
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, KULA AND MENTZER, SEPTEMBER 25, 2013

SENATOR VULAKOVICH, AGING AND YOUTH, IN SENATE, AS AMENDED,
JUNE 10, 2014

AN ACT

1 Authorizing the Department of Aging to license and inspect
2 community adult respite services programs; defining
3 "community adult respite service providers"; and imposing
4 additional powers and duties on the Department 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 Pennsylvania
9 Community Adult Respite Services Program 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 "Activities of daily living" or "ADL." The term includes
15 eating, drinking, ambulating, transferring in and out of bed or
16 chair, toileting, bladder and bowel management, personal hygiene
17 and proper turning and positioning in a bed or chair.

1 "Applicant." An individual, agency, partnership,
2 association, organization or corporate entity applying for a
3 license to provide community adult respite services.

4 "Area Agency on Aging" or "AAA." The single local agency
5 designated by the department within each planning and service
6 area to administer the delivery of a comprehensive and
7 coordinated plan of social and other services and activities.

8 "Assisted living residence." An assisted living residence as
9 defined in section 1001 of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Public Welfare Code.

11 "Community adult respite services." For purposes of this
12 act, services provided or arranged for part of a 24-hour day in
13 a community adult respite services program to support
14 independence of ~~adults~~ PARTICIPANTS. <--

15 "Community adult respite services participant" or
16 "participant." A resident of this Commonwealth who:

17 (1) Is 60 years of age or older.

18 (2) Can actively or passively engage in social and
19 leisure activities with others.

20 (3) May demonstrate symptoms of mild cognitive
21 impairment.

22 (4) Does not need assistance, other than cueing, or is
23 able to direct care for activities of daily living.

24 (5) Does not demonstrate behaviors that may compromise
25 personal safety or the safety of others.

26 "Community adult respite services program" or "program." A
27 program which provides community adult respite services for part
28 of a 24-hour day.

29 "Community adult respite services provider" or "provider."
30 An individual, agency, partnership, association, organization or

1 corporate entity that operates a community adult respite
2 services program in a setting approved by the department.

3 "Community senior center." For the purposes of this act, a
4 facility developed and operated in accordance with provisions of
5 Article XXII-A of the act of April 9, 1929 (P.L.177, No.175),
6 known as The Administrative Code of 1929.

7 "Continuing-care provider." A facility licensed by the
8 Insurance Department under the act of June 18, 1984 (P.L.391,
9 No.82), known as the Continuing-Care Provider Registration and
10 Disclosure Act.

11 "Cueing." Verbal or written assistance or prompts throughout
12 an activity to assure its completion.

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

14 "Designated person." An individual who is chosen by a
15 participant, to be notified in case of an emergency, termination
16 of community adult respite services, program closure or other
17 situations as indicated by the participant or as required by
18 this act. The term includes a participant's legal
19 representative.

20 "Licensed long-term care service provider." The term shall
21 include:

- 22 (1) An assisted living residence.
- 23 (2) A continuing-care provider.
- 24 (3) A LIFE program.
- 25 (4) A long-term care nursing facility.
- 26 (5) An older adult daily living center.
- 27 (6) A personal care home.

28 "LIFE program." The program of medical and supportive
29 services known as Living Independently for Elders UNDER 42 CFR <--
30 PT. 460 (RELATING TO PROGRAMS OF ALL-INCLUSIVE CARE FOR THE

1 ELDERLY (PACE)).

2 "Local program administrator." The department or the area
3 agency on aging on behalf of the department.

4 "Long-term care nursing facility." A long-term care nursing
5 facility as defined in section 802.1 of the act of July 19, 1979
6 (P.L.130, No.48), known as the Health Care Facilities Act.

7 "Mild cognitive impairment." Cognitive changes that are not
8 severe enough to interfere with daily life or independent
9 function.

10 "Older adult daily living center." Premises operated for
11 profit or not-for-profit in which older adult daily living
12 services are simultaneously provided for four or more adults who
13 are not relatives of the operator for part of a 24-hour day and
14 which premises are subject to licensing under the act of July
15 11, 1990 (P.L.499, No.118), known as the Older Adult Daily
16 Living Centers Licensing Act.

17 "Personal care home." A personal care home as defined in
18 section 1001 of the act of June 13, 1967 (P.L.31, No.21), known
19 as the Public Welfare Code.

20 "Program coordinator." The individual designated by a
21 provider to oversee and manage the daily activities and
22 operations of a community adult respite services program.

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 adult respite services programs that
10 provide programming designed to support independence of
11 individuals, while also providing peace of mind to their
12 loved ones who may have concerns that leaving them alone may
13 jeopardize their health, safety and well-being.

14 Section 4. Program offered by licensed long-term care service
15 providers.

16 Notwithstanding any other act to the contrary, an individual,
17 agency, partnership, association, organization or corporate
18 entity licensed as a long-term care service provider shall not
19 be required to obtain a separate license to maintain, operate or
20 conduct a community adult respite services program in accordance
21 with the provisions of this act, provided that the individual,
22 agency, partnership, association, organization or corporate
23 entity so licensed notifies the department by letter of its
24 intent to establish and operate a community adult respite
25 services program, in accordance with the provisions of this act.

