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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 311 Session of  
2009

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INTRODUCED BY GINGRICH, BELFANTI, BEYER, GEIST, GROVE,  
HENNESSEY, HESS, HORNAMAN, KAUFFMAN, KORTZ, MAJOR, MOUL,  
PHILLIPS, PICKETT, RAPP, ROSS, SIPTROTH, STABACK AND  
VULAKOVICH, FEBRUARY 9, 2009

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
FEBRUARY 9, 2009

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AN ACT

1 Providing for the training and certification of qualified  
2 assessors of individuals needing long-term care services, for  
3 the powers and duties of the Department of Aging and for  
4 report to General Assembly.

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 Long-Term  
9 Care Assessor Training and Certification Act.

10 Section 2. Definitions.

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

14 "Comprehensive assessment." A thorough and independent  
15 review and analysis of a consumer's functional status and  
16 financial resources. The term includes a personal history,  
17 assessment of physical and emotional health, ability to carry

1 out activities of daily living, informal supports, environmental  
2 factors and cognitive functioning, including immobility  
3 assessment.

4 "Comprehensive service plan." A plan developed to meet a  
5 consumer's individual needs, as determined by a comprehensive  
6 assessment and developed by an interdisciplinary team that  
7 includes the consumer, the consumer's legal representatives, the  
8 consumer's family member and an appropriate professional on  
9 aging as defined by regulation of the department.

10 "Consumer." An individual seeking long-term care services.

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

12 "Long-term care services." Functionally necessary or  
13 medically necessary diagnostic, preventive, therapeutic,  
14 rehabilitative, maintenance or personal care services provided  
15 in a setting other than an acute care unit of a hospital.

16 "Options program." The Long-Term Care Preadmission  
17 Assessment Program and the Community Services for Nursing  
18 Facility Eligibility Program administered by the Department of  
19 Aging and operated by the local area agencies on aging.

20 "Qualified assessor." A person approved by the Department of  
21 Aging as qualified to conduct assessments of consumers and  
22 develop service plans based thereon. The term includes a  
23 qualified employee of an area agency on aging, a qualified  
24 employee of a licensed entity providing long-term care services  
25 or a qualified independent entity. The term does not include a  
26 hospital discharge planner or other staff or employee of an  
27 insured's health or long-term care insurance company.

28 Section 3. Duties of department.

29 (a) Development of qualified assessor program.--The  
30 department shall develop a training and certification program

1 for qualified assessors. Only those qualified assessors trained  
2 and certified by the department shall be permitted to conduct  
3 assessments that identify the services a consumer requires and  
4 that serve as the basis for a comprehensive service plan. This  
5 program shall be separate from the Options program. However,  
6 nothing in this act shall be construed to permit a qualified  
7 assessor, other than a local area agency on aging, to perform an  
8 Options program assessment.

9 (b) List of qualified assessors.--The department shall  
10 develop and make available to the public a listing of qualified  
11 assessors. The listing shall be updated at least monthly and  
12 shall be available on the department's Internet website and  
13 through the local area agencies on aging.

14 Section 4. Duties of qualified assessors.

15 (a) Certification required.--

16 (1) A qualified assessor shall certify that any  
17 assessment or reassessment the qualified assessor conducts is  
18 true and correct to the best of that qualified assessor's  
19 knowledge and skill at the time of assessment.

20 (2) The department shall revoke the certification of any  
21 qualified assessor who falsely certifies a need for services.

22 (b) Standardized screening instrument.--A qualified assessor  
23 shall utilize a standardized screening instrument. The  
24 instrument shall be developed by the department, in cooperation  
25 with the Department of Public Welfare, the Department of Health  
26 and the Intra-Governmental Council on Long-Term Care, within six  
27 months of the effective date of this section.

28 Section 5. Report to General Assembly.

29 Within one year of the effective date of this section, the  
30 department shall provide to the General Assembly a report on

1 programs within this Commonwealth and throughout the United  
2 States that seek to maximize the effectiveness of charitable  
3 pharmaceutical programs and to provide recommendations for new  
4 laws and initiatives within this Commonwealth to enhance the  
5 ability of Pennsylvanians to take advantage of such programs.

6 Section 6. Rules and regulations.

7 The department shall work in cooperation with the Department  
8 of Public Welfare, the Department of Health and the Intra-  
9 Governmental Council on Long-Term Care to develop rules and  
10 regulations to implement this act. Within six months of the  
11 effective date of this section, the department shall promulgate  
12 regulations to implement this act.

13 Section 7. Effective date.

14 This act shall take effect as follows:

- 15 (1) Section 5 shall take effect immediately.
- 16 (2) This section shall take effect immediately.
- 17 (3) The remainder of this act shall take effect in one  
18 year.