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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 269 Session of  
2009

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INTRODUCED BY WATSON, HENNESSEY, PETRI, REICHLEY, GINGRICH,  
ADOLPH, BEAR, BEYER, BISHOP, BOYD, BRENNAN, CALTAGIRONE,  
CLYMER, CREIGHTON, FAIRCHILD, FLECK, FRANKEL, GOODMAN, GROVE,  
GRUCELA, HESS, KORTZ, MAJOR, MILLER, O'NEILL, READSHAW, ROSS,  
SCAVELLO, SIPTROTH, STABACK, STERN AND VULAKOVICH,  
FEBRUARY 5, 2009

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
FEBRUARY 5, 2009

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AN ACT

1 Providing for a Statewide adult day resource and referral  
2 system; establishing a central adult day services database;  
3 and imposing additional responsibilities upon the Department  
4 of Aging.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Adult Day  
9 Resource and Referral Act.

10 Section 2. Legislative findings.

11 The General Assembly finds and declares as follows:

12 (1) The demand for high quality, affordable and  
13 accessible adult day services has increased dramatically as  
14 more care-dependent individuals choose to receive services in  
15 their homes and communities as alternatives to facility-based  
16 care.

1           (2) The number of older adult daily living centers in  
2 Pennsylvania has grown from six licensed centers in 1980 to  
3 approximately 250 at the present.

4           (3) A comprehensive, coordinated effort is needed to  
5 ensure that accurate, up-to-date adult day services  
6 information is readily available and easy to access.

7           (4) Local adult day resource and referral services are  
8 beneficial to:

9           (i) family members who work and are also caregivers  
10 for elderly relatives by enabling them to make informed  
11 choices in selecting and purchasing the adult day  
12 services that best meet their family's unique needs;

13           (ii) existing and prospective adult day services  
14 providers in their efforts to develop and maintain safe,  
15 high-quality adult day services;

16           (iii) businesses by providing a comprehensive  
17 resource for them to use in responding to adult day  
18 services needs of their employees; and

19           (iv) the community-at-large by contributing directly  
20 to the health, safety and well-being of this  
21 Commonwealth's care-dependent older citizens and their  
22 families.

23 Section 3. Definitions.

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

27           "Adult day resource and referral agency." A public or  
28 private nonprofit entity, including an association or  
29 corporation, that performs functions related to adult day  
30 resource and referral services.

1 "Adult day resource and referral services." The term  
2 includes, but is not limited to, the following:

3 (1) The provision of updated information to caregivers,  
4 employers and individuals in a community regarding the  
5 availability, cost and quality of adult day services in a  
6 defined geographic area.

7 (2) Assistance to caregivers so they can make informed  
8 decisions regarding appropriate and affordable adult day  
9 services.

10 (3) Information to employers on programs designed to  
11 meet the adult day services needs of employees.

12 (4) The provision of start-up information to potential  
13 adult day services providers to increase the supply of  
14 providers.

15 "Adult day services." Services provided at or arranged  
16 through an older adult daily living center to assist in meeting  
17 the needs, including personal care, social, nutritional, health  
18 and educational needs of clients, which services are provided,  
19 as appropriate for each client, through a planned program of  
20 social, educational, recreational, therapeutic, rehabilitative  
21 and developmental activities. The term does not include services  
22 provided for persons whose needs are such that they can only be  
23 met in a long-term care facility on an inpatient basis receiving  
24 professionally supervised nursing care and related medical and  
25 other health services.

26 "Area agency on aging." The single local agency designated  
27 by the Department of Aging within each planning and service area  
28 to administer the delivery of a comprehensive and coordinated  
29 plan of social and other services and activities.

30 "Defined geographic area." Any of not more than ten

1 geographic areas established by the Department of Aging to be  
2 utilized for the purpose of creating adult day resource and  
3 referral service areas.

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

5 "Older adult daily living center." A premises operated for  
6 profit or not-for-profit in which adult day services are  
7 simultaneously provided for four or more clients who are not  
8 relatives of the operator for part of a 24-hour day, and which  
9 premises are licensed and regulated by the Department of Aging  
10 in accordance with the act of July 11, 1990 (P.L.499, No.118),  
11 known as the Older Adult Daily Living Centers Licensing Act, and  
12 6 Pa. Code Ch. 11 (relating to older adult daily living  
13 centers).

14 Section 4. Provision of adult day resource and referral  
15 services.

16 (a) General rule.--The department shall arrange for the  
17 availability of adult day resource and referral services in  
18 defined geographic areas across this Commonwealth through  
19 contractual agreements with public or private entities that can  
20 fulfill the responsibilities of an adult day resource and  
21 referral agency.

22 (b) Construction.--Nothing in this act shall be construed to  
23 prohibit an area agency on aging or any other governmental  
24 entity from entering into a contractual agreement with the  
25 department to serve as an adult day resource and referral  
26 agency.

