
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2015 Session of
1987

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O'DONNELL, ITKIN, FREEMAN, PRESTON, DeWEESE, ARTY AND
BROUJOS, NOVEMBER 24, 1987

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 14, 1988

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 employees 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 employees 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; AND FURTHER PROVIDING <—
24 FOR THE STATUS OF NONPROFIT CORPORATIONS WHICH LEASE
25 FACILITIES TO THE COMMONWEALTH.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Sections 2202-A, 2203-A, 2204-A, 2205-A, 2206-A,
3 2207-A, 2208-A, 2209-A, 2210-A and 2212-A of the act of April 9,
4 1929 (P.L.177, No.175), known as The Administrative Code of
5 1929, added June 20, 1978 (P.L.477, No.70), are amended to read:

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

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

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

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

24 "Council" means the Pennsylvania Council on Aging.

25 "Department" means the Department of Aging.

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

1 adults who are unrelated to the domiciliary care provider, who
2 cannot live independently in the community, and who are placed
3 by an area agency.

4 "Federal Older Americans Act of 1965" means Public Law 89-73,
5 79 Stat. 218, as amended.

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

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

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

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

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

26 "Planning and service area" means the geographic unit within
27 the State, as authorized by the Federal Older Americans Act of
28 1965, as amended, for allocation of funds for the delivery of
29 social services.

30 "Secretary" means the Secretary of Aging.

1 "Sole State agency" means [that State agency as designated
2 under the Federal Older Americans Act of 1965, as amended] the
3 Department of Aging.

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

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

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

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

23 (2.1) Develop and periodically update in consultation with
24 the council and the area agencies, a comprehensive plan for
25 coordinating all major Commonwealth services, programs and
26 activities which are directed towards persons with chronic
27 physical or mental impairments which necessitate long-term care.

28 (3) Provide for services to the aging through area agencies
29 for the aging and other appropriate agencies, organizations and
30 institutions authorized in accordance with the Federal Older

1 Americans Act of 1965, related Federal acts, and applicable
2 State law and to stimulate services and opportunities for the
3 aging which are not otherwise available.

4 (4) Function as the sole State agency to receive and
5 disburse Federal funds under the Older Americans Act of 1965 and
6 State funds made available for providing services to older
7 persons.

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

10 (5.1) Administer the act of November 4, 1983 (P.L.217,
11 No.63), known as the "Pharmaceutical Assistance Contract for the
12 Elderly Act."

13 (6) Serve as an advocate for the aging at all levels of
14 government and to provide consultation and assistance to the
15 area agencies, communities and civic groups developing local
16 services for older persons.

17 (7) Maintain a clearinghouse of information related to the
18 interests of older persons and provide technical assistance and
19 consultation to all agencies, both public and private with
20 respect to programs and services for older persons.

21 (8) [Provide] Prepare for the Governor an annual budget as
22 may be reasonably required [by] to address the needs of the
23 Pennsylvania Council on Aging[, the four] and its regional
24 councils [on aging and the Technical Advisory Committee].

25 (9) Promote, utilizing, wherever possible, the area
26 agencies, community education regarding the problems of older
27 persons through institutes, publications, and use of
28 communications media.

29 (10) Cooperate with area agencies and agencies of the
30 Federal Government in studies and conferences designed to

1 examine the needs of the aging population and to assist in
2 preparing programs and developing facilities to meet those
3 needs.

4 (11) Promote and support programs, studies and policies, in
5 cooperation with the Departments of Labor and Industry,
6 Education, Commerce, Public Welfare and other agencies, which
7 will enhance the opportunity for continued work, education and
8 training for older persons and for preretirement assistance
9 where appropriate.

10 (12) Promote, through the use of area agencies and direct
11 grants, contracts and technical assistance, the development of
12 independent senior centers, service organizations, clubs,
13 associations and organizations dedicated to the rights and needs
14 of older persons [and providing activities] when these are not
15 in conflict with State or area plans for the aging.

