
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of
2009

INTRODUCED BY VANCE, WASHINGTON, ALLOWAY, BAKER, STACK, O'PAKE,
BROWNE, COSTA, EARLL, FARNESE, GORDNER, HUGHES, RAFFERTY,
TARTAGLIONE, WAUGH, M. WHITE AND WONDERLING, JUNE 5, 2009

REFERRED TO AGING AND YOUTH, JUNE 5, 2009

AN ACT

1 Establishing the Department of Aging and Long-Term Living and
2 providing for its powers and duties; and making related
3 repeals.

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 Department of
8 Aging and Long-Term Living Act.

9 Section 2. Objectives.

10 The objectives of this act shall be all of the following:

11 (1) To establish a cabinet-level State agency that
12 combines the Department of Aging and selected functions of
13 the Department of Public Welfare.

14 (2) To establish an agency whose jurisdiction, powers
15 and duties concern and are directed to advancing the well-
16 being and full participation of older adults through the
17 creation and growth of programs and activities that support
18 health and wellness of older adults, assist older adults in

1 maintaining lives of independence and dignity and encourage
2 the involvement of older adults in the community.

3 (3) To establish an agency whose jurisdiction, powers
4 and duties concern and are directed to advancing the well-
5 being and full participation of people with disabilities
6 through the provision of long-term living services in a
7 manner that assists them in attaining and maintaining lives
8 of independence and dignity and promotes involvement and
9 integration in the community.

10 (4) To effect the maximum feasible coordination of and
11 eliminate duplication in the Commonwealth's administration of
12 certain Federal and State programs for older adults and
13 people with disabilities.

14 (5) To promote the development of a long-term living
15 system that includes consumer choice and self-direction,
16 recognizes cultural differences and language barriers and is
17 responsive to the needs and preferences of older adults and
18 people with disabilities at each stage of their adult life,
19 including changes that may require additional care and
20 services.

21 (6) To promote the efficient and economical
22 administration and delivery of long-term living services to
23 older adults and people with disabilities in ways that assure
24 that long-term living services are provided in a manner
25 consistent with applicable Federal and State law, including
26 Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C.
27 § 1396 et seq.).

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this subsection unless the

1 context clearly indicates otherwise:

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

5 "Area agency." The single local area agency on aging
6 designated by the Department of Aging and Long-Term Living
7 within each planning and service area to administer the delivery
8 of a comprehensive and coordinated plan of social and other
9 services and activities.

10 "Area plan." The plan submitted to the Department of Aging
11 and Long-Term Living by an area agency describing the methods by
12 which it will ensure a coordinated and comprehensive plan of
13 social and other services and activities in the planning and
14 service area.

15 "Assessment." A determination based on a comprehensive
16 review of an individual's social, physical and psychological
17 status and needs, using the instruments and procedures
18 established by the department for this purpose.

19 "Assisted living residence." An assisted living residence as
20 defined in the act of July 25, 2007 (P.L.402, No.56), entitled
21 "An act amending the act of June 13, 1967 (P.L.31, No.21),
22 entitled 'An act to consolidate, editorially revise, and codify
23 the public welfare laws of the Commonwealth,' further providing
24 for State plan for regulating and licensing personal care homes,
25 for Intra-Governmental Council on Long-Term Care and for rules
26 and regulations for personal care homes and assisted living
27 residences."

28 "Centers for Independent Living." A center for independent
29 living as defined in the Rehabilitation Act of 1973 (Public Law
30 93-112, 29 U.S.C. § 701 et seq.)

1 "Community senior center." A center where older adults
2 congregate for services and activities that support their
3 independence, enhance their quality of life and encourage their
4 involvement in the community.

5 "Council." The Council on Aging and Long-Term Living.

6 "Department." The Department of Aging and Long-Term Living
7 of the Commonwealth.

8 "Domiciliary care." A living arrangement in the community
9 which provides a safe, supportive, homelike residential setting
10 for no more than three adults who are unrelated to the
11 domiciliary care provider and who cannot live independently in
12 the community.

