
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1702 Session of
2013

INTRODUCED BY ROSS, HENNESSEY, DAVIS, WATSON, PASHINSKI, CLYMER,
HAGGERTY, ROCK, COHEN, GODSHALL, BROWNLEE, FRANKEL, GINGRICH,
READSHAW, MURT, QUINN AND KULA, SEPTEMBER 25, 2013

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
SEPTEMBER 25, 2013

AN ACT

1 Authorizing the Department of Aging to license and inspect
2 community respite services programs; and imposing additional
3 powers and duties on the Department of Aging.

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 Community
8 Respite Services Program 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 "Area Agency on Aging" or "AAA." The single local agency
14 designated by the department within each planning and service
15 area to administer the delivery of a comprehensive and
16 coordinated plan of social and other services and activities.

17 "Client." An individual who receives community respite

1 services in a community respite services program.

2 "Community respite services." Services provided or arranged
3 for part of a 24-hour day in a community respite services
4 program to support independence of individuals 60 years of age
5 or older who:

6 (1) Are independent in ambulation or able to
7 independently use an assistive device for ambulation.

8 (2) Are independent in dressing, toileting and eating
9 and drinking skills.

10 (3) May need assistance with simple meal tasks such as
11 cutting food.

12 (4) Do not require medication administration.

13 (5) May need reminders or gentle redirection.

14 "Community respite services program" or "program." An entity
15 licensed by the department to provide community respite services
16 in a setting approved by the department.

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

18 "Designated person." An individual who may be chosen by a
19 client and documented in the client's record, to be notified in
20 case of an emergency, termination of service, program closure or
21 other situations as indicated by the client or as required by
22 this act. The term includes a client's legal representative.

23 Section 3. Legislative findings and declaration.

24 The General Assembly finds that:

25 (1) This Commonwealth is rich in its diverse culture and
26 demographic configuration.

27 (2) Geographically, Pennsylvania's older adults live in
28 a variety of settings and it is essential that every possible
29 effort is made to help ensure that Pennsylvanians age and
30 live well and that communities will be places to help them

1 age and live well.

2 (3) It is in the best interest of all Pennsylvanians to
3 support policies that help older individuals maintain
4 independence and dignity in their homes and communities,
5 while also providing assurance to their loved ones that they
6 are safe and afforded access to care and services at the
7 right time, in the right setting and at the right intensity.

8 (4) It is in the best interest of the Commonwealth to
9 establish community respite services programs that provide
10 programming designed to support independence of individuals,
11 while also providing peace of mind to their loved ones who
12 may have concerns that leaving them alone may jeopardize
13 their health, safety and well-being.

14 Section 4. Program operation and maintenance without license
15 prohibited.

16 No person may maintain, operate or conduct a community
17 respite services program without having a license issued by the
18 department.

19 Section 5. License term and content.

20 (a) General rule.--The department shall, after an
21 investigation and after a departmental determination that the
22 applicant complies with the provisions of this act, issue to an
23 applicant a license to operate a program.

24 (b) Term and content.--A license shall:

25 (1) Be issued for a specified period of not more than 12
26 months.

27 (2) Be on a form prescribed by the department.

28 (3) Not be transferable.

29 (4) Be issued only to the person for the program named
30 in the application.

1 (c) Interim license.--The department shall have the power to
2 issue an interim license in accordance with department
3 regulations.

4 (d) Recordkeeping.--The department shall keep a record of
5 all applications and all licenses issued under this act.

6 Section 6. Local program administration and designation of a
7 program coordinator.

8 (a) Determination by AAA.--

9 (1) Prior to implementation of this act, the AAA in each
10 planned services area shall make a determination of whether
11 it will assume monitoring and oversight of programs, in
12 accordance with department regulations.

13 (2) If an AAA determines to assume monitoring and
14 oversight responsibility, the AAA may require plans of
15 correction and require other action to bring a program into
16 compliance.

17 (3) If an AAA determines not to assume monitoring and
18 oversight of a program, the department shall assume
19 monitoring and oversight responsibilities.

20 (b) Identification of program coordinator.--Each program
21 shall identify and designate a program coordinator who shall be
22 onsite and serve as the official representative and contact for
23 a community respite services program.

24 Section 7. Right to enter and inspect.

25 The local program administrator as established in accordance
26 with section 6 may enter, visit and inspect any program licensed
27 or requiring a license under this act. In accordance with
28 applicable regulatory authority, the monitoring and oversight
29 entity shall have full and free access to the records of a
30 community respite services program and to the clients and full

1 opportunity to interview, inspect or examine such clients.

2 Section 8. Determination of eligibility.

3 (a) General rule.--The department shall work in cooperation
4 with the AAA to develop a standard application packet for
5 prospective clients.

6 (b) Ongoing monitoring.--The program shall include a process
7 whereby clients shall be monitored regularly to ensure that they
8 do not become ineligible for community respite services. The
9 process shall be overseen by either the AAA or the department,
10 in accordance with section 6 and with applicable regulations of
11 the department.

12 Section 9. Conditions of ineligibility.

13 (a) General rule.--No individual may receive community
14 respite services if the individual:

15 (1) presents with a history or risk of wandering, beyond
16 gentle redirection;

17 (2) requires medication assistance;

18 (3) requires assistance with personal care, as defined
19 in 55 Pa. Code Ch. 2600 (relating to personal care homes); or

20 (4) is unable to express critical needs.

21 (b) Determination of ineligibility.--In the event that a
22 client is determined ineligible for community respite services,
23 the program coordinator of a program shall:

24 (1) Immediately notify the monitoring and oversight
25 entity and the designated person for the client and shall
26 follow procedures outlined in regulation for program
27 disenrollment.

28 (2) Provide the designated person with written notice of
29 ineligibility and a list of community resources that may be
30 available.

1 Section 10. Regulations.

2 (a) General rule.--The department shall work in cooperation
3 with the AAAs, representatives of the adult day community and
4 representatives of the senior centers to promulgate regulations
5 governing community respite services programs, no later than one
6 year after the effective date of this section. The regulations
7 shall establish minimum standards, including, but not limited
8 to:

9 (1) Building, equipment, operation, care and assessment
10 processes for functional and cognitive status of clients.

11 (2) Staff credentials and staffing requirements,
12 including staff-to-client ratios.

13 (3) Programs and services in order to implement a
14 process for issuance of licenses and interim licenses.

15 (4) To establish a licensing appeal process, and to
16 establish and collect fees to offset the cost of issuing
17 licenses.

18 (b) Procedure.--Regulations shall be promulgated in
19 accordance with the provisions of the act of June 25, 1982
20 (P.L.633, No.181), known as the Regulatory Review Act.

21 Section 11. Construction.

22 Nothing in this act shall be construed to preclude continued
23 participation by individuals under 60 years of age who are
24 participating in a community respite services program on the
25 effective date of this act.

26 Section 12. Effective date.

27 This act shall take effect in 180 days.