

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 422 Session of 2021

INTRODUCED BY HICKERNELL, BROOKS, CAUSER, CIRESI, DeLUCA, FEE, FREEMAN, GREINER, HENNESSEY, HILL-EVANS, KAUFFMAN, KEEFER, MARKOSEK, MENTZER, MILLARD, B. MILLER, MOUL, NEILSON, RYAN, STAATS, STAMBAUGH, STURLA, ZIMMERMAN AND JAMES, FEBRUARY 8, 2021

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, FEBRUARY 8, 2021

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
 2 "An act relating to the protection of the abused, neglected,
 3 exploited or abandoned elderly; establishing a uniform
 4 Statewide reporting and investigative system for suspected
 5 abuse, neglect, exploitation or abandonment of the elderly;
 6 providing protective services; providing for funding; and
 7 making repeals," in administration, providing for Statewide
 8 registry of perpetrators of abuse in facilities; and making
 9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. The act of November 6, 1987 (P.L.381, No.79),
 13 known as the Older Adults Protective Services Act, is amended by
 14 adding a section to read:

15 Section 312. Statewide registry of perpetrators of abuse in
 16 facilities.

17 (a) Establishment.--The department shall establish a
 18 Statewide registry of persons found to be substantiated
 19 perpetrators of abuse, neglect, abandonment or exploitation of

1 older persons in facilities.

2 (b) Information in registry.--The registry shall include,
3 but not be limited to, the following:

4 (1) The name, Social Security number, age, sex and
5 address of the perpetrator.

6 (2) The facility or facilities where the perpetrator
7 committed the abuse, neglect, abandonment or exploitation.

8 (3) A description of the abuse, neglect, abandonment or
9 exploitation committed by the perpetrator, including the date
10 or dates of the incidents.

11 (c) Expungement.--The department shall immediately expunge
12 information in the registry pertaining to a perpetrator where
13 the finding of the agency, as defined in 6 Pa. Code § 15.2
14 (relating to definitions), has been reversed upon appeal under 6
15 Pa. Code § 15.82(3) (relating to rights of alleged abusers).

16 (d) Information submitted by prospective employees.--The
17 administrator of a facility shall require prospective employees
18 to submit with their applications for employment a certification
19 from the department stating whether the applicant is named in
20 the registry as a perpetrator. The certificate must be obtained
21 within the one-year period of the submission date of the
22 application.

23 (e) Regulations.--The department shall promulgate the
24 regulations necessary to carry out this section.

25 (f) Confidentiality.--The department shall comply with
26 sections 306 and 705 with regard to the confidentiality of
27 information contained within the registry.

28 Section 2. Sections 504 and 705(b)(2) of the act are amended
29 to read:

30 Section 504. Regulations.

1 The department, in consultation with the Department of Health
2 and the Department of [Public Welfare] Human Services, shall
3 promulgate the regulations necessary to carry out this chapter.
4 Section 705. Confidentiality of and access to confidential
5 reports.

6 * * *

7 (b) Exceptions.--A report under this chapter shall be made
8 available to all of the following:

9 * * *

10 (2) An employee of the Department of Health or the
11 Department of [Public Welfare] Human Services in the course
12 of official duties.

13 * * *

14 Section 3. This act shall take effect in 180 days.