13 "Long-term living services." Those services designed to
14 provide diagnostic, therapeutic, rehabilitative, preventive,
15 wellness, supportive or maintenance services for individuals who
16 have chronic or episodic functional impairments provided in
17 settings including the individual's home, an adult daily living
18 center, domiciliary care, a personal care home, an assisted
19 living residence or a nursing facility. The term does not
20 include services authorized under the act of October 20, 1966
21 (Sp.Sess. 3, P.L.96, No.6), known as the Mental Health and
22 Mental Retardation Act of 1966, or similar services funded under
23 Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. §
24 1396 et seq.).

25 "Nursing facility." A long-term care nursing facility
26 licensed by the Department of Health pursuant to the act of July
27 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
28 Act.

29 "Older adults." Any persons residing within this
30 Commonwealth who are at least 60 years of age.

1 "Older Americans Act of 1965." The Older Americans Act of
2 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

3 "People with disabilities." Individuals 18 to 59 years of
4 age residing within this Commonwealth who have been determined
5 to be eligible to receive, or who are receiving, attendant care
6 services under the act of December 10, 1986 (P.L.1477, No.150),
7 known as the Attendant Care Services Act, or services under a
8 home and community-based services waiver or other long-term
9 living services program administered by the Department of Aging
10 and Long-Term Living.

11 "Personal care home." A personal care home licensed under
12 Article X of the act of June 13, 1967 (P.L.31, No.21), known as
13 the Public Welfare Code.

14 "Planning and service area." The geographic unit within this
15 Commonwealth, as authorized by the Older Americans Act of 1965
16 (Public Law 89-73, 42 U.S.C. § 3001 et seq.), for allocation of
17 funds for the delivery of social services to older adults.

18 "Secretary." The Secretary of Aging and Long-Term Living.

19 "Sole State agency." As used with reference to the Older
20 Americans Act of 1965 (Public Law 89-73, 42 U.S.C. § 3001 et
21 seq.), the Department of Aging and Long-Term Living.

22 "Support organization." A private organization that supports
23 older adults and people with disabilities through advocacy and
24 the provision of services.

25 "Unit of general purpose local government." As used with
26 reference to the designation of area agencies on aging, a county
27 or other unit which carries general government authority for an
28 area designated as a planning and service area under this act or
29 a combination of those units.

30 Section 4. Department of Aging and Long-Term Living.

1 (a) Establishment.--The Department of Aging and Long-Term
2 Living is established.

3 (b) Powers and duties.--The department shall have the power
4 and duty to do all of the following:

5 (1) Administer programs that provide long-term living
6 services to older adults and people with disabilities.

7 (2) Assist with planning and provide consultation to
8 State agencies with respect to services, programs and
9 activities which they may furnish to older adults and people
10 with disabilities.

11 (3) Develop and periodically update in consultation with
12 the council, service providers, centers for independent
13 living, support organizations and the area agencies, a
14 comprehensive plan for coordinating major Commonwealth
15 services, programs and activities that are directed toward
16 older adults and people with disabilities who require long-
17 term living services.

18 (4) Administer the former act of November 4, 1983
19 (P.L.217, No.63), known as the Pharmaceutical Assistance
20 Contract for the Elderly Act.

21 (5) Administer the former act of November 6, 1987
22 (P.L.381, No.79), known as the Older Adults Protective
23 Services Act.

24 (6) Prepare for the Governor an annual budget for the
25 council as may be reasonably required to address the needs of
26 the council.

27 (7) Make recommendations for legislative action to the
28 Governor and the General Assembly.

29 (8) Publish a description of the organization and
30 function of the department so that all interested agencies

1 and individuals may be better able to solicit assistance from
2 the department.

3 (9) Administer and supervise a domiciliary care program
4 for adults.

5 (9.1) (i) License and regulate personal care homes and
6 assisted living residences under all powers previously
7 granted to the Department of Public Welfare as provided
8 in Articles II and X of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code.

10 (ii) The department may institute or alter policies
11 or procedures involving compliance with statutes or
12 regulations only after providing the affected parties
13 notification and a reasonable opportunity to comment on
14 the changes.

15 (10) Administer and supervise an attendant care program
16 for people with disabilities under the act of December 10,
17 1986 (P.L.1477, No.150), known as the Attendant Care Services
18 Act, and any related home and community-based services
19 waiver.

20 (11) Conduct, in cooperation with appropriate State and
21 local public and private agencies, studies and evaluations
22 pertaining to the quality life, health and social needs,
23 civil rights and status of older adults and people with
24 disabilities and report the findings and recommendations to
25 the General Assembly.

