

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2114 Session of
2007

INTRODUCED BY SHIMKUS, BELFANTI, BIANCUCCI, BLACKWELL, BOBACK,
CURRY, FABRIZIO, FREEMAN, GEORGE, GIBBONS, GOODMAN, GRUCELA,
HORNAMAN, JAMES, JOSEPHS, KOTIK, KULA, LEACH, MCGEEHAN,
MCILVAINE SMITH, MOUL, MOYER, MUNDY, M. O'BRIEN, PARKER,
PASHINSKI, PRESTON, SIPTROTH, K. SMITH, STABACK, WALKO,
WANSACZ, WATSON, WOJNAROSKI, YOUNGBLOOD AND YUDICHAK,
DECEMBER 13, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
DECEMBER 13, 2007

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," further defining "facility"; and providing
8 for the definitions of "chronic dementia" and "cognitive
9 impairment" and for certain disclosures to facility
10 residents.

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

13 Section 1. The definition of "facility" in section 103 of
14 the act of November 6, 1987 (P.L.381, No.79), known as the Older
15 Adults Protective Services Act, amended December 18, 1996
16 (P.L.1125, No.169), is amended and the section is amended by
17 adding definitions to read:

18 Section 103. Definitions.

19 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Chronic dementia." An irreversible global loss of cognitive
5 function causing evident intellectual impairment which always
6 includes memory loss, without alteration of state of
7 consciousness as diagnosed by a physician and is severe enough
8 to interfere with work or social activities, or both, and to
9 require continuous care or supervision.

10 * * *

11 "Cognitive impairment." A mental or emotional condition or
12 disorder that substantially affects a person's ability to
13 reason, understand and make decisions.

14 * * *

15 "Facility." Any of the following:

16 (1) A domiciliary care home as defined in section 2202-A
17 of the act of April 9, 1929 (P.L.177, No.175), known as The
18 Administrative Code of 1929.

19 (2) A home health care agency.

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

23 (4) An older adult daily living center as defined in
24 section 2 of the act of July 11, 1990 (P.L.499, No.118),
25 known as the Older Adult Daily Living Centers Licensing Act.

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

29 (6) An assisted living residence as defined in section
30 1001 of the act of June 13, 1967 (P.L.31, No.21), known as

1 the Public Welfare Code.

2 * * *

3 Section 2. The act is amended by adding a section to read:

4 Section 5101. Physician disclosure.

5 In any facility in which a physician holds a financial or
6 ownership interest and is the attending or primary care
7 physician:

8 (1) The physician shall disclose the interest to each
9 facility resident and responsible family member or legal
10 representative of the resident. The resident or responsible
11 family member or legal representative of the resident shall
12 have the right to choose the physician disclosing the
13 interest or an independent physician as the resident's
14 primary care physician.

15 (2) If a facility resident has a cognitive impairment or
16 chronic dementia and has no responsible family member or
17 legal representative, the physician shall disclose the
18 interest to the agency, which shall assist the resident in
19 choosing a primary care physician.

20 (3) The department shall promulgate rules and
21 regulations as to the additional powers, duties and
22 responsibilities of the agency in assisting facility
23 residents under paragraph (2).

24 Section 3. Sections 5101 and 5102 of the act, amended
25 December 18, 1996 (P.L.1125, No.169), are amended to read:

26 Section [5101] 5190. Repeals.

27 All other acts and parts of acts are repealed insofar as they
28 are inconsistent with this act.

29 Section [5102] 5191. Effective date.

30 This act shall take effect July 1, 1988.

1 Section 4. This act shall take effect in 60 days.