26 Section 5. License applicant letter of intent required.

27 In order to obtain a license to maintain, operate or conduct
28 a community adult respite services program in accordance with
29 this act, the applicant must notify the department by letter of
30 its intent to apply for a license to establish and operate a

1 community adult respite services program.

2 Section 6. Program operation and maintenance without license
3 prohibited.

4 Except for licensed long-term care service providers that
5 fall within the provisions of section 4, no individual, agency,
6 partnership, association, organization or corporate entity may
7 maintain, operate, conduct or hold itself out as a community
8 adult respite services program provider without having a license
9 issued by the department.

10 Section 7. License term and content and designation of a
11 program coordinator.

12 (a) General rule.--The department shall, after an
13 investigation and after a departmental determination that the
14 applicant complies with the provisions of this act, issue to an
15 applicant a license to operate a program.

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

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

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

20 (3) Not be transferable.

21 (4) Be issued only to the entity for the program named
22 in the application.

23 (c) Interim license.--The department shall have the power to
24 issue an interim license in accordance with department
25 regulations.

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

28 (e) Identification of program coordinator.--An applicant
29 shall identify and designate a program coordinator who shall be
30 on site and serve as the official representative and contact for

1 a community adult respite services program. A program
2 coordinator and any employee of the program are prohibited from
3 being assigned power of attorney or guardianship for any
4 Participant.

5 (f) Responsibility of program coordinator.--The program
6 coordinator shall be responsible for the intake and enrollment
7 of community adult respite services participants through a
8 process that ensures the eligibility of the participants in the
9 program.

10 Section 8. Right to enter and inspect.

11 (a) General rule.--Subject to section 7, the department may
12 enter, visit and inspect any program licensed or requiring a
13 license under this act. In accordance with applicable regulatory
14 authority, the department shall have full and free access to the
15 records of a community adult respite services program and to the
16 participants to interview and evaluate such participants.

17 (b) Local AAAs as agents.--At the department's discretion,
18 representatives of the local AAAs may act as agents of the
19 department, as specified in subsection (a).

20 Section 9. Determination of eligibility.

21 (a) General rule.--The department shall work in cooperation
22 with the AAA to develop a standard application packet for
23 prospective participants.

24 (b) Ongoing monitoring.--The program shall include a process
25 whereby participants shall be monitored regularly to ensure that
26 they do not become ineligible for community adult respite
27 services.

28 Section 10. Conditions of ineligibility.

29 (a) General rule.--An enrolled participant who no longer
30 meets the definition of a community adult respite services

1 participant must be disenrolled from the program in accordance
2 with the provisions of subsection (b).

3 (b) Determination of ineligibility.--In the event that a
4 participant is determined ineligible for community adult respite
5 services, the program coordinator of a program shall:

6 (1) Provide the participant or designated person with
7 written notice of ineligibility and a list of community
8 resources that may be available.

9 (2) Work with the participant or designated person and
10 local program administrator to develop a transition plan
11 before the participant is disenrolled from the community
12 adult respite services program.

13 ~~(c) AAA eligibility assessment required. When a participant <--~~
14 ~~is determined to be ineligible for community adult respite~~
15 ~~services while in a program, the program coordinator shall~~
16 ~~contact the AAA to request an eligibility assessment.~~

17 (3) THE PROGRAM COORDINATOR, WITH THE CONSENT OF THE <--
18 PARTICIPANT OR DESIGNATED PERSON, SHALL MAKE A REFERRAL TO
19 THE AREA AGENCY ON AGING TO ASSESS ELIGIBILITY FOR AND ACCESS
20 TO OTHER APPROPRIATE LONG-TERM CARE SERVICES.

21 (C) APPEALS.--THE PARTICIPANT HAS THE RIGHT TO APPEAL THE
22 INELIGIBILITY DETERMINATION. THE DEPARTMENT SHALL PROMULGATE
23 REGULATIONS AND ISSUE STATEMENTS OF POLICY ESTABLISHING A FORMAL
24 APPEALS PROCESS.

25 (D) EMERGENCY SITUATIONS.--THE DEPARTMENT SHALL PROMULGATE
26 REGULATIONS AND ISSUE STATEMENTS OF POLICY REGARDING EMERGENCY
27 SITUATIONS, WHERE AN IMMEDIATE CHANGE IN SETTINGS IS NEEDED FOR
28 A PARTICIPANT TO ADDRESS AN IMMINENT THREAT OR HEALTH OR SAFETY
29 ISSUE.

30 Section 11. Regulations and statements of policy.

1 (a) General rule.--The department shall work in cooperation
2 with the AAAs, representatives of licensed long-term care
3 service providers and representatives of community senior
4 centers to promulgate ~~guidance such as~~ regulations ~~or~~ AND ISSUE <--
5 statements of policy AS NECESSARY OR APPROPRIATE governing <--
6 community adult respite services programs, no later than one
7 year after the effective date of this section. The regulations
8 shall establish minimum standards, including, but not limited
9 to:

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

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

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

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

18 (5) A referral system for participants who are
19 determined to be ineligible to enter a community adult
20 respite services program.

21 (6) Enforcement provisions.

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

25 Section 12. Construction.

26 Nothing in this act shall be construed to preclude continued
27 participation by individuals under 60 years of age who are
28 participating in a community adult respite services program on
29 the effective date of this section.

30 Section 13. Effective date.

1 This act shall take effect in 180 days.