
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 252 Session of
2013

INTRODUCED BY SWANGER, GINGRICH, MILLARD, KORTZ, WATSON,
KAVULICH, CLYMER, DENLINGER AND MURT, JANUARY 23, 2013

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
JANUARY 23, 2013

AN ACT

1 Establishing the Pennsylvania Long-term Care Council; providing
2 for its powers and duties; and repealing related provisions
3 of the Public Welfare Code.

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 Pennsylvania
8 Long-term Care Council Act.

9 Section 2. Definitions.

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

13 "Council." The Pennsylvania Long-term Care Council.

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

15 Section 3. Pennsylvania Long-term Care Council.

16 (a) Establishment.--The Pennsylvania Long-term Care Council
17 is established within the department.

18 (b) Membership.--The council shall be composed of and

1 appointed in accordance with the following:

2 (1) The Secretary of Aging.

3 (2) The Secretary of Community and Economic Development.

4 (3) The Secretary of Health.

5 (4) The Secretary of Public Welfare.

6 (5) The Insurance Commissioner.

7 (6) The Executive Director of the Pennsylvania Housing
8 Finance Agency.

9 (7) Two members of the House of Representatives, one
10 appointed by the Speaker of the House of Representatives and
11 one appointed by the Minority Leader.

12 (8) Two members of the Senate, one appointed by the
13 President pro tempore and one appointed by the Minority
14 Leader.

15 (9) The following members to be recommended by the
16 Secretary of Aging for appointment by the Governor as
17 follows:

18 (i) One representative from the Pennsylvania Council
19 on Aging.

20 (ii) Five members who represent consumer advocacy
21 groups.

22 (iii) One member who represents the elder law
23 section of the Pennsylvania Bar Association.

24 (iv) A licensed insurance producer with at least ten
25 years' experience in the long-term care insurance market
26 who is a member of an association through which members
27 sell, solicit and negotiate contracts of health
28 insurance.

29 (v) Five members who represent providers throughout
30 the long-term care continuum.

1 (vi) Four members of the public who represent
2 business, labor, housing and the medical community, as
3 the Governor shall appoint.

4 (c) Designee.--With the exception of the chairperson,
5 governmental members may appoint a designee to attend and vote
6 at meetings of the council. Each governmental member who
7 appoints a designee shall do so by sending a letter to the
8 chairperson stating the name of that designee.

9 (d) Chairperson.--The Secretary of Aging shall serve as
10 chairperson.

11 (e) Executive director.--The Secretary of Aging shall
12 appoint an executive director of the council.

13 (f) Terms of members.--

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

18 (2) The remaining members shall serve until their
19 successors are appointed, provided that they represent the
20 interest of the membership class for which they were
21 appointed.

22 (g) Expenses.--Members shall not receive compensation or
23 remuneration, but shall be entitled to reimbursement for all
24 reasonable and necessary actual expenses accrued in the
25 performance of their duties as members.

26 Section 4. Powers and duties of council.

27 (a) General rule.--The council shall have the following
28 powers and duties:

29 (1) To consult with various departments and agencies and
30 to make recommendations on regulations, licensure, financing

1 or any other responsibilities of those departments or
2 agencies relating to long-term care.

3 (2) To perform such other duties as the Governor may
4 assign relating to long-term care.

5 (3) To approve reports produced by any committee
6 established under section 5 before release to the public or
7 the General Assembly.

8 (4) To develop and adopt rules for conducting council
9 meetings, including, but not limited to, the procedure for
10 formally adopting the approval of committee reports before
11 release to the public.

12 (5) To develop and adopt rules for conducting committee
13 meetings. This power includes, but is not limited to,
14 determining the scope of responsibilities for each committee,
15 the number of members for each committee and the procedure
16 for formally adopting the approval of committee reports
17 before release to the council.

18 (6) To assign topics for research and study to each
19 committee. Nothing in this paragraph shall be construed to
20 prohibit a committee from proposing topics for consideration
21 to the council.

22 (b) Scope.--All the powers and duties enumerated in this
23 section shall be performed in a manner that addresses all areas
24 of long-term care, including institutional care and home-based
25 and community-based services.

26 Section 5. Council committees.

27 (a) Establishment.--The council shall establish committees
28 to address the following areas:

29 (1) Regulatory review and access to care.

30 (2) Community access and public education.

1 (3) Long-term care services models and delivery.

2 (4) Work force.

3 (b) Composition.--The council chairperson, with concurrence
4 by the council, shall appoint committee members to serve in the
5 same manner as section 3(f). The members shall represent:

6 (1) Advocacy groups.

7 (2) Consumers.

8 (3) Long-term care providers.

9 (4) Direct caregivers.

10 (5) The general public.

11 (6) Governmental entities.

12 (c) Chairpersons and vice chairpersons.--The chairperson of
13 the council shall appoint a chairperson and vice chairperson for
14 each committee.

15 (d) Duties.--The council committees shall have the following
16 powers and duties:

17 (1) To study and report on the topics assigned by the
18 council.

19 (2) To retain individuals, with the permission of the
20 council, to assist in researching, studying and drafting
21 reports for the council.

22 (3) To approve reports and recommendations for
23 submission to the council. Only members appointed to the
24 committee may participate in approving reports and
25 recommendations.

26 Nothing in this section shall be construed to prohibit the
27 chairperson, with concurrence by the council, from establishing
28 additional committees or ad hoc work groups to assist the
29 council of committees.

30 Section 6. Existing council members.

1 (a) General rule.--Nongovernmental members of the Intra-
2 Governmental Council on Long-Term Care currently serving on the
3 council shall continue to serve until successors are appointed.

4 (b) Construction.--Nothing in this section shall be
5 construed to prohibit the reappointment of existing members.

6 Section 7. Repeal.

7 Repeals are as follows:

8 (1) The General Assembly declares that the repeal under
9 paragraph (2) is necessary to effectuate this act.

10 (2) Section 212 of the act of June 13, 1967 (P.L.31,
11 No.21), known as the Public Welfare Code, is repealed.

12 Section 8. Effective date.

13 This act shall take effect in six months.