26 (12) In cooperation with the area agencies, Federal,
27 State and local organizations and agencies that support older
28 adults and people with disabilities and centers for
29 independent living and support organizations, work toward the
30 development of a continuum of home and community-based

1 service, transportation and housing options for older adults
2 and for people with disabilities designed to maintain them in
3 the community and avoid or delay institutional care if
4 clinically appropriate. System development activities shall
5 include coordinating the Commonwealth's plans for the
6 provision, expansion and effective administration of all of
7 the following:

8 (i) In-home services that recognize consumer choice,
9 including personal assistance and supportive services,
10 which shall include consumer-directed services.

11 (ii) Housing options such as service-enriched
12 housing options, personal care homes and assisted living
13 residences.

14 (iii) Special services to caregivers who support
15 older adults and people with disabilities.

16 (iv) Adult daily living center services, respite
17 services and other community-based services to support
18 caregivers.

19 (v) The promotion of informal community supports.

20 (vi) Assessment programs.

21 (vii) Counseling programs to assist individuals in
22 determining the most appropriate long-term living
23 services.

24 (viii) Special advocacy efforts to promote greater
25 awareness of, and more effective response to, Alzheimer's
26 disease and other related brain disorders.

27 (ix) Activities and services at community senior
28 centers.

29 (x) Wellness and preventive health programs.

30 (13) In cooperation with the Department of Public

1 Welfare, and consistent with the authority of the Department
2 of Public Welfare as the single State agency responsible for
3 the Medical Assistance Program funded under Title XIX of the
4 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.),
5 do all of the following:

6 (i) Develop and administer a system of assessment
7 for older adults and people with disabilities seeking or
8 requiring long-term living services under the Medical
9 Assistance Program using an instrument that provides
10 comparable data elements and at comparable intervals.

11 (ii) Develop and administer home and community-based
12 long-term living service programs for older adults and
13 people with disabilities who are assessed as being
14 clinically eligible for nursing facility care, including
15 residents of assisted living residences or for the care
16 provided by an intermediate care facility for persons
17 with other related conditions.

18 (iii) Administer those provisions of the act of June
19 13, 1967 (P.L.31, No.21), known as the Public Welfare
20 Code, which relate to long-term living services for older
21 adults and people with disabilities.

22 (14) Review all proposed Commonwealth program plans and
23 policies, and administrative regulations that are published
24 in the Pennsylvania Bulletin for their impact on older adults
25 and people with disabilities. If the secretary believes that
26 they have an impact on such persons, the secretary may
27 comment in accordance with the provisions of the act of July
28 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
29 Documents Law.

30 (15) Promulgate rules and regulations necessary to

1 perform the duties required of the department under this act.

2 (16) At the option of the secretary, to administer the
3 provisions of the former act of January 22, 1968 (P.L.42,
4 No.8), known as the Pennsylvania Urban Mass Transportation
5 Assistance Law of 1967, which relate to special transit
6 programs for older adults. The secretary shall confer with
7 the Department of Transportation in order to ensure that the
8 regulations promulgated by the department do not conflict
9 with those promulgated by the Department of Transportation.

10 (17) Review the activities of regulatory agencies of the
11 Commonwealth which affect the full and fair utilization of
12 State and community resources for programs and benefits for
13 older adults and people with disabilities and initiate
14 programs which will help assure such utilization.

15 (18) Conduct, in cooperation with the Department of
16 Health and the Department of Public Welfare, periodic studies
17 and evaluations pertaining to the quality of care and related
18 services for consumers of long-term living services and
19 report the findings to the General Assembly.

20 (19) Conduct, in cooperation with the Department of
21 Health, an ongoing Statewide prescription drug education
22 program designed to inform older adults of the dangers of
23 prescription drug abuse and misuse.

24 (20) Collaborate with the Department of Community and
25 Economic Development and the Pennsylvania Housing Finance
26 Agency in the location, design, management of and services
27 for accessible and affordable housing built for older adults
28 and people with disabilities and upon request, provide
29 technical assistance to local housing authorities, nonprofit
30 housing and community groups, redevelopment authorities and

1 other groups with a special emphasis on programs related to
2 utility costs, rehabilitation and maintenance of the homes of
3 those persons.

