

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1071 Session of
2007

INTRODUCED BY MUNDY, CALTAGIRONE, COHEN, CURRY, DeLUCA, EACHUS,
FABRIZIO, FREEMAN, GEORGE, GIBBONS, GOODMAN, GRUCELA, JAMES,
KULA, LEACH, MAHONEY, MANN, MARKOSEK, MELIO, M. O'BRIEN,
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SOLOBAY, STABACK, WATERS, WHEATLEY, YOUNGBLOOD, RUBLEY,
SANTONI, SURRA, WALKO, WOJNAROSKI, JOSEPHS, PETRARCA, KORTZ,
BELFANTI, K. SMITH AND YUDICHAK, APRIL 18, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 18, 2007

AN ACT

1 Providing for the establishment of a Senior Care and Services
2 Study Commission.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Senior Care
7 and Services Study Commission Act.

8 Section 2. Legislative intent; purpose.

9 The purpose of this act is to establish a commission for the
10 express purpose of:

11 (1) Assessing the health care needs of Pennsylvania's
12 current and future senior population, including the need for
13 the various levels of senior care and services.

14 (2) Evaluating the ability of the current assessment and
15 delivery system to meet the projected service needs.

(3) Identifying funds available to meet the needs of Pennsylvania's senior citizens.

Section 3. Legislative findings.

(1) Pennsylvania has one of the largest senior populations in the country, with almost 1.8 million Pennsylvanians over the age of 65.

(2) Pennsylvania's population of individuals who are 85 years of age or older currently exceeds 300,000 persons and is the fourth largest in proportion to population nationally.

(3) Pennsylvania's senior population is projected to grow by 13% between now and 2025, heightening the need for senior care and services planning.

(4) Pennsylvania is projected to spend over \$3.1 billion in combined Federal and State funds for senior care and services during fiscal year 2006-2007.

(5) Pennsylvania will spend over \$1 billion in lottery, tobacco and Federal funds from the United States Administration on Aging in support of senior care and services during fiscal year 2006-2007.

(6) Medicaid is the primary payer for Pennsylvania's certified nursing facility residents, covering almost 64% of all care provided.

(7) Lottery and tobacco funds are expected to provide funding for an additional 2,800 seniors to access home and community-based care during fiscal year 2006-2007.

(8) Senior care and services spending has a significant positive impact on Pennsylvania's economy, with each \$1 million that Pennsylvania invests in Medicaid resulting in more than \$2.5 million in new business activity and nearly 35 newly created jobs.

1 Section 4. 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 "Commission." The Senior Care and Services Study Commission
6 established by this act.

7 "Senior care and services." Assistance, services or devices
8 provided over an extended period of time and designed to meet
9 medical, personal and social needs associated with aging that
10 enable a person to live as independently as possible.

11 "Senior care and services provider." An entity licensed,
12 certified or approved by a Commonwealth agency to provide senior
13 care and services, including, but not limited to, a nursing
14 facility, assisted living facility, domiciliary care home,
15 personal care home, continuing care retirement community, home
16 health agency, adult day-care provider or other home-based and
17 community-based provider.

18 Section 5. Commission.

19 (a) Establishment.--The Senior Care and Services Study
20 Commission is hereby established as an independent commission.

21 (b) Composition.--The commission shall consist of the
22 following members:

23 (1) The Secretary of Aging.

24 (2) The Secretary of Health.

25 (3) The Secretary of Public Welfare.

26 (4) One member of the Senate appointed by the President
27 pro tempore of the Senate.

28 (5) One member of the Senate appointed by the Minority
29 Leader of the Senate.

30 (6) One member of the House of Representatives appointed

1 by the Majority Leader of the House of Representatives.

2 (7) One member of the House of Representatives appointed
3 by the Minority Leader of the House of Representatives.

4 (8) Ten members to be appointed by the Governor as
5 follows:

6 (i) One individual representing nonprofit nursing
7 facilities.

8 (ii) One individual representing for-profit nursing
9 facilities.

10 (iii) One individual representing county homes.

11 (iv) One individual representing hospital-based
12 nursing facilities.

13 (v) One individual representing home-based and
14 community-based service providers.

15 (vi) One individual representing area agencies on
16 aging.

17 (vii) One representative of an organized labor group
18 representing employees providing long-term living
19 services.

20 (viii) One physician who practices in long-term care
21 settings.

22 (ix) Two residents of this Commonwealth who are 65
23 years of age or older and use long-term care services.

24 (c) Formation of commission.--The commission shall be formed
25 within 30 days of the effective date of this act.

26 (d) Chairpersons.--The member of the Senate appointed by the
27 President pro tempore and the member of the House of
28 Representatives appointed by the Majority Leader shall be
29 appointed cochairpersons of the commission.

