

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1963 Session of
2021

INTRODUCED BY RYAN, BOBACK, GILLEN, GUENST, HAMM, HOHENSTEIN,
IRVIN, O'NEAL, PENNYCUICK, POLINCHOCK, STAATS, THOMAS AND
C. WILLIAMS, OCTOBER 7, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 7, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Department of Military Affairs,
3 repealing provisions relating to advisory councils for
4 veterans' homes; and, in State Veterans' Commission and
5 Deputy Adjutant General for Veterans' Affairs, further
6 providing for definitions and providing for veterans' homes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 704 of Title 51 of the Pennsylvania
10 Consolidated Statutes is repealed:

11 [§ 704. Advisory councils for veterans' homes.

12 (a) Establishment of advisory council.--There is hereby
13 established an advisory council for each veterans' home operated
14 by the Commonwealth. Each advisory council shall consist of 15
15 members and the Adjutant General, who shall serve ex officio.
16 Twelve of the members shall be appointed by the Governor from a
17 list of nominations submitted to the Adjutant General by the
18 Pennsylvania War Veterans' Council. The Speaker of the House of
19 Representatives and the President pro tempore of the Senate

1 shall each appoint one member from their respective bodies to
2 serve on each council. The remaining member on the advisory
3 council shall be selected by the residents of the veterans'
4 homes.

5 (b) Term of office and officers.--Each member of the
6 councils appointed from the General Assembly shall serve for the
7 duration of that General Assembly. The eight members appointed
8 by the Governor shall serve a term of three years, provided that
9 the initial eight members selected by the Governor shall serve
10 as follows: three members for one year, three members for two
11 years and two members for three years as designated by the
12 Governor. Each council shall organize as soon as possible and
13 shall annually elect a president, vice president and secretary.

14 (c) Removal for cause.--The members appointed by the
15 Governor may be removed by the Governor for cause.

16 (d) Quorum and time of meetings.--Six members of a council
17 shall constitute a quorum for the purpose of conducting the
18 business of the council. Each advisory council shall meet at
19 least quarterly and at other times at the call of the president.

20 (e) Expenses.--Members of each advisory council shall
21 receive no compensation for their services but shall receive
22 reimbursement for their necessary and proper expenses for
23 attendance at meetings.

24 (f) Power and duty of advisory councils.--Each veterans'
25 home advisory council shall advise the Adjutant General as to
26 the management, operation and the adequacy of facilities and
27 services at their respective homes.]

28 Section 2. Section 1701 of Title 51 is amended by adding
29 definitions to read:

30 § 1701. Definitions.

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

"Advisory board." The Veterans' Home Advisory Board established under section 1741 (relating to Veterans' Home Advisory Board).

"Advisory council." A veterans' home advisory council established under section 1742 (relating to veterans' home advisory councils).

* * *

"Office." The Office of Deputy Adjutant General for Veterans' Affairs.

"Statewide organizations." An organization or constituent association from within this Commonwealth who is registered with the Department of State as a professional organization representing its members and their licensed profession.

"Veterans' home." A home owned and operated by the Commonwealth.

Section 3. Chapter 17 of Title 51 is amended by adding a subchapter to read:

SUBCHAPTER E

VETERANS' HOMES

Sec.

1741. Veterans' Home Advisory Board.

1742. Veterans' home advisory councils.

1743. Director.

§ 1741. Veterans' Home Advisory Board.

(a) Establishment.--The Veterans' Home Advisory Board is established in the department.

(b) Composition.--The advisory board shall consist of the

following members, or the designees of members:

(1) The Secretary of Aging.

(2) The Secretary of Health.

(3) The Secretary of Human Services.

(4) One member to be appointed by each of the following,
which members shall be veterans in good standing and not
currently holding a publicly appointed or elected position:

(i) The President pro tempore of the Senate.

(ii) The Minority Leader of the Senate.

(iii) The Majority Leader of the House of
Representatives.

(iv) The Minority Leader of the House of
Representatives.

(5) One member who shall be a licensed general
practitioner of the medical profession.

(6) One member who shall be a general practitioner of
the osteopathic profession.

(7) One member who shall be a registered pharmacist with
not less than five years' experience.