4 (21) Review and comment on all rules, regulations,
5 eligibility or payment standards issued by the Department of
6 Public Welfare, the Department of Health, the Department of
7 Environmental Protection or the Department of Labor and
8 Industry relating to the licensure and regulation of nursing
9 facilities and hospitals; medical assistance, supplemental
10 security income; home support, home care, hospice and home
11 health care.

12 (22) Review and comment on rules, regulations,
13 eligibility standards or contract provisions issued by the
14 Department of Revenue and the Department of Transportation
15 relating to activities financed in whole or in part by the
16 Pennsylvania Lottery.

17 (23) Review and comment on rules, regulations,
18 eligibility standards or contract provisions issued by the
19 Department of Transportation relating to specialized
20 transportation needs of older adults and people with
21 disabilities in rural and urban areas.

22 (24) In coordination with the area agencies, centers for
23 independent living, support organizations and the council,
24 develop and conduct research, demonstration programs and
25 training programs to advance the interests and identify the
26 care and service needs of older adults and people with
27 disabilities.

28 (25) Serve as an advocate for older adults at all levels
29 of government and provide consultation and assistance to the
30 area agencies, service providers, communities and civic

1 groups developing local services for older adults.

2 (25.1) Advance the interests of people with disabilities
3 at all levels of government and provide consultation to
4 service providers, support organizations and other groups
5 developing services and support for people with disabilities.

6 (26) Maintain a clearinghouse of information related to
7 the interests of older adults and people with disabilities
8 and provide technical assistance and consultation to all
9 agencies, both public and private with respect to programs
10 and services for those persons.

11 (27) Promote, utilizing wherever possible the area
12 agencies, centers for independent living and support
13 organizations, community education regarding the problems of
14 older adults and people with disabilities through institutes,
15 publications and use of communications media.

16 (28) Under the Older Americans Act of 1965, to:

17 (i) Evaluate the need for services for older adults
18 within this Commonwealth and determine the extent to
19 which public and private programs meet such a need with
20 special emphasis on the needs and participation of the
21 minority elderly.

22 (ii) Provide for services to older adults that
23 promote lives of independence, dignity, integration and
24 involvement through area agencies and other appropriate
25 agencies, organizations and institutions authorized in
26 accordance with the Older Americans Act of 1965, related
27 Federal acts and applicable State law and to stimulate
28 services and opportunities for older adults which are not
29 otherwise available.

30 (iii) Function as the sole State agency to receive

1 and disburse Federal funds under the Older Americans Act
2 of 1965 and State funds made available for providing
3 services to older adults.

4 (iv) Develop and administer the State plan for the
5 aging required by Federal law.

6 (v) Promote and support programs, studies and
7 policies, in cooperation with other government agencies,
8 which will enhance the opportunity for continued work,
9 education and training for older adults.

10 (vi) Promote, through the use of area agencies and
11 direct grants, contracts and technical assistance, the
12 development of community senior centers, service
13 organizations, clubs, associations and organizations
14 dedicated to the rights and needs of older adults when
15 these are not in conflict with State or area plans for
16 the aging.

17 (vii) Establish and administer a State Long-Term
18 Care Ombudsman Program, including providing resources to
19 area agencies or other contractors to investigate and
20 resolve complaints related to the health, safety or
21 rights of older adults who are consumers of long-term
22 living services and prepare and submit to the General
23 Assembly an annual report containing data and findings
24 regarding the types of problems experienced and
25 complaints investigated.

26 (c) Preference.--In filling vacancies authorized to the
27 department, the secretary shall assure that preference is given
28 to people with disabilities and older adults.

29 Section 5. Council on Aging and Long-Term Living.

30 (a) Establishment.--

1 (1) There is established in the Office of the Governor
2 the Council on Aging and Long-Term Living, which shall
3 consist of 36 persons, be comprised of the Sub-Council on
4 Aging and the Sub-Council on Long-Term Living and include the
5 chairpersons of the regional councils on aging and long-term
6 living, as described under subsection (f) (7).

7 (2) There shall be a chair of the Sub-Council on Aging
8 and a chair of the Sub-Council on Long-Term Living, which
9 shall serve as cochairs of the council.