30 (e) Terms of members.--

1 (1) The terms of those members who serve by virtue of
2 the public office they hold shall be concurrent with their
3 service in the office from which they derive their
4 membership.

5 (2) The remaining members shall serve until their
6 successors are appointed, provided they represent the
7 interests of the membership class for which they were
8 appointed.

9 (f) Expenses.--A member of the commission shall not receive
10 compensation or remuneration, but shall be entitled to
11 reimbursement for all reasonable and necessary actual expenses
12 accrued in the course of the duties while serving on behalf of
13 the commission.

14 (g) Vacancies.--Vacancies on the commission shall be filled
15 in the same manner in which members were originally appointed
16 within 60 days of the vacancy, except that appointments to fill
17 vacancies under subsection (b)(8) shall be made from among the
18 same class or category of long-term care providers as the
19 immediate successor of the appointee.

20 (h) Quorum.--A majority of the members of the commission
21 shall constitute a quorum. Notwithstanding any other provision
22 of law, action may be taken by the commission at a meeting upon
23 a vote of the majority of the members present in person or
24 through use of amplified telephonic equipment.

25 (i) Meetings.--The commission shall meet at least quarterly
26 or at the call of a cochairperson or a simple majority of
27 commission members.

28 Section 6. Powers and duties.

29 The commission shall exercise all powers necessary and
30 appropriate to carry out its duties under this act, including

1 the following:

2 (1) To employ an executive director and other staff as
3 necessary to implement this act and to fix their compensation
4 and duties.

5 (2) To make and execute contracts and other instruments
6 and engage professional consultants as necessary to implement
7 the requirements under this act.

8 Section 7. Responsibilities.

9 (a) Initial fact-finding.--The commission is charged with
10 obtaining and reporting about the following information:

11 (1) Census projections for residents of this
12 Commonwealth who are 65 years of age or older and those 85
13 years of age or older through 2025.

14 (2) An inventory of all programs, care or services
15 directly benefiting residents of this Commonwealth who are 65
16 years of age or older that includes a description of current
17 clinical and financial eligibility requirements governing
18 access to care and services.

19 (3) An inventory of all Federal, State and other funding
20 sources governing access to care and services that support
21 programs, care or services directly benefiting Commonwealth
22 residents who are 65 years of age or older.

23 (4) A thorough review of the current access points for
24 programs, care or services that directly benefit Commonwealth
25 residents who are 65 years of age or older.

26 (b) Analysis of data.--Following the delivery of the initial
27 report, the commission shall perform analyses to develop the
28 following information:

29 (1) Future need for senior care and services by setting
30 through 2025.

1 (2) An evaluation of alternative means to ensure that
2 public dollars are being spent as efficiently as possible.

3 (3) An evaluation of service models and funding
4 strategies to coordinate the care and services seniors
5 receive ensuring access, quality and optimal use of available
6 funding.

7 (4) Projections on future funding needs for Commonwealth
8 residents who are 65 years of age or older and identification
9 of potential sources of additional revenues to meet those
10 needs.

11 (c) Recommendations.--The commission shall utilize the
12 information under subsections (a) and (b) to make
13 recommendations to the Governor and the General Assembly. The
14 recommendations shall include, but not be limited to:

15 (1) The eligibility and assessment system that shall be
16 used to determine care and service needs and method of
17 financing.

18 (2) The optimal mix of senior care and service providers
19 in this Commonwealth and a system which provides the
20 flexibility necessary to ensure that the needs of seniors can
21 be met in the most clinically appropriate setting.

22 (3) Strategies to maximize the use of funding to serve
23 the greatest number of seniors possible.

24 (4) Potential additional revenue sources for senior care
25 and services.

26 (d) Reporting requirements.--

27 (1) Within six months of establishment, the commission
28 shall prepare a preliminary report on the results of the
29 assessment under subsection (a).

30 (2) Within 18 months of establishment, the commission

1 shall prepare and present a comprehensive report containing
2 the findings under subsections (a) and (b), and hold at least
3 three public hearings in locations to be determined by the
4 commission to deliver the report.

5 (3) The final report of the commission, including the
6 work completed under subsections (a) and (b) and the final
7 list of recommendations developed under subsection (c), shall
8 be prepared and delivered to the Governor and the General
9 Assembly no later than two years following the effective date
10 of this act.

11 (e) Reports and data.--All reports prepared under this
12 section shall include any and all data and research collected
13 during the commission's work and shall be made available
14 electronically for public review on the Internet website
15 operated by the Department of Aging.

16 Section 8. Effective date.

17 This act shall take effect immediately.