care facilities for older adults.  
7 Said rules, regulations and standards shall not take effect  
8 until they have been submitted to the department for comment.

9 (27) Review and comment on rules, regulations, eligibility  
10 standards, or contract provisions issued by the Departments of  
11 Revenue and Transportation relating to activities financed in  
12 whole or in part by the Pennsylvania Lottery. Said rules,  
13 regulations, eligibility standards and contract provisions shall  
14 not take effect until they have been submitted to the department  
15 for comment.

16 (28) Review and comment on rules, regulations, eligibility  
17 standards or contract provisions issued by the Department of  
18 Transportation relating to specialized transportation needs of  
19 the elderly and the handicapped in rural and urban areas. Said  
20 rules, regulations, eligibility standards or contract provisions  
21 shall not take effect until they have been submitted to the  
22 department for comment.

23 (29) Provide for services to adults under age sixty whose  
24 needs for services are similar to those for which the department  
25 is responsible with respect to older persons and as may be  
26 authorized by law.

27 (b) In filling vacancies authorized to the department, the  
28 secretary shall assure that preference is given to persons sixty  
29 years of age or older.

30 Section 2204-A. Pennsylvania Council on Aging.--(a) There

1 is hereby created in the Office of the Governor the Pennsylvania  
2 Council on Aging which shall consist of [nineteen] twenty-one  
3 persons at least [ten] eleven of whom shall be [fifty-five]  
4 sixty years of age or older, and [of] which [four] shall [be]  
5 include, as ex officio members, the chairpersons of the regional  
6 [council] councils on aging [and twelve alternate members].

7 (b) The members of the council shall be appointed by the  
8 Governor and shall represent, as far as possible, different  
9 geographical sections of the Commonwealth. The members shall be  
10 appointed on staggered terms of one to three years. Members  
11 shall be eligible for reappointment.

12 (c) The council shall provide for its organization and  
13 procedure including the selection of a chairman and such other  
14 officers as deemed necessary.

15 (d) The citizen members of the council shall receive no  
16 compensation for their services on the council but shall be  
17 reimbursed by the department for any ordinary and necessary  
18 expenses incurred in the performance of their duties.

19 (e) The council shall meet at least six times per year to  
20 review and comment upon all reports of the Department of Aging  
21 to the Governor and the General Assembly.

22 (f) The council shall have the following powers and duties:

23 (1) Assist the department in the preparation of the [annual]  
24 State plan on aging.

25 (2) To review and comment on rules and regulations  
26 promulgated by the department.

27 (3) To prepare and submit to the Governor, the General  
28 Assembly, the Secretary of the Department of Aging and the  
29 public [an annual] reports evaluating the level and quality of  
30 services and programs provided to the aging by Commonwealth

1 agencies together with recommendations for improved, expanded or  
2 additional programs and services for the aging.

3 (4) To carry out public hearings on matters affecting the  
4 rights and interests of the aging including matters involving  
5 cases of neglect, abuse and age discrimination against older  
6 persons in the administration of the laws of the Commonwealth  
7 and its political subdivisions.

8 (5) To carry out [comprehensive] studies in the areas of age  
9 discrimination, health care, Medical Assistance program policies  
10 affecting the elderly, duration of stay contracts for nursing  
11 homes, health-related insurance increases and, as appropriate,  
12 other major issues affecting the aging [housing, utility costs,  
13 taxation, income support and transportation] and to report to  
14 the Governor, the General Assembly, the secretary and the public  
15 its findings and recommendations in regard to appropriate action  
16 and a long-term strategy for [the aging in each of these  
17 respective areas of study within one year of the effective date  
18 of this act] dealing with these issues. [In each succeeding  
19 year, the council shall engage in similar studies and reports on  
20 major issues affecting the aging.]

21 (6) Consult with the secretary regarding the operations of  
22 the department.

23 (7) To establish [at least four] no more than five regional  
24 councils on aging which shall consist of fifteen citizen members  
25 and concerning which the composition, members' terms of offices,  
26 organization and duties and responsibilities shall be determined  
27 by the council.