10 (3) The Sub-Council on Aging shall consist of 18
11 persons, inclusive of the Sub-Council Chair, comprised as
12 follows:

13 (i) at least five members who are older adults, with
14 at least one older adult who receives services through
15 the department;

16 (ii) no more than five members who are employed by,
17 have a financial interest in or are associated with an
18 entity that provides services to older adults or an
19 organization that represents such providers;

20 (iii) no more than five individuals who are
21 associated with an organization that advocates for older
22 adults; and

23 (iv) other individuals selected by the secretary who
24 may include academic and other professionals with
25 expertise in the field of aging or caregivers for older
26 adults.

27 (4) The Sub-Council on Long-Term Living shall consist of
28 18 persons, inclusive of the Sub-Council Chair, comprised as
29 follows:

30 (i) at least five people with disabilities who are

1 not employed by or have a financial interest in an
2 organization that provides services to people with
3 disabilities;

4 (ii) no more than five members who are employed by
5 or associated with an organization that provides services
6 to people with disabilities or represents such providers;

7 (iii) no more than five individuals who are
8 associated with an organization that advocates for people
9 with disabilities; and

10 (iv) other individuals selected by the secretary who
11 may include academic and other professionals with
12 expertise relating to disabilities or caregivers for
13 people with disabilities.

14 (5) Nineteen members of the council shall constitute a
15 quorum.

16 (6) Absence of a member at three consecutive meetings
17 shall result in the member forfeiting the seat, unless the
18 member requests in writing and receives approval from the
19 appropriate cochair for the absence.

20 (b) Nomination and terms.--The members of the council shall
21 be nominated by the Governor, subject to the consent of a
22 majority of the members elected to the Senate, and shall
23 represent, as far as possible, the geographic and cultural
24 diversity of this Commonwealth. The members shall serve
25 staggered three-year terms and shall serve until their
26 successors are appointed and qualified. Members shall be
27 eligible for reappointment.

28 (c) Organization.--The council shall provide for its
29 organization and procedure including the selection of the
30 cochairs and other officers as deemed necessary.

1 (d) Compensation.--The members of the council shall receive
2 no compensation for their services on the council but shall be
3 reimbursed by the department, in accordance with regulations,
4 for any ordinary and necessary expenses incurred in the
5 performance of their duties.

6 (e) Meetings.--The council shall meet at least four times
7 per year to review and comment upon all reports of the
8 department to the Governor and the General Assembly and conduct
9 other council business. The cochairs may schedule meetings of
10 the sub-councils in addition to or in conjunction with the
11 council meetings.

12 (f) Powers and duties.--The council shall have the following
13 powers and duties:

14 (1) To review and comment on rules and regulations
15 promulgated by the department.

16 (2) To prepare and submit to the Governor, the General
17 Assembly and the secretary, public reports evaluating the
18 level and quality of services and programs provided to older
19 adults and people with disabilities by Commonwealth agencies
20 together with recommendations for improved, expanded or
21 additional programs and services for older adults and people
22 with disabilities, including recommendations for community
23 integration improving cultural sensitivity within these
24 programs and services.

25 (3) To carry out public hearings on matters affecting
26 the rights and interests of older adults and people with
27 disabilities, including matters involving cases of neglect,
28 abuse and age discrimination against older adults and people
29 with disabilities in the administration of the laws of this
30 Commonwealth and its political subdivisions.

1 (4) To carry out studies about major issues affecting
2 older adults and people with disabilities and to report to
3 the Governor, the General Assembly, the secretary and the
4 public its findings and recommendations in regard to
5 appropriate action and a long-term strategy for addressing
6 these issues.

7 (5) To assist the department in the preparation of the
8 State plan on aging.

9 (6) To consult with the secretary regarding the
10 operations of the department.

11 (7) To establish no more than five regional councils on
12 aging and long-term living consisting of 15 citizen members,
13 with the composition, members' terms of offices, organization
14 and duties and responsibilities determined by the council.

15 (8) To employ, with funds as are annually appropriated
16 by the General Assembly, sufficient staff and services to
17 carry out these duties and powers as well as the duties and
18 powers of the regional councils.

19 Section 6. Area agencies.

20 (a) Planning and service area.--Planning and service areas
21 in existence on the effective date of this section may only be
22 changed by order of the secretary under provisions set forth by
23 the department for combining or dividing geographical areas to
24 bring about more effective and efficient planning and service
25 delivery.