27 Section 5. Central adult day services database.

28 (a) Establishment.--The department shall provide for the  
29 establishment and maintenance of a central adult day services  
30 database, shall compile all information from adult day resource

1 and referral agencies with which it has a contractual agreement  
2 under section 4 and shall establish a comprehensive, accurate  
3 and up-to-date reference base on adult day services in this  
4 Commonwealth.

5 (b) Method of establishment.--The central adult day services  
6 database shall be created by utilizing applied demographic  
7 analyses, creation of statistical maps, as well as any other  
8 resources the department may have available. The department  
9 shall determine the nature and scope of all centralized adult  
10 day services data to be maintained under this act.

11 (c) Dissemination of information.--The department shall  
12 provide, at least annually and at no charge, adult day resource  
13 and referral agencies under contract with the department with  
14 information developed regarding adult day services in this  
15 Commonwealth.

16 Section 6. Resource and referral services offered.

17 An adult day resource and referral agency shall provide, at a  
18 minimum, the following services:

19 (1) Identification of all State-approved older adult  
20 daily living centers in their defined geographic area and a  
21 profile of each older adult daily living center to indicate  
22 the types of services it provides and the costs of such  
23 services.

24 (2) Maintenance of a comprehensive database on adult day  
25 services supply and demand in the defined geographic area  
26 served by the agency.

27 (3) Maintenance of a resource and referral service for  
28 users of adult day services and assistance, if requested, in  
29 evaluating adult day services needs and appropriateness of  
30 types of adult day services.

1           (4) Establishment of a public education program to  
2 inform consumers and provide referral counseling about adult  
3 day services options, including information on types of adult  
4 day services, availability, cost and standards, through such  
5 means as printed materials, telephone contacts, education  
6 sessions or workshops.

7           (5) Provision of information and technical assistance to  
8 adult day services providers and prospective providers, as  
9 requested. Types of information to be made available shall  
10 include, but not be limited to, information regarding career  
11 opportunities in the field, continuing education, training  
12 opportunities, accreditation programs, regulatory  
13 requirements, demographic information to determine the  
14 existence of markets for adult day services and to help  
15 stimulate the supply of adult day services needed in the  
16 defined geographic area.

17           (6) Service as a resource to employers who are trying to  
18 meet the adult day services needs of their employees.

19           (7) Provision of information to caregivers about  
20 opportunities for Federal and State funding of adult day  
21 services. The adult day resource and referral agency shall,  
22 to the extent possible, help to facilitate the availability  
23 of public funding opportunities for consumers of adult day  
24 services.

25 Section 7. Standard operating procedures for adult day resource  
26 and referral agencies.

27 Adult day resource and referral agencies as providers of  
28 adult day resource and referral services shall:

29           (1) Conduct business during hours convenient to working  
30 caregivers, including some evening and weekend hours, if

1 deemed necessary.

2 (2) Advertise their services.

3 (3) Tailor services provided for under this act to the  
4 defined particular geographic area in which they are located.

5 (4) Seek opportunities to provide educational and  
6 consumer awareness programs.

7 (5) Utilize, to the maximum extent possible, the most  
8 cost-effective means of providing adult day resource and  
9 referral services in accordance with this act, including, but  
10 not limited to, public-private partnerships, where deemed  
11 appropriate, and contractual arrangements with existing  
12 providers or adult day resource and referral services.

13 (6) Maintain confidentiality of records and not publicly  
14 disclose information contained in the records in such a  
15 manner so as to identify individuals, provided that certain  
16 nonidentifying information may be collected in aggregate form  
17 for the purpose of data collection.

18 (7) Report to the department on a regular basis  
19 information regarding:

20 (i) The number of caregivers and clients served.

21 (ii) The extent of assistance given to providers of  
22 adult day services, caregivers, businesses and others.

23 (iii) The impact of the adult day resource and  
24 referral services on quality and availability of adult  
25 day services in their defined geographic area.

26 (iv) Any recommendations that may contribute to the  
27 improvement of the provision of adult day resource and  
28 referral services.

29 Section 8. Annual report.

30 The department shall submit an annual report to the General

1 Assembly which shall reflect the information collected by the  
2 adult day resource and referral agencies designated by the  
3 department. The report shall:

4 (1) Describe how the adult day resource and referral  
5 agencies further the department's goal to improve the  
6 quality, availability and affordability of adult day  
7 services.

8 (2) Include any recommendations of the department for  
9 improvements to the Statewide adult day resource and referral  
10 system, as well as the availability of private, corporate and  
11 government funding for adult day resource and referral  
12 services.

13 Section 9. Regulations.

14 The department shall, in the manner provided by law,  
15 promulgate the rules and regulations necessary to establish  
16 adult day resource and referral services to be offered in  
17 accordance with this act.

18 Section 10. Adult day resource and referral services  
19 implementation.

20 The department shall establish a three-year implementation  
21 schedule for phasing in adult day resource and referral services  
22 throughout this Commonwealth.

23 Section 11. Effective date.

24 This act shall take effect in 90 days.