16 (13) Make recommendations for legislative action to the
17 Governor and the General Assembly.

18 (14) In coordination with the area agencies and the council,
19 develop and conduct research, demonstration programs and
20 training programs to advance the interests of older persons.

21 (15) Publish a description of the organization and function
22 of the department so that all interested agencies and
23 individuals may be better able to solicit assistance from the
24 department.

25 (16) Administer and supervise a domiciliary care program for
26 adults.

27 (17) Conduct, in cooperation with appropriate State and
28 local public and private agencies [yearly] studies and
29 evaluations pertaining to the quality of life, health and social
30 needs, civil rights and status of older persons residing in

1 [boarding homes,] personal care homes and similar residencies
2 and report such findings and recommendations to the General
3 Assembly [annually].

4 (17.1) In cooperation with the area agencies and Federal,
5 State and local organizations and agencies, work toward the
6 development of a continuum of community-based service and
7 housing options for impaired and chronically ill older persons
8 designed to maintain them in the community and avoid or delay
9 institutional care. System development activities shall include,
10 but not be limited to, coordinating the Commonwealth's plans for
11 the provision, expansion and effective administration of:

12 (i) Personal care and health-related services provided to
13 adults in their homes.

14 (ii) Housing options such as service-assisted housing
15 options and personal care homes.

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

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

20 (v) The promotion of informal community supports.

21 (vi) Geriatric assessment and nursing home screening
22 programs.

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

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

29 To the extent that the needs of other adults involve and overlap
30 the needs of older persons addressed by this paragraph, the

1 department shall serve as an advocate for adults of any age.

2 (17.2) In cooperation with the Department of Health and the
3 Department of Public Welfare, develop WELFARE: <—

4 (I) DEVELOP and administer a system of preadmission
5 assessment for persons who are at risk of needing institutional
6 care, if the department finds such a system cost effective.

7 ~~(17.3)~~ (II) Develop and administer a system of managed <—
8 community-based long-term care for persons who are assessed as
9 being clinically eligible for nursing home care and who can be
10 cared for within cost of care guidelines established by the
11 department, if the department finds such a system cost
12 effective.

13 (18) Review all proposed Commonwealth program plans and
14 policies, and administrative regulations that are published in
15 the Pennsylvania Bulletin for their impact on older persons.
16 Where the secretary believes that they have an impact on older
17 persons, he shall comment in accordance with the provisions of
18 the Commonwealth Documents Law.

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

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

30 (21) Serve as an advocate for the needs of the adult

1 handicapped as such needs involve and overlap the needs and
2 services of older persons.

3 (22) Cooperate with the Pennsylvania Office of Planning in
4 the development of local, regional and Statewide solutions to
5 the needs of older persons.

6 (23) Review the activities of regulatory [and] agencies of
7 the Commonwealth which affect the full and fair utilization of
8 State and community resources for programs and benefits for
9 older persons and initiate programs which will help assure such
10 utilization.

11 (24) Conduct, in cooperation with the Department of Health
12 and the Department of Public Welfare, [yearly] periodic studies
13 and evaluations pertaining to the quality of care and related
14 services for [nursing home patients] consumers of long-term care
15 services and report such findings to the General Assembly
16 [annually].

17 (24.1) Conduct, in cooperation with the Department of
18 Health, an ongoing Statewide prescription drug education program
19 designed to inform older adults of the dangers of prescription
20 drug abuse and misuse.

21 (24.2) Establish and administer a State Long-Term Care
22 Ombudsman Program, including providing resources to area
23 agencies on aging or other contractors to investigate and
24 resolve complaints related to the health, safety or rights of
25 older individuals who are ~~residents~~ CONSUMERS of long-term care <—
26 facilities (such as nursing homes and personal care homes) <—
27 SERVICES and to prepare and submit to the General Assembly an <—
28 annual report containing data and findings regarding the types
29 of problems experienced and complaints investigated.