(8) One member who shall be a licensed registered nurse
with not less than 10 years' experience.

(9) One member who shall be a licensed practical nurse
with not less than 10 years' experience.

(10) The President of the Pennsylvania Health Care
Association.

(11) Chairman of the commission.

(12) Six county veterans' affairs directors, one from
each county in which a veterans' home is located.

(13) One member from a health care system in a county in
which a veterans' home is located.

1 (14) Six members who must each be a resident of a
2 different veterans' home.

3 (15) One member who shall be at least 66 years of age
4 who shall represent the general public.

5 (16) The Adjutant General, who shall be an ex officio
6 member without voting rights.

7 (c) Designee.--A voting member of the advisory board may
8 appoint a designee who must be an employee or member of the same
9 agency or organization as the voting member.

10 (d) Gubernatorial appointees.--The following apply:

11 (1) The Governor shall appoint the advisory members
12 under subsection (b) (5), (6), (7), (8), (9) and (15). Except
13 for subsection (b) (15), recommendations for appointments
14 under this paragraph shall be requested by the Governor from
15 the Statewide organizations.

16 (2) Members appointed by the Governor are appointed to
17 terms of two years and may serve no more than three
18 consecutive terms.

19 (3) The Statewide organizations under paragraph (1)
20 shall ensure that nominees are sufficiently proficient and
21 knowledgeable in the operations and policies of nursing home
22 care, long-term care facilities or a related health care
23 facility and to the greatest extent possible, provide a
24 diverse representation of the Commonwealth's demographics and
25 regions.

26 (4) The Governor shall make the initial appointments of
27 members under subsection (b) (5), (6), (7), (8), (9) and (15)
28 within 90 days of the effective date of this paragraph.
29 Initial terms for members appointed by the Governor shall be
30 divided between one-year and two-year terms.

1 (5) The Governor may remove an appointed member of the
2 advisory board for cause upon written notice to the advisory
3 board.

4 (6) A member's nonparticipation in three consecutive
5 advisory board meetings may be considered cause for removal.

6 (7) For a vacancy, the Governor shall appoint an
7 individual to fill the remainder of the term.

8 (e) Quorum.--Seventeen members of the advisory board shall
9 constitute a quorum. When a quorum is present, three-fourths of
10 the members present and voting are required for any action of
11 the advisory board.

12 (f) Meetings.--The advisory board shall meet at least once
13 quarterly and at any special session called by the chairperson.
14 All meetings of the advisory board shall be conducted in
15 accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (g) Compensation.--The members of the advisory board shall
17 serve without compensation, but shall be reimbursed for actual
18 and necessary travel and other expenses in connection with
19 attendance at meetings called by the chairperson.

20 (h) Powers and duties.--The advisory board shall have the
21 power and duty to:

22 (1) Serve as an advisory body to the office for the
23 development and improvement of services to and care and
24 treatment of residents of veterans' homes in accordance with
25 nationally accepted standards of care.

26 (2) Review and make recommendations regarding, and
27 approve in its advisory capacity, the system of standards
28 developed by the office.

29 (3) Evaluate and review the standards, practices and
30 procedures of the office regarding the administration and

enforcement of applicable Federal and State laws and regulations. The advisory board may make recommendations to the Deputy Adjutant General for Veterans' Affairs.

(4) Evaluate and review financial accountability standards, policies and practices of residential veterans' homes regarding residents' money for which the veterans' home is the payee and evaluate and review expenditures made on behalf of the residents by the veterans' home to ensure that the money is managed appropriately and in the best interests of the residents.

(5) Publish and distribute an annual report of its activities and any recommendations for the improvement of services, care and treatment to residents of veterans' homes on or before January 1 each year to:

(i) The Governor.

(ii) The chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(iii) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(iv) The chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(v) The minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(i) Additional powers and duties.--The advisory board shall have the power and duty to:

(1) Interview qualified applicants for the position of Deputy Adjutant General for Veterans' Affairs.

(2) Interview qualified applicants for the position of director of veterans' homes.

1 (3) Submit to the Governor for consideration, the
2 qualified applicants for the position of Deputy Adjutant
3 General for Veterans' Affairs and director of veterans'
4 homes.

