
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 464 Session of
2021

INTRODUCED BY BOBACK, SAMUELSON, GUENST, HILL-EVANS, HELM,
HOWARD, T. DAVIS, PASHINSKI, WHEELAND, THOMAS, SCHWEYER,
ISAACSON, HOHENSTEIN AND O'MARA, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 9, 2021

AN ACT

1 Amending the act of December 19, 1990 (P.L.1234, No.204),
2 entitled "An act establishing a program to assist persons who
3 bear primary responsibility for the at-home care of
4 functionally dependent older adults and victims of chronic
5 dementia," further providing for title of act, for intent,
6 for definitions, for primary caregiver support program, for
7 reimbursements, for entitlement not created and for
8 enforcement.

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

11 Section 1. The title of the act of December 19, 1990
12 (P.L.1234, No.204), known as the Family Caregiver Support Act,
13 is amended to read:

14 AN ACT

15 Establishing a program to assist persons who bear primary
16 responsibility for the at-home care of functionally dependent
17 older adults [and victims of chronic dementia.], individuals
18 with Alzheimer's disease or a related disorder, children with
19 parents who are unable to care for them and individuals with
20 disabilities.

1 Section 2. Section 2 introductory paragraph of the act is
2 amended to read:

3 Section 2. Intent.

4 It is the intent of this act to ease the strain of caregiving
5 and to assist adult family members and other individuals who
6 bear primary responsibility for the at-home care of functionally
7 dependent older adults and other adults who are [victims of
8 chronic dementia] living with Alzheimer's disease or a related
9 disorder by providing resources for services such as the
10 following:

11 * * *

12 Section 3. The definitions of "adult with chronic dementia,"
13 "care receiver," "household income" and "primary caregiver" in
14 section 3 of the act are amended and the section is amended by
15 adding definitions to read:

16 Section 3. Definitions.

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

20 * * *

21 ["Adult with chronic dementia." A person 18 years of age or
22 older residing within this Commonwealth who has an irreversible
23 global loss of cognitive function, causing evident intellectual
24 impairment which always includes memory loss, without alteration
25 of state of consciousness as diagnosed by a physician and is
26 severe enough to interfere with work or social activities, or
27 both, and to require continuous care or supervision.]

28 "Alzheimer's disease or a related disorder." An irreversible
29 and progressive neurological disorder diagnosed by a physician
30 that:

1 (1) causes cognitive and memory impairment, behavioral
2 and psychiatric problems and the loss of the ability to care
3 for oneself;

4 (2) is severe enough to interfere with work or social
5 activities; and

6 (3) requires continuous care or supervision.

7 * * *

8 "Care receiver." [A functionally dependent older adult or
9 other adult with chronic dementia who is being cared for by a
10 primary caregiver.] Any of the following:

11 (1) A functionally dependent older adult who is 60 years
12 of age or older and cared for by a primary caregiver who is
13 18 years of age or older.

14 (2) An individual with Alzheimer's disease or a related
15 disorder who is cared for by a caregiver 18 years of age or
16 older.

17 (3) A child who is younger than 18 years of age who is
18 cared for and resides with an older relative caregiver for a
19 child.

20 (4) An individual who is between 18 and 59 years of age,
21 has a nondementia-related disability and is cared for and
22 resides with an older relative caregiver for an individual
23 with a disability.

24 * * *

25 "Household income." The income of all members of the care
26 receiver's household with the exception of a minor or dependent
27 student.

28 * * *

29 "Older relative caregiver for a child." An individual who
30 satisfies all of the following criteria:

1 (1) The individual is 55 years of age or older and
2 resides with a child who is younger than 18 years of age.

3 (2) The individual is the grandparent, step-grandparent,
4 or other relative, not including the biological or adoptive
5 parent related by blood, marriage or adoption.

6 (3) The individual is the primary caregiver of the child
7 because the biological or adoptive parents are unable or
8 unwilling to act as the primary caregiver of the child.

9 (4) The individual has a legal relationship to the
10 child, including legal custody, adoption or guardianship of
11 the child, or is caring for the child in an informal manner.

12 "Older relative caregiver for an individual with a
13 disability." An individual who satisfies all of the following
14 criteria:

15 (1) The individual is 55 years of age or older.

