
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 579 Session of
2007

INTRODUCED BY REICHLEY, BARRAR, CALTAGIRONE, COHEN, DALLY,
DeLUCA, FREEMAN, GEORGE, GINGRICH, GRUCELA, HENNESSEY,
HORNAMAN, KILLION, MELIO, PETRARCA, PETRONE, PICKETT,
PRESTON, SAYLOR, SCAVELLO, SIPTROTH, SOLOBAY, STERN,
J. TAYLOR, WATSON, YOUNGBLOOD AND YUDICHAK, MARCH 6, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MARCH 6, 2007

AN ACT

1 Authorizing counties to establish county ombudsmen for senior
2 housing; and providing for the powers and duties of ombudsmen
3 and of senior housing residents.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the County
8 Ombudsmen for Senior Housing Act.

9 Section 2. Definitions.

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

13 "Agency." The Pennsylvania Housing Finance Agency
14 established under the act of December 3, 1959 (P.L.1688,
15 No.621), known as the Housing Finance Agency Law.

16 "Area agency on aging." The single local agency designated

1 by the Department of Aging within each planning and service area
2 to administer the delivery of a comprehensive and coordinated
3 plan of social and other services and activities.

4 "County." A county of this Commonwealth, including a county
5 operating under a home rule charter or an optional plan of
6 government under 53 Pa.C.S. Subpt. E (relating to home rule and
7 optional plan government).

8 "Long-term care ombudsman." An agent of the Department of
9 Aging who, pursuant to section 2203-A of the act of April 9,
10 1929 (P.L.177, No.175), known as The Administrative Code of
11 1929, investigates and seeks to resolve complaints made by or on
12 behalf of older individuals or adults with disabilities who are
13 consumers of long-term care facilities, which complaints may
14 relate to action, inaction or decisions made which may adversely
15 affect the health, safety, welfare, interests, preferences or
16 rights of consumers.

17 "Ombudsman." A county ombudsman for senior housing residents
18 authorized by this act.

19 "Senior housing facility" or "facility." Any of the
20 following:

21 (1) A home that provides domiciliary care as defined in
22 section 2202-A of the act of April 9, 1929 (P.L.177, No.175),
23 known as The Administrative Code of 1929.

24 (2) A personal care home as defined in section 1001 of
25 the act of June 13, 1967 (P.L.31, No.21), known as the Public
26 Welfare Code.

27 (3) A long-term care nursing facility as defined in
28 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
29 known as the Health Care Facilities Act.

30 (4) An older adult daily living center as defined in

1 section 2 of the act of July 11, 1990 (P.L.499, No.118),
2 known as the Older Adult Daily Living Centers Licensing Act.

3 (5) A housing complex providing services to at least 25
4 residents that is dedicated primarily to serving individuals
5 who are at least 55 years of age.

6 "Senior housing resident" or "resident." A person who is at
7 least 55 years of age and resides in a senior housing facility.

8 Section 3. Establishment of senior housing ombudsman.

9 (a) Appointment.--The chief executive of a county may
10 appoint a county ombudsman for senior housing residents for any
11 senior housing facility in the county that provides services to
12 at least 25 residents.

13 (b) Prerequisite to appointment.--

14 (1) No person may be appointed as an ombudsman for a
15 senior housing facility under subsection (a) unless the
16 residents of that senior housing facility indicate by a
17 majority vote that they desire to have the chief executive of
18 the county appoint an ombudsman for the facility.

19 (2) The facility shall allow residents the opportunity
20 to conduct meetings for the purpose of discussing and taking
21 a vote to request that the chief executive of the county
22 appoint an ombudsman for the facility.

23 (c) Term.--A person appointed as an ombudsman shall serve a
24 term of two years.

25 (d) Compensation and reimbursement of expenses.--An
26 ombudsman may not receive any compensation or reimbursement of
27 expenses from the county.

28 Section 4. Duties of ombudsman.

29 An ombudsman shall have the following powers and duties:

30 (1) To coordinate with the long-term care ombudsman at

1 the local area agency on aging in order to avoid duplication
2 and to ensure that senior housing residents have access to
3 the most current information regarding programs and services
4 designed specifically for older Pennsylvanians. The ombudsman
5 shall obtain such information from the local area agency on
6 aging and make it available to residents upon their request.

7 (2) To coordinate with and maintain up-to-date
8 information from the agency for residents on financial
9 opportunities for senior housing facility options in this
10 Commonwealth.

11 (3) To provide residents with information on their
12 rights as senior housing residents under Federal and State
13 law.

14 (4) To receive complaints made by senior housing
15 residents relating to issues of treatment or services and to
16 direct senior housing residents to possible sources of legal
17 representation, when requested, including the Office of
18 Attorney General's Bureau of Consumer Protection.

19 (5) To perform such other duties, with regard to senior
20 housing residents, as authorized or requested by the chief
21 executive of the county.

22 Section 5. Effective date.

23 This act shall take effect in 60 days.