

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of
1999

INTRODUCED BY SCHULER, BAKER, PISTELLA, FICHTER, STABACK,
ARMSTRONG, GEIST, SEYFERT, SAYLOR, BARD, M. COHEN, ROSS,
ORIE, GODSHALL, MELIO, TRELLO, CORRIGAN, ROEBUCK, RUBLEY,
SATHER, MUNDY, HALUSKA, BARRAR, ZIMMERMAN, ROONEY, JOSEPHS,
FRANKEL, TIGUE, ROBERTS, HERSHEY, TRUE, HARHART, FREEMAN,
LYNCH, HERMAN, SHANER, SEMMEL, LAUGHLIN, MANDERINO, MYERS,
E. Z. TAYLOR, BISHOP, YOUNGBLOOD, WILLIAMS, BELFANTI, STERN,
MARSICO, CIVERA, BROWNE, STEELMAN, DAILEY, HENNESSEY, HESS,
THOMAS, J. TAYLOR, R. MILLER, FLICK, COLAFELLA, SNYDER,
L. I. COHEN, COSTA, SAMUELSON, TRICH AND RAMOS,
MARCH 25, 1999

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 10, 1999

AN ACT

1 ~~Directing the Department of Aging to develop a study and to~~ <—
2 ~~submit a plan to eliminate the waiting list for persons in~~
3 ~~need of home and community based long term care services.~~
4 DIRECTING THE DEPARTMENT OF AGING AND THE DEPARTMENT OF PUBLIC <—
5 WELFARE TO DEVELOP A STUDY AND TO SUBMIT A PROPOSED COURSE OF
6 ACTION TO ADDRESS THE ISSUE OF WAITING LISTS FOR PERSONS IN
7 NEED OF HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES.

8 The General Assembly finds and declares as follows:

9 (1) There are approximately 10,500 persons in this
10 Commonwealth on the area agency on aging waiting list for
11 services.

12 (2) Due to MANY ECONOMIC FACTORS, INCLUDING, BUT NOT <—
13 LIMITED TO, low unemployment and low wages in home care, many
14 communities cannot find staff to serve clients.

15 (3) From 1990 to the year 2000, it is projected that the

1 number of persons who are 65 years of age and older and who
2 receive home health services will increase by 13%, and that
3 for persons who are 85 years of age and older, a 39% increase
4 is projected.

5 ~~(4) The Department of Aging must develop a plan for the~~ <—

6 (4) THE DEPARTMENT OF AGING AND THE DEPARTMENT OF PUBLIC <—
7 WELFARE SHALL DEVELOP A PROPOSED COURSE OF ACTION FOR THE
8 manner in which these persons can gain quicker access to the
9 services they need in order to stay in their homes and the
10 community and, thereby, avoid the need for cost-intensive
11 nursing facility care.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Short title.

15 This act shall be known and may be cited as the Area Agency
16 on Aging Services Waiting List Act.

17 Section 2. Definitions.

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

21 "Council." The Intra-Governmental Council on Long-Term Care,
22 as established in accordance with the act of June 13, 1967
23 (P.L.31, No.21), known as the Public Welfare Code.

24 "Department." The Department of Aging AND THE DEPARTMENT OF <—
25 PUBLIC WELFARE of the Commonwealth.

26 Section 3. Waiting list study.

27 (a) General rule.--The ~~Department of Aging~~ DEPARTMENT shall <—
28 direct and oversee a study by the council to determine the
29 extent of the existence, Statewide, of waiting lists for
30 services at the local area agencies on aging. DATA SHALL BE <—

1 COLLECTED AND PUBLISHED IN A CONSISTENT MANNER FOR AREA AGENCIES
2 ON AGING.

3 (b) Contents of study.--The study shall include, but not be
4 limited to:

5 (1) THE DEVELOPMENT OF A DEFINITION OF WAITING LIST, <—
6 INCLUDING PRIORITY-NEED CATEGORIES.

