

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1162 Session of  
1997

INTRODUCED BY GERLACH, O'PAKE, THOMPSON, MADIGAN, WAGNER,  
KUKOVICH, TARTAGLIONE, MUSTO, LEMMOND, AFFLERBACH, COSTA,  
EARLL AND WENGER, OCTOBER 20, 1997

REFERRED TO AGING AND YOUTH, OCTOBER 20, 1997

AN ACT

1 Providing for the coordination of long-term care services, for  
2 consumer education, advocacy, information and referral, for  
3 independent comprehensive assessment of functional need for  
4 care, for access to long-term care options, for purchase of  
5 long-term care services and for monitoring of in-home service  
6 quality and consumer satisfaction; and conferring additional  
7 responsibilities on the Department of Aging and area agencies  
8 on aging.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Aging and  
13 Long-Term Care Services Access Act.

14 Section 2. Legislative intent.

15 The General Assembly finds and declares as follows:

16 (1) The Department of Aging shall implement a policy to  
17 ensure that a continuum of long-term care services are  
18 available and accessible to individuals in need of them.

19 (2) Coordinated, cost-effective long-term care services  
20 shall be available to assist older Pennsylvanians and other

1 adults to remain in their homes, in the community or in other  
2 appropriate settings, based on personal choice, level of  
3 functional need and payment arrangements.

4 (3) Area agencies on aging shall be access points which  
5 shall:

6 (i) Assist older Pennsylvanians, their families and  
7 other adults in obtaining long-term care services  
8 information, referral to various services and act as a  
9 resource for information regarding aging and long-term  
10 care services.

11 (ii) Assist older Pennsylvanians and other adults  
12 seeking long-term care services in receiving a  
13 comprehensive assessment of need and information about  
14 the options available in order for these individuals to  
15 knowledgeably choose options which best suit their needs  
16 and financial situations.

17 (iii) Serve as advocates for older Pennsylvanians  
18 and other adult consumers of long-term care.

19 (4) Older Pennsylvanians, their families and other  
20 adults with long-term care service needs shall be educated so  
21 that they can become careful, critical and reasonable  
22 consumers of long-term care services through the provision of  
23 impartial factual information and benefits counseling about  
24 medical plans, services, insurance policies, care facilities  
25 and care providers.

26 (5) There exist a range of long-term care planning and  
27 long-term care management options which correspond to the  
28 desire of adult consumers of long-term care services to plan  
29 and manage their own care or delegate that activity to a care  
30 manager.

1 Section 3. Definitions.

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

5 "Access points." A program of the local area agency on aging  
6 through which a consumer gains entry into publicly financed  
7 aging and long-term care services.

8 "Area agencies on aging." An agency designated by the  
9 Department of Aging in accordance with the Older Americans Act  
10 of 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.) and Article  
11 XXII-A of the act of April 9, 1929 (P.L.177, No.175), known as  
12 The Administrative Code of 1929, to plan and provide a  
13 comprehensive and coordinated system of services for older  
14 adults and to serve as the advocate for older persons in the  
15 community.

16 "Care manager." An individual designated by an area agency  
17 on aging to coordinate the provision of long-term care services  
18 to a consumer of long-term care services.

19 "Comprehensive assessment." An assessment of individual  
20 status in a number of functional areas. The term includes  
21 physical health, emotional health, cognitive functioning,  
22 physical functioning, ability to carry out activities of daily  
23 living, informal supports, environment and finances.

24 "Comprehensive care plan." A coordinated plan of long-term  
25 care services developed as a result of the comprehensive  
26 assessment.

27 "Department." The Department of Aging of the Commonwealth.

28 "Home and community care." Long-term care services provided  
29 to an individual in the home or the community. The term includes  
30 meal preparation or delivery, personal care services, homemaker

1 services, adult day care, transportation for health care  
2 services, in-home physical therapy and nursing services.

3 "Long-term care." The provision of assessment, care  
4 management and diagnostic, preventative, therapeutic,  
5 rehabilitative, support and maintenance services for older  
6 adults and other adults with functional limitations in a  
7 continuum of settings ranging from in-home community-based care  
8 to care provided in a long-term care nursing facility, necessary  
9 to support optimal functioning, autonomy and self-determination.

10 Section 4. Powers and duties of department.

11 (a) Regulations.--The department shall promulgate  
12 regulations to implement this act.

13 (b) Interagency coordination.--The department shall  
14 implement and administer the access point program in cooperation  
15 with the Department of Health and the Department of Public  
16 Welfare.

17 (c) Area agencies on aging.--Area agencies on aging shall be  
18 the access point under contract to the department.

19 (d) Responsibilities of department.--The department shall  
20 develop standards and monitor access point performance and  
21 outcomes on a regular basis. The department shall issue a  
22 biannual report by October 1 to the General Assembly detailing  
23 the implementation and operation of the access point program and  
24 other provisions of this act.

25 Section 5. Powers and duties of access points.

26 Access points shall act as a community information resource  
27 for older Pennsylvanians and other adult consumers of long-term  
28 care services, implement program activities specified in the  
29 Older Americans Act of 1965 (Public Law 89-73, 42 U.S.C. § 3001  
30 et seq.) and carry out such additional functions as specified by

1 departmental regulation and interagency agreements. This  
2 includes all of the following:

3 (1) Provide information and referral to individuals  
4 seeking information about long-term care service options.

5 (2) Provide for counseling on insurance and benefits in  
6 coordination and cooperation with the Insurance Department.

7 (3) Conduct and/or arrange for a comprehensive  
8 assessment, preadmission screening and clinical eligibility  
9 determination for those seeking long-term care services. For  
10 individuals needing publicly financed long-term care services  
11 in a long-term care nursing facility and for those who are  
12 within 12 months of financial eligibility for publicly  
13 financed long-term care services in a long-term care nursing  
14 facility, a comprehensive assessment and eligibility  
15 determination is required as a condition of receiving  
16 services.

17 (4) Refer to long-term care nursing facilities those  
18 individuals who choose such facilities and who, as a result  
19 of the comprehensive assessment, are found to be appropriate  
20 for this level of care.

21 (5) Develop comprehensive care plans, as necessary, for  
22 consumers of long-term care services who are eligible for in-  
23 home community-based care under eligible individual funding  
24 sources. The comprehensive care plan shall be based on  
25 functional need and shall be accompanied, when appropriate,  
26 by a medical plan of care developed by a medical  
27 professional. An individual, the individual's family, a care  
28 manager or other designated persons shall be given the  
29 opportunity to participate in the development of the  
30 comprehensive care plan.

1           (6) Arrange, coordinate and authorize the in-home  
2 community-based care services specified in the comprehensive  
3 care plan of an individual.

4           (7) Offer care manager options in which a consumer can  
5 choose to direct the consumer's own care plan or utilize a  
6 combination of self-directed and access-point-directed care  
7 management tailored to individual consumer need. The  
8 individual may also choose individual's participating care  
9 provider or providers.

10          (8) Monitor the implementation and outcomes of the  
11 comprehensive care plan and long-term care services provided  
12 and make periodic adjustments of the plan in consultation  
13 with the individual consumer and associated long-term care  
14 service providers and health care practitioners. This  
15 includes an evaluation of service quality and consumer  
16 satisfaction.

17 Section 6. Statement of nonentitlement.

18          The provision of a comprehensive assessment and the  
19 development of a comprehensive care plan by an access point  
20 shall not establish entitlement to services for an eligible  
21 individual beyond that established by law or beyond the amounts  
22 appropriated therefor.

23 Section 7. Effective date.

24          This act shall take effect immediately.