26 (b) Designated area agencies.--

27 (1) For each planning and service area there shall be an
28 area agency designated by the department in accordance with
29 the Older Americans Act of 1965, to serve as a focal point in
30 the community for the coordination of services for older

1 adults and for the issues and concerns of aging.

2 (2) An area agency designated under paragraph (1) shall
3 be one of the following:

4 (i) An established office of aging.

5 (ii) An office or agency of the unit of general
6 purpose local government which is designated for the
7 purpose under paragraph (1) by the chief elected
8 officials of the unit of general purpose local
9 government.

10 (iii) An office or agency designated by the chief
11 elected officials of a combination of units of general
12 purpose local government to act on behalf of that
13 combination for the purpose under paragraph (1).

14 (iv) A public or nonprofit private agency in a
15 planning and service area which is under the supervision
16 or direction, for the purpose under paragraph (1), of the
17 designated State agency and which can engage in the
18 planning or provision of a broad range of social services
19 within the planning and service area and must provide
20 assurance, found adequate by the department, that it will
21 have the ability to develop and administer an area plan.

22 (3) The secretary may redesignate or designate new area
23 agencies based on established regulations. The regulations
24 shall include criteria of efficiencies, appropriateness and
25 equity and shall provide for public hearings on redesignation
26 conducted in the affected planning and service areas. Any
27 determinations of redesignation shall be executed not less
28 than 100 days prior to the beginning of the fiscal year of
29 the local authority. A designation or redesignation may
30 occur:

1 (i) if changes are made in established planning and
2 service area boundaries;

3 (ii) if a currently designated area agency is unable
4 or unwilling to continue as the area agency;

5 (iii) if removal of an area agency designation is
6 requested by the local authority with cause shown; or

7 (iv) if the department determines that a currently
8 designated area agency is incapable of carrying out its
9 approved area plan.

10 (4) The removal of an area agency designation and the
11 designation of a new area agency shall be carried out under
12 regulations promulgated by the department and consistent with
13 the Older Americans Act of 1965.

14 (5) For the purpose of this subsection, the term "local
15 authority" shall mean county commissioners or county council.

16 (c) Powers and duties.--

17 (1) The area agency shall have the authority to act as
18 an advocate at all levels of government and within the
19 community at large for the interests of older adults within
20 the planning and service area. It shall develop a
21 comprehensive area plan to coordinate services for older
22 adults within its planning and service area. The area plan
23 shall make provision for all of the following:

24 (i) Information and referral and advocacy programs.

25 (ii) Service coordination or case management of
26 services, including protective services and long-term
27 living services.

28 (iii) Transportation services.

29 (iv) Legal counseling and representation.

30 (v) In-home services that recognize consumer choice,

1 including personal assistance and supportive services,
2 which shall include consumer-directed services.

3 (vi) Assistance to secure adequate housing and
4 health services.

5 (vii) Other services required by Federal law and
6 services and activities designated by the department or
7 identified as critical needs by the area agency and the
8 area agency advisory board. The State plan on aging and
9 grants and contracts provided by the department shall
10 reasonably accommodate locally designated priorities and
11 critical needs.

12 (viii) The establishment of an affiliated network of
13 community senior centers.

14 (ix) Congregate and home-delivered meals.

15 (x) Information and programs about wellness and
16 prevention, including management of chronic disease.

17 (2) The area agency shall be responsible for working
18 toward the development, in cooperation with State and local
19 organizations and agencies, of a continuum of community-based
20 service and housing options for older adults designed to
21 maintain them in the community and avoid or delay
22 institutional care when clinically appropriate. System
23 development activities shall include coordinating area plans
24 for the provision, expansion and effective administration of:

25 (i) In-home services that recognize consumer choice,
26 including personal assistance and supportive services,
27 which shall include consumer-directed services.

28 (ii) Housing options such as service-enriched
29 housing, personal care homes and assisted living
30 residences.

1 (iii) Special supports to caregivers who care for
2 older adults.

3 (iv) Adult daily living services, respite services
4 and other community-based services to support caregivers.

5 (v) The promotion of informal community supports.

6 (vi) Assessment programs.

7 (vii) Counseling programs to assist individuals in
8 determining the most appropriate long-term living
9 services.

10 (viii) Special services to protect the health,
11 safety and welfare of older adults who lack the capacity
12 to protect themselves.