28 (8) Employ, with such funds as are provided by the  
29 department, sufficient staff and services to carry out these  
30 duties and powers as well as the duties and powers of the

1 regional councils.

2 Section 2205-A. Planning and Service Area.--[The  
3 Commonwealth shall be divided into district planning and service  
4 areas as determined by the secretary, pursuant to the Federal  
5 Older Americans Act of 1965, as amended.] The Commonwealth is  
6 currently divided into planning and service areas. These  
7 geographical subdivisions are established by the authority of  
8 the secretary under the Federal Older Americans Act of 1965, and  
9 may only be changed by order of the secretary under provisions  
10 set forth by the department for combining or dividing  
11 geographical areas to bring about more effective and efficient  
12 planning and service delivery.

13 Section 2206-A. Designated Area Agencies.--For each planning  
14 and service area there shall be an area agency [established]  
15 designated by the department in accordance with the Federal  
16 Older Americans Act of 1965, as amended, to serve as a focal  
17 point in the community for the coordination of services for  
18 older people and for the issues and concerns of aging. [Such] An  
19 area agency so designated must be (i) an established office of  
20 aging; (ii) any office or agency of the [local authority] unit  
21 of general purpose local government, which is designated for  
22 this purpose by the chief elected officials of the [local  
23 authority] unit of general purpose local government; (iii) any  
24 office or agency designated by the chief elected officials of a  
25 combination of [local authorities] units of general purpose  
26 local government to act on behalf of such combination for this  
27 purpose; or (iv) any public or nonprofit private agency in a  
28 planning and service area which is under the supervision or  
29 direction for this purpose of the designated State agency and  
30 which can engage in the planning or provision of a broad range

1 of social services within such planning and service area; and  
2 must provide assurance, found adequate by the department, that  
3 it will have the ability to develop and administer an area plan.  
4 The secretary may [redesignate] ~~or designate new~~ area agencies <—  
5 [based on ~~established~~ regulations {which shall be issued within <—  
6 one hundred twenty days of the effective date of this act}. Such <—  
7 regulations shall include criteria of efficiencies,  
8 appropriateness and equity and shall provide for public hearings  
9 on redesignation conducted in the affected planning and service  
10 areas. Any such determinations of redesignation shall be  
11 executed not less than one hundred days prior to the beginning  
12 of the fiscal year of the local authority.]. ~~A designation or <—  
13 redesignation may occur when changes are made in established  
14 planning and service area boundaries, when a currently  
15 designated area agency is unable or unwilling to continue as the  
16 area agency, when removal of an area agency designation is <—  
17 requested by the local authority or when the department  
18 determines that a currently designated area agency is incapable  
19 of carrying out its approved area plan. Any THE removal of an <—  
20 area agency designation and the designation of a new area agency  
21 shall be carried out under regulations promulgated by the  
22 department and consistent with the Federal Older Americans Act  
23 of 1965. For the purpose of this section, the term "local <—  
24 authority" shall mean county commissioners or county council.~~

25 Section 2207-A. Area Agencies; Powers and Duties.--(a) The  
26 area agency shall have the authority to act as an advocate at  
27 all levels of government and within the community at large for  
28 the interests of older persons within the planning and service  
29 area. It shall develop a comprehensive area plan to coordinate  
30 services for older persons within its planning and service area

1 as the department may prescribe by regulation. The area plan  
2 shall make provision for:

3 (1) Information and referral, advocacy programs.

4 (2) Social service case management and casework services  
5 including protective [placement and] services and placement  
6 services.

7 (3) Transportation services.

8 (4) Legal counseling and representation.

9 (5) In-home services including [residential repair,  
10 homemaker, home chore services, and congregate and home  
11 delivered meals] personal care and health-related services.

12 (6) Assistance to secure adequate housing and health  
13 services.

14 (7) Other services required by Federal law and other such  
15 services and activities designated by the department or  
16 identified as critical needs by the area agency and the area  
17 agency advisory board. The State plan on aging and grants and  
18 contracts provided by the department shall reasonably  
19 accommodate such locally designated priorities and critical  
20 needs.