30 (25) Collaborate with the Department of Community Affairs

1 and the Pennsylvania Housing Finance Agency in the location,
2 design, management and services of housing built for older
3 persons and upon request provide technical assistance to local
4 housing authorities, nonprofit housing and community groups,
5 redevelopment authorities, and other groups with a special
6 emphasis on programs on utility costs, rehabilitation and
7 maintenance of the homes of older persons.

8 (26) Review and comment on all rules, regulations,
9 eligibility or payment standards issued by the Departments of
10 Public Welfare, Environmental Resources, Health or Labor and
11 Industry relating to the licensure and regulation of nursing
12 homes, hospitals, and other health facilities; medical
13 assistance, supplemental security income; homemaking and home-
14 health care or residential care facilities for older adults.
15 Said rules, regulations and standards shall not take effect
16 until they have been submitted to the department for comment.

17 (27) Review and comment on rules, regulations, eligibility
18 standards, or contract provisions issued by the Departments of
19 Revenue and Transportation relating to activities financed in
20 whole or in part by the Pennsylvania Lottery. Said rules,
21 regulations, eligibility standards and contract provisions shall
22 not take effect until they have been submitted to the department
23 for comment.

24 (28) Review and comment on rules, regulations, eligibility
25 standards or contract provisions issued by the Department of
26 Transportation relating to specialized transportation needs of
27 the elderly and the handicapped in rural and urban areas. Said
28 rules, regulations, eligibility standards or contract provisions
29 shall not take effect until they have been submitted to the
30 department for comment.

1 (29) Provide for services to adults under age sixty whose
2 needs for services are similar to those for which the department
3 is responsible with respect to older persons and as may be
4 specifically authorized by law.

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

8 Section 2204-A. Pennsylvania Council on Aging.--(a) There
9 is hereby created in the Office of the Governor the Pennsylvania
10 Council on Aging which shall consist of [nineteen] twenty-one
11 persons at least [ten] eleven of whom shall be [fifty-five]
12 sixty years of age or older, and [of] which [four] shall [be]
13 include the chairpersons of the regional [council] councils on
14 aging [and twelve alternate members]. Eleven members of the
15 Pennsylvania Council shall constitute a quorum for the conduct
16 of matters which come before it. Absence of a member at three
17 consecutive meetings shall result in the member forfeiting his
18 seat, unless he requests in writing and receives approval from
19 the chairman for an absence necessitated by illness of the
20 member or the death of a loved one.

21 (b) The members of the council shall be appointed by the
22 Governor and shall represent, as far as possible, different
23 geographical sections of the Commonwealth. In addition, the
24 council shall include representatives of long-term care
25 providers such as, for example, adult day-care providers. The
26 members shall be appointed on staggered terms of one to three
27 years. Members shall be eligible for reappointment.

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

(d) The [citizen] members of the council shall receive no compensation for their services on the council but shall be reimbursed by the department, in accordance with regulations, for any ordinary and necessary expenses incurred in the performance of their duties.

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

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

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

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

(3) To prepare and submit to the Governor, the General Assembly, the Secretary of the Department of Aging and the public [an annual report] reports evaluating the level and quality of services and programs provided to the aging by Commonwealth agencies together with recommendations for improved, expanded or additional programs and services for the aging.

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

(5) To carry out [comprehensive] studies in the areas of age discrimination, health care, Medical Assistance program policies affecting the elderly, duration of stay contracts for nursing homes, health-related insurance increases and, as appropriate, other major issues affecting the aging [housing, utility costs,

1 taxation, income support and transportation] and to report to
2 the Governor, the General Assembly, the secretary and the public
3 its findings and recommendations in regard to appropriate action
4 and a long-term strategy for [the aging in each of these
5 respective areas of study within one year of the effective date
6 of this act] an appropriate manner in which to address these
7 issues. [In each succeeding year, the council shall engage in
8 similar studies and reports on major issues affecting the
9 aging.]