5 (4) Remove a Deputy Adjutant General for Veterans'
6 Affairs or director of veterans' homes for cause upon written
7 notice to the advisory board or upon an action initiated by
8 the advisory board.

9 § 1742. Veterans' home advisory councils.

10 (a) Establishment.--Each veterans' home shall establish a
11 resident advisory council. The commandant of the veterans' home
12 shall designate facility staff to coordinate the establishment
13 of and to act as the administrative staff to the advisory
14 council. No employee or affiliate of a veterans' home shall be a
15 member of a resident advisory council.

16 (b) Composition.--Each advisory council shall consist of the
17 following members, or a designee of the member:

18 (1) Four members, appointed by the Governor from a list
19 of nominations submitted to the Office of Deputy Adjutant
20 General from the Pennsylvania War Veterans Council.

21 (2) One member of the Senate, appointed by the President
22 pro tempore of the Senate, who represents the county or a
23 portion of the county in which a veterans' home is located.

24 (3) One member of the Senate, appointed by the Minority
25 Leader of the Senate, who represents the county or a portion
26 of the county in which a veterans' home is located.

27 (4) One member of the House of Representatives,
28 appointed by the Speaker of the House of Representatives, who
29 represents the county or a portion of the county in which a
30 veterans' home is located.

1 (5) One member of the House of Representatives,
2 appointed by the Minority Leader of the House of
3 Representatives, who represents the county or a portion of
4 the county in which a veterans' home is located.

5 (6) A licensed physician from the county in which a
6 veterans' home is located.

7 (7) A representative from the local agency on aging
8 located nearest to the veterans' home.

9 (8) A licensed registered nurse not employed or
10 affiliated with the veterans' home.

11 (9) The county veterans' affairs director from the
12 county in which the veterans' home is located.

13 (10) The president or chief of the EMS agency that is
14 the primary EMS provider for the veterans' home.

15 (c) Powers and duties.--Each advisory council shall:

16 (1) Meet at least once each month with the staff
17 coordinator who shall provide assistance to the council in
18 preparing and disseminating a report of each meeting as
19 specified by regulation to each resident, the administrator
20 and the staff.

21 (2) Keep and maintain records of the advisory council's
22 meetings, which shall be kept and stored in the commandant's
23 office.

24 (3) Communicate to the commandant the opinions and
25 concerns of the residents of a veterans' home.

26 (4) Review procedures for implementing residents'
27 rights, veterans' home responsibilities and make
28 recommendations for changes or additions which will
29 strengthen the veterans' home policies and procedures which
30 affect residents' rights and veterans' home responsibilities.

1 (5) Provide a forum for the following:

2 (i) Obtaining and disseminating information,
3 including complaints that are filed with the advisory
4 council.

5 (ii) Soliciting and adopting recommendations for
6 veterans' home programming and improvements.

7 (iii) Early identification and recommendation of
8 orderly resolution of problems.

9 (iv) The maintaining of records of complaints
10 against the veterans' home and staff and the presentment
11 of the complaints to the department monthly.

12 (6) Provide, on a quarterly basis, a report to the
13 advisory board outlining in detail the information required
14 under this subsection.

15 § 1743. Director.

16 (a) Establishment.--There shall be a State Director of
17 Veterans' Homes within the department who shall report to the
18 Deputy Adjutant General for Veterans' Affairs on all matters
19 concerning veterans' homes.

20 (b) Appointment.--The Governor shall appoint a director as
21 provided for under section 1741(i)(3) (relating to Veterans'
22 Home Advisory Board).

23 (c) Qualifications.--The director shall:

24 (1) Be an honorably discharged veteran of the United
25 States Armed Forces, including a reserve component or
26 National Guard.

27 (2) Be of good moral character as determined by the
28 Pennsylvania Board of Examiners of Nursing Home
29 Administrators.

30 (3) Possess not less than a bachelor's degree from an

1 accredited college or university in a field related to health
2 care or human services.

3 (4) Possess a valid Pennsylvania nursing home
4 administrator's license.

5 (5) Possess not less than three years' experience, in
6 the prior 10 years, in a related health care facility
7 licensed by the Department of Health.

8 Section 4. This act shall take effect in 60 days.