7 ~~(1)~~ (2) A review of each area agency on aging in order <—
8 to identify the types of services for which individuals are
9 waiting.

10 ~~(2)~~ (3) Statistical information on any current waiting <—
11 lists and projected increases in waiting lists at the local
12 level.

13 ~~(3)~~ (4) The average length of time that individuals <—
14 remain on the list prior to receiving services.

15 ~~(4)~~ (5) A snapshot profile of the provider community <—
16 that exists in order to support the service needs identified.

17 ~~(5)~~ (6) Financial information on the amount of <—
18 additional Federal, State or other funds that may be required
19 annually for the operational costs associated with the
20 elimination of waiting lists.

21 ~~(6)~~ (7) A valid random sample survey of persons on <—
22 waiting lists to determine self-reported severity of need,
23 availability of informal caregivers, approximate income,
24 PROGRAM ELIGIBILITY BASED ON THAT INCOME, HOUSING STATUS, <—
25 approximate assets and willingness to participate in cost-
26 sharing approaches or medical assistance estate recovery to
27 help defray the cost of services.

28 (c) Report to department.--The council shall report the
29 results of the study to the department no later than one year
30 from the effective date of this act.

1 Section 4. Waiting list ~~plan~~ PROPOSED COURSE OF ACTION. <—

2 (a) Development of ~~plan by department~~.--The department shall <—

3 develop and submit to the Governor and the Aging and Youth

4 Committee of the Senate and the Aging and Youth Committee of the

5 House of Representatives, within one year from receipt of the

6 study, a ~~plan to eliminate~~ PROPOSED PLAN OF ACTION DESIGNED TO <—

7 ADDRESS THE ISSUE OF current and future waiting lists for

8 persons in need of home and community-based long-term care

9 services through local area agencies on aging.

10 (b) ~~Contents of plan~~.--THE PROPOSED <—

11 COURSE OF ACTION shall include, but not be limited to:

12 (1) Statistical information on the current and projected

13 increase in the waiting list, INCLUDING DEMOGRAPHIC DATA FOR <—

14 INDIVIDUALS ON THE WAITING LISTS.

15 (2) Financial information on the amount of Federal,

16 State or other funds that may be required annually for the

17 operational costs associated with the ~~elimination of the~~ <—

18 waiting list for home and community-based services.

19 (3) An analysis of the impact and feasibility of

20 incorporating cost sharing into the funding of home and

21 community-based services through the area agencies on aging.

22 (4) Information regarding the types of services for

23 which individuals are waiting.

24 ~~Section 5. Public hearings and comment.~~ <—

25 ~~In the development of the plan required by this act, the~~

26 ~~department shall conduct public hearings and obtain public~~

27 ~~comment from persons in need of home and community based long-~~

28 ~~term care services, their families, guardians and providers of~~

29 ~~home and community based long term care services.~~

30 SECTION 5. PUBLIC INPUT. <—

1 IN THE DEVELOPMENT OF THE PROPOSED COURSE OF ACTION REQUIRED
2 BY THIS ACT, THE DEPARTMENT SHALL ENSURE THAT PUBLIC INPUT IS
3 OBTAINED FROM PERSONS IN NEED OF HOME AND COMMUNITY-BASED LONG-
4 TERM CARE SERVICES, THEIR FAMILIES, GUARDIANS AND PROVIDERS OF
5 HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES.

6 Section 6. Annual submission of ~~updated plan~~ PROPOSED COURSE OF <—
7 ACTION.

8 The department shall update the statistical and financial
9 data to the ~~plan required by this act annually and shall submit~~ <—
10 ~~the updated plan~~ PROPOSED COURSE OF ACTION to the Governor and <—
11 the Aging and Youth Committee of the Senate and the Aging and
12 Youth Committee of the House of Representatives on or before
13 December 31 of each year.

14 Section 7. Effective date.

15 This act shall take effect in 60 days.