10 (6) Consult with the secretary regarding the operations of
11 the department.

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

17 (8) Employ, with such funds as are provided by the
18 department, sufficient staff and services to carry out these
19 duties and powers as well as the duties and powers of the
20 regional councils.

21 Section 2205-A. Planning and Service Area.--[The
22 Commonwealth shall be divided into district planning and service
23 areas as determined by the secretary, pursuant to the Federal
24 Older Americans Act of 1965, as amended.] The Commonwealth is
25 currently divided into planning and service areas. These
26 geographical subdivisions are established by the authority of
27 the secretary under the Federal Older Americans Act of 1965, and
28 may only be changed by order of the secretary under provisions
29 set forth by the department for combining or dividing
30 geographical areas to bring about more effective and efficient

1 planning and service delivery.

2 Section 2206-A. Designated Area Agencies.--For each planning
3 and service area there shall be an area agency [established]
4 designated by the department in accordance with the Federal
5 Older Americans Act of 1965, as amended, to serve as a focal
6 point in the community for the coordination of services for
7 older people and for the issues and concerns of aging. [Such] An
8 area agency so designated must be (i) an established office of
9 aging; (ii) any office or agency of the [local authority] unit
10 of general purpose local government, which is designated for
11 this purpose by the chief elected officials of the [local
12 authority] unit of general purpose local government; (iii) any
13 office or agency designated by the chief elected officials of a
14 combination of [local authorities] units of general purpose
15 local government to act on behalf of such combination for this
16 purpose; or (iv) any public or nonprofit private agency in a
17 planning and service area which is under the supervision or
18 direction for this purpose of the designated State agency and
19 which can engage in the planning or provision of a broad range
20 of social services within such planning and service area; and
21 must provide assurance, found adequate by the department, that
22 it will have the ability to develop and administer an area plan.
23 The secretary may ~~redesignate~~ OR designate new area agencies <—
24 ~~based on~~ ESTABLISHED regulations [which shall be issued within <—
25 one hundred twenty days of the effective date of this act]. Such <—
26 regulations shall include criteria of efficiencies,
27 appropriateness and equity and shall provide for public hearings
28 on redesignation conducted in the affected planning and service
29 areas. Any such determinations of redesignation shall be
30 executed not less than one hundred days prior to the beginning

1 of the fiscal year of the local authority.† A DESIGNATION OR <—
2 REDESIGNATION MAY OCCUR when changes are made in established
3 planning and service area boundaries, when a currently
4 designated area agency is unable or unwilling to continue as the
5 area agency, WHEN REMOVAL OF AN AREA AGENCY DESIGNATION IS <—
6 REQUESTED BY THE LOCAL AUTHORITY or when the department
7 determines that a currently designated area agency is incapable
8 of carrying out its approved area plan. The removal of an area
9 agency designation and the designation of a new area agency
10 shall be carried out under regulations promulgated by the
11 department and consistent with the Federal Older Americans Act
12 of 1965. FOR THE PURPOSE OF THIS SECTION, THE TERM "LOCAL <—
13 AUTHORITY" SHALL MEAN COUNTY COMMISSIONERS OR COUNTY COUNCIL.

14 Section 2207-A. Area Agencies; Powers and Duties.--(a) The
15 area agency shall have the authority to act as an advocate at
16 all levels of government and within the community at large for
17 the interests of older persons within the planning and service
18 area. It shall develop a comprehensive area plan to coordinate
19 services for older persons within its planning and service area
20 as the department may prescribe by regulation. The area plan
21 shall make provision for:

- 22 (1) Information and referral, advocacy programs.
23 (2) Social service case management and casework services
24 including protective [placement and] services and placement
25 services.
26 (3) Transportation services.
27 (4) Legal counseling and representation.
28 (5) In-home services including [residential repair,
29 homemaker, home chore services, and congregate and home
30 delivered meals] personal care and health-related services.