13 (ix) Special advocacy efforts to promote greater
14 awareness of Alzheimer's disease and other related
15 dementia. To the extent that the needs of other adults
16 affected by Alzheimer's disease and other related
17 dementia involve and overlap the needs of older adults
18 addressed under this subparagraph, the area agency shall
19 serve as an advocate for affected adults of any age.

20 (3) The area agency shall give priority of services to
21 older adults with the greatest social need and greatest
22 economic need.

23 (4) In filling employment vacancies, the area agency
24 shall assure that preference is given to older adults.

25 (5) Consistent with the Older Americans Act of 1965 and
26 provisions set forth by the department, the area agency may
27 grant to or contract with any public or private agency for
28 the provision of social services. The area agency is
29 authorized to use, with their consent, the services,
30 equipment, personnel and facilities of Federal and State

1 agencies, with or without reimbursement and on a similar
2 basis, to cooperate with other public and private agencies,
3 and instrumentalities in the use of services, equipment and
4 facilities.

5 (d) Advisory councils.--In each planning and service area,
6 an advisory council of at least 15 members shall be appointed to
7 advise the area agency with regard to the needs of older adults
8 residing in the planning and service area and the area agency's
9 responses to those needs. The composition and responsibility of
10 the area agency advisory council shall be consistent with the
11 provisions of the Older Americans Act of 1965 and the
12 regulations of the department. The regulations shall require
13 that each advisory council be composed of a majority of older
14 adults. Advisory councils shall be given the maximum possible
15 opportunity to influence local programs and policies and
16 advocacy roles within area agency programs and local
17 communities. Area agencies shall provide advisory councils with
18 the funds necessary to carry out their functions.

19 (e) Reports and plans.--

20 (1) Under provisions set forth by the department, the
21 area agency shall submit to the department a comprehensive
22 area plan which clearly explains the area agency's objectives
23 for providing services to the older adults of the planning
24 and service area. The plan may be submitted as part of a
25 coordinated county human service plan if the format is
26 approved by the department.

27 (2) Area plans shall be subject to approval by the
28 department based on the area agency's demonstration of
29 compliance with the Older Americans Act of 1965 and other
30 applicable law, provision of services in a manner that

1 advances the goal of consistency among the planning and
2 service areas of the Commonwealth, and other relevant factors
3 to be determined by the secretary.

4 (3) Each area agency, under provisions set forth by the
5 department, shall submit an annual report which describes and
6 evaluates its programs and services after the close of each
7 year of funding by the department.

8 (f) Allocation of resources.--

9 (1) The area agency shall receive a basic allocation of
10 resources, consisting of Federal and State funds weighted by
11 the proportion of poor older adults who reside in the
12 planning and service area in relation to the total number of
13 poor older adults who reside in this Commonwealth utilizing
14 poverty threshold income standards as determined by the
15 United States Office of Management and Budget.

16 (2) The department may allocate additional resources to
17 area agencies based upon the total number of older adults who
18 reside within the planning and service area, the availability
19 of transportation services, the rural-urban distribution of
20 older adults, rural program cost differentials, the need for
21 social and medical services, the amount of funds devoted by
22 county commissioners for older adults and other special
23 circumstances as determined by the secretary.

24 (3) Funds appropriated to carry out the purposes of this
25 act shall be distributed to the area agencies as grants or
26 cost reimbursement for services to older adults, if there is
27 an acceptable plan in accordance with subsection (e).

28 (g) Evaluation.--The department shall continually review and
29 evaluate the activities of area agencies and the impact and
30 effectiveness of all programs under this act, which may include

1 an onsite evaluation. A written report of the findings of the
2 evaluation shall be submitted to the area agency subject to the
3 evaluation and within 30 days shall be available to the public.
4 In all evaluations, the department shall obtain the views of
5 program beneficiaries concerning strengths and weaknesses of the
6 program. Other departments and agencies of the Commonwealth
7 shall make available to the department information necessary for
8 the evaluations. The department shall annually submit to the
9 Governor and the General Assembly a report on its activities
10 including statistical data reflecting services and activities
11 provided older adults during the preceding fiscal year.

12 Section 7. Demonstration programs.

13 In recognition of the need for expanded knowledge and
14 experience concerning the status of older adults and people with
15 disabilities in this Commonwealth, the secretary may provide for
16 research and demonstration programs for the following purposes:

17 (1) Studying current living conditions and needs with
18 special emphasis on persons with low income, medical and
19 functional disabilities, advanced age and isolated living
20 situations.