21 (8) The establishment of an affiliated network of  
22 multiservice centers and neighborhood centers for older persons.  
23 Each center shall provide those services required by the  
24 department in accordance with regulations adopted by the  
25 department, which regulations shall provide for the maximum  
26 involvement of members of such centers and sponsoring  
27 organizations in the identification and prioritization of  
28 services and activities to be conducted in such centers.

29 (a.1) The development, in cooperation with State and local  
30 organizations and agencies, of a continuum of community-based

service and housing options for impaired and chronically ill  
older persons designated to maintain them in the community and  
avoid or delay institutional care. System development activities  
shall, include, but not be limited to, coordinating area plans  
for the provision, expansion and effective administration of:

(1) A wide array of personal care and health-related  
services provided to adults in their home.

(2) A wide array of housing options such as service-assisted  
housing and personal care homes.

(3) Special supports to caregivers who care for impaired  
older persons.

(4) Adult day-care services, respite services and other  
community-based services to support care by caregivers.

(5) The promotion of informal community supports.

(6) Geriatric assessment and nursing home screening  
programs.

(7) Special services to protect the health, safety and  
welfare of older persons who lack the capacity to protect  
themselves.

(8) Special advocacy efforts to promote greater awareness  
of, and more effective response to, the problems of persons with  
Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap  
the needs of older persons addressed by this provision, the area  
agency shall serve as an advocate for adults of any age.

(b) The area agency shall give priority of services to older  
persons with the greatest needs and least resources. Factors  
identifying older persons who are entitled to priority are:

(1) Functional disability, i.e., severe restriction of  
ability to carry out daily activities.



(2) Aloneness, i.e., living alone in a private apartment or home unaccompanied by a related adult.

(3) Advanced age, i.e., seventy-five years of age or above.

(4) Low income.

(5) Services to minorities in proportion to their numbers consistent with the provisions of the Human Relations Act.

(6) Inadequate housing.

(7) Lack of access to recreational and social activities.

(c) In carrying out this section, the area agency shall provide preference in filling all jobs for persons of age [fifty-five] sixty and above [and shall require such preference in all sub-contracts utilizing funds provided by the Commonwealth. The Department of Aging shall issue regulations pursuant to this section within one hundred fifty days of the effective date of this act] in accordance with the regulations promulgated by the department.

(d) [The] Consistent with the Older Americans Act of 1965, as amended, and provisions set forth by the department, the area agency may grant to or contract with any public[, ] or private [or nonprofit] agency for the [provisions] provision of social services. The area agency is authorized to use, with their consent, the services, equipment, personnel and facilities of Federal and State agencies, with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities, in the use of services, equipment and facilities.

Section 2208-A. Area Agency Advisory [Boards] Councils.--In each planning and service area, an advisory [board] council of at least fifteen members shall be appointed to advise the area agency[. The department shall issue regulations designating the

1 selection process, composition and powers of advisory boards  
2 within one hundred eighty days of the effective date of this  
3 act. Such regulations shall provide for a majority of such  
4 boards to be composed of persons above the age of sixty; maximum  
5 possible involvement of such boards in determining local  
6 programs and policies and advocacy roles within area agency  
7 programs and local communities as well as for administrative  
8 funds to carry out their functions.] with regard to the needs of  
9 older persons residing in the planning and service area and the  
10 area agency's responses to those needs. The composition and  
11 responsibility of the area agency advisory council shall be  
12 consistent with the provisions of the Federal Older Americans  
13 Act of 1965 and the regulations of the department. As a minimum,  
14 these regulations shall require that each council be composed of  
15 a majority of persons above the age of sixty. Such councils  
16 shall be given the maximum possible opportunity to influence  
17 local programs and policies and advocacy roles within area  
18 agency programs and local communities. Area agencies shall  
19 provide advisory councils with the funds necessary to carry out  
20 their functions.

21 Section 2209-A. Area Agencies; Reports and Plans.--[(a) The  
22 area agency shall submit to the Department of Aging an annual  
23 report describing and evaluating its programs and services  
24 within thirty days after the close of the area agency's fiscal  
25 year.