1 (6) Assistance to secure adequate housing and health
2 services.

3 (7) Other services required by Federal law and other such
4 services and activities designated by the department or
5 identified as critical needs by the area agency and the area
6 agency advisory board. The State plan on aging and grants and
7 contracts provided by the department shall reasonably
8 accommodate such locally designated priorities and critical
9 needs.

10 (8) The establishment of an affiliated network of
11 multiservice centers and neighborhood centers for older persons.
12 Each center shall provide those services required by the
13 department in accordance with regulations adopted by the
14 department, which regulations shall provide for the maximum
15 involvement of members of such centers and sponsoring
16 organizations in the identification and prioritization of
17 services and activities to be conducted in such centers.

18 (a.1) The AREA AGENCY SHALL BE RESPONSIBLE FOR WORKING <—
19 TOWARD THE development, in cooperation with State and local
20 organizations and agencies, of a continuum of community-based
21 service and housing options for impaired and chronically ill
22 older persons ~~designed~~ DESIGNED to maintain them in the <—
23 community and avoid or delay institutional care. System
24 development activities shall include, but not be limited to,
25 coordinating area plans for the provision, expansion and
26 effective administration of:

27 (1) Personal care and health-related services provided to
28 adults in their home.

29 (2) Housing options such as service-assisted housing and
30 personal care homes.

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

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

19 Section 2208-A. Area Agency Advisory [Boards] Councils.--In
20 each planning and service area, an advisory [board] council of
21 at least fifteen members shall be appointed to advise the area
22 agency[. The department shall issue regulations designating the
23 selection process, composition and powers of advisory boards
24 within one hundred eighty days of the effective date of this
25 act. Such regulations shall provide for a majority of such
26 boards to be composed of persons above the age of sixty; maximum
27 possible involvement of such boards in determining local
28 programs and policies and advocacy roles within area agency
29 programs and local communities as well as for administrative
30 funds to carry out their functions.] with regard to the needs of

1 older persons residing in the planning and service area and the
2 area agency's responses to those needs. The composition and
3 responsibility of the area agency advisory council shall be
4 consistent with the provisions of the Federal Older Americans
5 Act of 1965 and the regulations of the department. As a minimum,
6 these regulations shall require that each council be composed of
7 a majority of persons above the age of sixty. Such councils
8 shall be given the maximum possible opportunity to influence
9 local programs and policies and advocacy roles within area
10 agency programs and local communities. Area agencies shall
11 provide advisory councils with the funds necessary to carry out
12 their functions.

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

18 (b) The area agency shall submit to the department for
19 approval an area plan ninety days prior to the start of the area
20 agency's fiscal year. The area agency shall conduct, prior to
21 the submission of the area plan to the department for approval,
22 a public hearing on the area plan. If the department approves
23 the area plan, or fails to act within sixty days, the area plan
24 shall go into effect at the beginning of the fiscal year. If the
25 department disapproves the area plan, it shall forward the
26 reasons for disapproval to the area agency which shall have
27 twenty days to resubmit an amended area plan. If the department
28 approves the resubmitted area plan, it shall be effective at the
29 beginning of the fiscal year. If the resubmitted area plan is
30 disapproved, the department shall forward its revised area plan

1 for implementation by the area agency at the beginning of the
2 fiscal year, provided that the department shall hold a hearing
3 in the area prior to such action and that the department may
4 authorize the continuation of the provision of services under
5 the current area plan for a period not to exceed ninety days.]

6 (a) Under provisions set forth by the department, the area
7 agency shall submit to the department a comprehensive area plan
8 on aging which clearly explains the area agency's objectives for
9 providing services to the aging of the planning and service
10 area. This plan may be submitted as part of a coordinated county
11 human service plan, provided that the format is approved by the
12 department.