21 (2) Studying existing methods and alternatives for
22 providing services, programs and opportunities.

23 (3) Identifying those factors of particular detriment or
24 benefit to the welfare of older adults and people with
25 disabilities.

26 (4) Developing new approaches and alternatives for
27 living arrangements, social services, institutional care,
28 health services, legal representation and the coordination of
29 community services.

30 Section 8. Reorganization.

1 (a) Employees.--

2 (1) All Department of Public Welfare personnel employed
3 by the Office of Long-Term Living and the allocations,
4 appropriations, equipment, files, records, contracts,
5 agreements, obligations and other materials which are used or
6 expended by the Department of Public Welfare exclusively in
7 connection with the powers, duties or functions exercised by
8 the Office of Long-Term Living are transferred to the
9 department with the same force and effect as if the
10 appropriations had been made to and the items had been the
11 property of the Department of Aging and Long-Term Living and
12 as if the contracts, agreements and obligations had been
13 incurred or entered into by the department.

14 (2) All Department of Public Welfare personnel involved
15 with the licensure and regulation of personal care homes and
16 the allocations, appropriations, equipment, files, records,
17 contracts, agreements, obligations and other materials which
18 are used or expended by the Department of Public Welfare
19 exclusively in connection with the licensure and regulation
20 of personal care homes are transferred to the department upon
21 the effective date of this subsection.

22 (b) Contracts and obligations.--The reorganization of the
23 Department of Aging as the department shall not affect the
24 status of any contract, agreement or obligation entered into by
25 the Department of Aging.

26 (c) Civil service.--All positions in the department shall be
27 deemed to be included in the list of positions under section
28 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as
29 the Civil Service Act, and the provisions and benefits of the
30 act shall be applicable to the employees of and positions in the

1 department.

2 (d) Personnel.--All personnel transferred to the department
3 from the Department of Public Welfare under this act shall
4 retain any civil service or other employment status assigned to
5 the personnel in those departments and agencies prior to the
6 effective date of this section.

7 (e) References.--A reference in a statute or regulation to
8 the Department of Aging shall mean a reference to the
9 department. A reference in a statute or regulation to the
10 Secretary of Aging shall mean a reference to the secretary.

11 (f) Secretary of Aging.--The Secretary of Aging shall become
12 the secretary on the effective date of this section. Programs
13 and activities authorized under this act shall not commence
14 before that date, except that the secretary and adequate staff,
15 to be supported from the affected authorizations, shall
16 immediately commence transitional and budgetary activities.

17 Section 9. Lottery Fund.

18 The department shall not expend Lottery funds for the
19 administration and provision of programs being transferred by
20 this act from the Department of Public Welfare to provide
21 services for people with disabilities who are under the age of
22 60.

23 Section 10. Intergovernmental cooperation agreements.

24 Unless specifically authorized by the General Assembly, the
25 department shall not enter into any intergovernmental
26 cooperation agreements with local governments that would
27 necessitate or result in imposing the terms upon any local
28 government not a party to the agreement.

29 Section 19. Repeals.

30 Repeals are as follows:

1 (1) The General Assembly declares that the repeals under
2 paragraphs (2) and (3) are necessary to effectuate the
3 purposes of this act.

4 (2) The provisions of the act of June 13, 1967 (P.L.31,
5 No.21), known as the Public Welfare Code, are repealed to the
6 extent that they are inconsistent with this act.

7 (3) Article XXII-A of the act of April 9, 1929 (P.L.177,
8 No.175), known as The Administrative Code of 1929, is
9 repealed.

10 (4) All other acts and parts of acts are repealed
11 insofar as they are inconsistent with this act.

12 Section 20. Effective date.

13 This act shall take effect as follows:

14 (1) Sections 4(b)(9.1) and 8(a)(2) shall take effect
15 upon adoption of final regulations regarding assisted living
16 residences pursuant to the act of July 25, 2007 (P.L.402,
17 No.56) and publication of the regulations by the Department
18 of Public Welfare in the Pennsylvania Bulletin.

19 (2) The remainder of this act shall take effect July 1,
20 2009, or immediately, whichever is later.