26 (b) The area agency shall submit to the department for  
27 approval an area plan ninety days prior to the start of the area  
28 agency's fiscal year. The area agency shall conduct, prior to  
29 the submission of the area plan to the department for approval,  
30 a public hearing on the area plan. If the department approves

1 the area plan, or fails to act within sixty days, the area plan  
2 shall go into effect at the beginning of the fiscal year. If the  
3 department disapproves the area plan, it shall forward the  
4 reasons for disapproval to the area agency which shall have  
5 twenty days to resubmit an amended area plan. If the department  
6 approves the resubmitted area plan, it shall be effective at the  
7 beginning of the fiscal year. If the resubmitted area plan is  
8 disapproved, the department shall forward its revised area plan  
9 for implementation by the area agency at the beginning of the  
10 fiscal year, provided that the department shall hold a hearing  
11 in the area prior to such action and that the department may  
12 authorize the continuation of the provision of services under  
13 the current area plan for a period not to exceed ninety days.]

14 (a) Under provisions set forth by the department, the area  
15 agency shall submit to the department a comprehensive area plan  
16 on aging which clearly explains the area agency's objectives for  
17 providing services to the aging of the planning and service  
18 area. This plan may be submitted as part of a coordinated county  
19 human service plan, provided that the format is approved by the  
20 department.

21 (b) Each area agency, under provisions set forth by the  
22 department, shall submit an annual self-evaluation report which  
23 describes and evaluates its programs and services after the  
24 close of each year of funding by the department.

25 Section 2210-A. Allocation of Resources.--(a) The area  
26 agency shall receive a basic allocation of resources, consisting  
27 of State and Federal funds weighted by the proportion of older  
28 poor persons who reside in the planning and service area in  
29 relation to the total number of older poor persons who reside in  
30 the Commonwealth of Pennsylvania utilizing poverty threshold

1 income standards as determined by the United States Office of  
2 Management and Budget except that each area agency shall be held  
3 harmless to the amount of [such] State funds received in the  
4 preceding program year [in which this act becomes effective].

5 (b) The department may allocate additional resources to area  
6 agencies based upon the total number of older persons who reside  
7 within the planning and service area, the availability of  
8 transportation services, the rural-urban distribution of older  
9 persons, and attendant rural program cost differentials, the  
10 need for social and medical services, the amount of funds  
11 devoted by county commissioners for older persons and other  
12 special circumstances as determined by the secretary.

13 (c) Funds appropriated to carry out the purposes of this act  
14 shall be distributed to the local authorities or nonprofit  
15 agencies as grants OR COST REIMBURSEMENT for services to the <—  
16 aging, if there is an acceptable plan in accordance with section  
17 2209-A.

18 [(d) The Department of Public Welfare shall transfer, for  
19 three State fiscal years immediately subsequent to the effective  
20 date of this act, to the Department of Aging a proportion of the  
21 State allotment under Title XX of the Social Security Act at  
22 least equal to the proportion of such funds, including training  
23 and administrative funds, allocated to the office for the aging  
24 in relation to the State's total allotment in the same fiscal  
25 year as the effective date of this act.]

26 Section 2212-A. Demonstration Programs.--In recognition of  
27 the need for expanded knowledge and experience concerning the  
28 status of older persons in Pennsylvania, the Secretary of Aging  
29 may provide for research and demonstration programs for the  
30 purpose of:

1       (1) Studying current living conditions and needs of older  
2 persons, with special emphasis on persons with low income,  
3 functional disabilities, advanced age and isolated living  
4 situations.

5       (2) Studying existing methods and alternatives for providing  
6 services, programs and opportunities to older persons.

7       (3) Identifying those factors of particular detriment or  
8 benefit to the welfare of older persons.

9       (4) Developing new approaches and alternatives for living  
10 arrangements, social services, institutional care, health  
11 services, legal representation and the coordination of community  
12 services for older persons.

13       Section 2. All acts and parts of acts are repealed insofar  
14 as they are inconsistent with this act.

15       Section 3. (a) This act shall constitute the legislation  
16 necessary to reestablish the Department of Aging under the act  
17 of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

18       (b) The Department of Aging shall terminate December 31,  
19 1997, unless reestablished pursuant to the Sunset Act.

20       Section 4. This act shall take effect immediately.