13 (b) Each area agency, under provisions set forth by the
14 department, shall submit an annual report which describes and
15 evaluates its programs and services after the close of each year
16 of funding by the department.

17 Section 2210-A. Allocation of Resources.--(a) The area
18 agency shall receive a basic allocation of resources, consisting
19 of State and Federal funds weighted by the proportion of older
20 poor persons who reside in the planning and service area in
21 relation to the total number of older poor persons who reside in
22 the Commonwealth of Pennsylvania utilizing poverty threshold
23 income standards as determined by the United States Office of
24 Management and Budget except that each area agency shall be held
25 harmless to the amount of [such] State funds received in the
26 preceding program year [in which this act becomes effective].

27 (b) The department may allocate additional resources to area
28 agencies based upon the total number of older persons who reside
29 within the planning and service area, the availability of
30 transportation services, the rural-urban distribution of older

1 persons, and attendant rural program cost differentials, the
2 need for social and medical services, the amount of funds
3 devoted by county commissioners for older persons and other
4 special circumstances as determined by the secretary.

5 (c) Funds appropriated to carry out the purposes of this act
6 shall be distributed to the local authorities or nonprofit
7 agencies as grants or cost reimbursement for services to the
8 aging, if there is an acceptable plan in accordance with section
9 2209-A.

10 [(d) The Department of Public Welfare shall transfer, for
11 three State fiscal years immediately subsequent to the effective
12 date of this act, to the Department of Aging a proportion of the
13 State allotment under Title XX of the Social Security Act at
14 least equal to the proportion of such funds, including training
15 and administrative funds, allocated to the office for the aging
16 in relation to the State's total allotment in the same fiscal
17 year as the effective date of this act.]

18 Section 2212-A. Demonstration Programs.--In recognition of
19 the need for expanded knowledge and experience concerning the
20 status of older persons in Pennsylvania, the Secretary of Aging
21 may provide for research and demonstration programs for the
22 purpose of:

23 (1) Studying current living conditions and needs of older
24 persons, with special emphasis on persons with low income,
25 MEDICAL AND functional disabilities, advanced age and isolated <—
26 living situations.

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

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

1 (4) Developing new approaches and alternatives for living
2 arrangements, social services, institutional care, health
3 services, legal representation and the coordination of community
4 services for older persons.

5 SECTION 2. SECTION 2402(D) OF THE ACT, AMENDED OCTOBER 23, <—
6 1988 (P.L. , NO.122), IS AMENDED TO READ:

7 SECTION 2402. GROUNDS, BUILDINGS AND MONUMENTS IN GENERAL.--

8 * * *

9 (D) TO CONTRACT IN WRITING FOR AND RENT PROPER AND ADEQUATE
10 OFFICES, ROOMS, OR OTHER ACCOMMODATIONS, OUTSIDE OF THE CAPITOL
11 BUILDINGS, FOR ANY DEPARTMENT, BOARD, OR COMMISSION, WHICH
12 CANNOT BE PROPERLY AND ADEQUATELY ACCOMMODATED WITH OFFICES,
13 ROOMS, AND ACCOMMODATIONS IN THE CAPITOL BUILDINGS; AND, IN ALL
14 CASES IN WHICH THE HEAD OF A DEPARTMENT, FOR SUCH DEPARTMENT OR
15 FOR A DEPARTMENTAL ADMINISTRATIVE BOARD OR COMMISSION WITHIN
16 SUCH DEPARTMENT, OR AN INDEPENDENT ADMINISTRATIVE BOARD OR
17 COMMISSION, WITH THE APPROVAL OF THE EXECUTIVE BOARD, HAS
18 ESTABLISHED OR IS ABOUT TO ESTABLISH A BRANCH OFFICE IN ANY CITY
19 OR PLACE OUTSIDE OF THE CAPITAL CITY, WITH THE APPROVAL OF THE
20 BOARD OF COMMISSIONERS OF PUBLIC GROUNDS AND BUILDINGS, TO
21 CONTRACT IN WRITING FOR AND RENT SUCH OFFICES, ROOMS, AND OTHER
22 ACCOMMODATIONS, AS SHALL BE PROPER AND ADEQUATE FOR SUCH
23 DEPARTMENT, BOARD, OR COMMISSION. THE DEPARTMENT SHALL RENT SUCH
24 GARAGES OR CONTRACT FOR SUCH GARAGE SPACE AS MAY BE NECESSARY
25 FOR THE ACCOMMODATION OF STATE-OWNED AUTOMOBILES, EITHER IN OR
26 OUTSIDE OF THE CAPITAL CITY, AT SUCH RENTALS OR RATES AS IT
27 SHALL DEEM REASONABLE. THE DEPARTMENT MAY ALSO, IF THE GENERAL
28 ASSEMBLY SHALL HAVE APPROPRIATED FUNDS THEREFOR, LEASE ANY LANDS
29 WHICH MAY BE NECESSARY FOR USE BY ANY DEPARTMENT, BOARD, OR
30 COMMISSION IN THE EXERCISE OF ITS POWERS OR THE PERFORMANCE OF