16 (2) The individual cares for and resides with an
17 individual with a disability who is no younger than 18 years
18 of age and no older than 59 years of age.

19 (3) The individual is the primary caregiver for the
20 individual with a disability.

21 (4) The individual is the parent, grandparent or other
22 relative of the individual with a disability by blood,
23 marriage or adoption.

24 "Primary caregiver." [The one identified adult family member
25 or other individual who has assumed the primary responsibility
26 for the provision of care needed to maintain the physical or
27 mental health of a care receiver and who does not receive
28 financial compensation for the care provided. A substantiated
29 case of abuse, neglect, exploitation, abandonment as defined in
30 the act of November 6, 1987 (P.L.381, No.79), known as the Older

1 Adults Protective Services Act, or pursuant to any other civil
2 or criminal statute regarding an older adult, shall prohibit a
3 primary caregiver from receiving benefits under this act unless
4 authorized by the department to prevent further abuse.] The one
5 identified family member or other responsible individual who has
6 primary responsibility for the provision of care, including the
7 coordination of care and services needed to maintain the
8 physical and mental health of the care receiver and who does not
9 receive financial compensation for the care provided.

10 Section 4. Sections 4(b)(3), 5(b), 6 and 8 of the act are
11 amended to read:

12 Section 4. Primary caregiver support program.

13 * * *

14 (b) Authority.--

15 * * *

16 (3) After all eligibility criteria have been met, the
17 department shall give priority in awarding assistance paid
18 for by the State Lottery Fund to primary caregivers who
19 provide care for a functionally dependent older adult [and an
20 adult 60 years of age or older with chronic dementia, such
21 as] and an older adult with Alzheimer's disease or a related
22 disorder.

23 * * *

24 Section 5. Reimbursements.

25 * * *

26 (b) Maximum amounts.--

27 (1) The maximum amount available to a qualified primary
28 caregiver whose care receivers' household income is under
29 200% of the Federal poverty guidelines shall be established
30 by [regulation, but shall not exceed \$200 per month,] the

1 department for out-of-pocket expenses incurred for services.

2 [described under section 4(c)(2) subject to the following:

3 (i) Except as otherwise provided under subparagraph

4 (ii), in individual cases where there is a demonstrated

5 need, the maximum amount available to a qualified primary

6 caregiver may exceed \$200 but shall not be more than

7 \$500. The need must be specifically documented in the

8 care receiver's care plan.

9 (ii) Reimbursement under subparagraph (i) shall be

10 limited to \$200 if an area agency on aging's average

11 monthly reimbursement exceeds \$300 across its entire

12 caregiver support program caseload.]

13 (2) The maximum amount available to a qualified primary
14 caregiver whose care receivers' household income is under
15 200% of the Federal poverty guidelines shall be established
16 by [regulation, but shall not exceed \$2,000] the department
17 for the entire duration of the case, for expenses incurred
18 for home modifications or assistive devices as described
19 under section 4(c)(3).

20 * * *

21 Section 6. Entitlement not created and prohibition.

22 (a) Entitlement not created.--Nothing in this act creates or
23 provides any individual with an entitlement to services or
24 benefits. Services under this act shall be made available only
25 to the extent of the availability and level of appropriations
26 made by the General Assembly.

27 (b) Prohibition.--A substantiated case of abuse, neglect,
28 exploitation or abandonment under the act of November 6, 1987
29 (P.L.381, No.79), known as the Older Adults Protective Services
30 Act, the act of October 7, 2010 (P.L.484, No.70), known as the

1 Adult Protective Services Act, 23 Pa.C.S. Ch. 63 (relating to
2 child protective services) or under any other law of this
3 Commonwealth regarding an older adult, a child or an individual
4 with a disability, shall prohibit a primary caregiver from
5 receiving benefits under this act unless authorized by the
6 department to prevent further abuse, neglect, exploitation or
7 abandonment.

8 Section 8. Enforcement.

9 The department shall have authority to establish penalties,
10 by regulation, associated with the violation of this act or
11 departmental rules or regulations promulgated under this act.

12 The department may not promulgate a regulation under this
13 section that interferes with any privileges or rights provided
14 under Federal law.

15 Section 5. This act shall take effect in 60 days.