1 ITS DUTIES. IT SHALL BE UNLAWFUL FOR ANY OTHER DEPARTMENT,
2 BOARD, COMMISSION, OR AGENCY OF THE STATE GOVERNMENT TO ENTER
3 INTO ANY LEASES, BUT THE DEPARTMENT OF GENERAL SERVICES SHALL
4 ACT ONLY AS AGENT IN EXECUTING LEASES FOR DEPARTMENTS, BOARDS,
5 AND COMMISSIONS, THE EXPENSES OF WHICH ARE PAID WHOLLY OR MAINLY
6 OUT OF SPECIAL FUNDS, AND, IN SUCH CASES, THE RENTALS SHALL BE
7 PAID OUT OF SUCH SPECIAL FUNDS. ANY NONPROFIT CORPORATION WHICH
8 LEASES LANDS, OFFICES OR ACCOMMODATIONS TO THE COMMONWEALTH FOR
9 ANY DEPARTMENT, BOARD, COMMISSION OR AGENCY WITH A RENTAL AMOUNT
10 IN EXCESS OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS
11 (\$1,500,000) PER YEAR SHALL BE DEEMED AN AGENCY AS DEFINED BY
12 THE ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE "SUNSHINE
13 ACT," AND THE ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED
14 TO AS THE RIGHT-TO-KNOW LAW, AND ANY SUCH NONPROFIT CORPORATION
15 SHALL BE SUBJECT TO AND GOVERNED BY THE PROVISIONS OF THE
16 "SUNSHINE ACT" AND THE RIGHT-TO-KNOW LAW.

17 * * *

18 Section ~~2~~ 3. All acts and parts of acts are repealed insofar <—
19 as they are inconsistent with this act.

20 Section ~~3~~ 4. (a) This act shall constitute the legislation <—
21 necessary to reestablish the Department of Aging under the act
22 of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

23 (b) The Department of Aging shall terminate December 31,
24 1997, unless reestablished pursuant to the Sunset Act.

25 (c) Persons who are members of the Pennsylvania Council on
26 Aging, on the effective date of this act, shall serve on the
27 council provided for in this act until their current terms
28 expire, provided that any current members whose terms have
29 expired on or before the effective date of this act shall serve
30 until their successors are duly appointed and qualified, but no

1 longer than six months after the effective date of this act.

2 (d) Each rule and regulation of the Department of Aging in
3 effect on the effective date of this act shall remain in effect
4 until amended by the department, provided that the department
5 shall immediately initiate the repeal or amendment of a rule or
6 regulation which is inconsistent with the provisions of this
7 act.

8 Section 4 5. This act shall take effect immediately.

<—