

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2425 Session of 2022

INTRODUCED BY FLOOD, M. MACKENZIE, HENNESSEY, RYAN, DRISCOLL, McNEILL, GLEIM, MIZGORSKI, HILL-EVANS, BERNSTINE, NEILSON, PARKER, CIRESI, DAY, LEWIS DELROSSO, THOMAS AND D. WILLIAMS, MARCH 29, 2022

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 14, 2022

AN ACT

1 Providing for communication duties between the Department of
2 Health and the Department of Human Services with ~~local area~~ <--
3 CERTAIN agencies ~~on aging~~ and the Department of Aging <--
4 relating to ~~elder adult~~ abuse OF ADULTS AND OLDER ADULTS. <--

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 ~~Communication~~ <--
9 ~~of Older Adult Abuse~~ ROBERT RAPH 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 "~~Abuse.~~" ~~The occurrence of one or more of the following acts~~ <--
15 ~~committed against an older adult:~~

16 (1) ~~The infliction of injury, unreasonable confinement,~~
17 ~~intimidation or punishment resulting in physical harm, pain~~

1 ~~or mental anguish.~~

2 ~~(2) The willful deprivation by a caretaker of goods or~~  
3 ~~services that are necessary to maintain physical or mental~~  
4 ~~health.~~

5 ~~(3) Sexual abuse, including any of the following acts:~~

6 ~~(i) Rape.~~

7 ~~(ii) Involuntary deviate sexual intercourse.~~

8 ~~(iii) Sexual assault.~~

9 ~~(iv) Aggravated indecent assault.~~

10 ~~(v) Indecent assault.~~

11 ~~(vi) Incest.~~

12 ~~(4) Sexual harassment, including any of the following~~  
13 ~~acts:~~

14 ~~(i) Unwelcome sexual advances.~~

15 ~~(ii) Requests for sexual favors.~~

16 ~~(iii) Other unwelcome verbal or physical conduct of~~  
17 ~~a sexual nature.~~

18 "ABUSE." EITHER OF THE FOLLOWING: <--

19 (1) AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 6,  
20 1987 (P.L.381, NO.79), KNOWN AS THE OLDER ADULTS PROTECTIVE  
21 SERVICES ACT; OR

22 (2) AS DEFINED IN SECTION 103 OF THE ACT OF OCTOBER 7,  
23 2010 (P.L.484, NO.70), KNOWN AS THE ADULT PROTECTIVE SERVICES  
24 ACT.

25 "ADULT." AS DEFINED IN SECTION 103 OF THE ADULT PROTECTIVE  
26 SERVICES ACT.

27 "Facility." Any of the following:

28 (1) A long-term care nursing facility as defined in  
29 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),  
30 known as the Health Care Facilities Act.

1           (2) A hospice as defined in section 802.1 of the Health  
2 Care Facilities Act.

3           (3) A personal care home as defined in section 1001 of  
4 the act of June 13, 1967 (P.L.31, No.21), known as the Human  
5 Services Code.

6           (4) An assisted living residence as defined in section  
7 1001 of the Human Services Code.

8       ~~"Older adult." An individual within the jurisdiction of this <--  
9 Commonwealth who is 60 years of age or older.~~

10       "OLDER ADULT." AS DEFINED IN SECTION 103 OF THE OLDER ADULTS <--  
11 PROTECTIVE SERVICES ACT.

12 Section 3. Communication duties of departments.

13       ~~(a) General rule. If an allegation of abuse at a facility <--  
14 is reported to the Department of Health or the Department of  
15 Human Services, the Department of Health or the Department of  
16 Human Services shall report the allegation of abuse to the older  
17 adult's local area agency on aging and the Department of Aging  
18 within 24 hours.~~

19       ~~(b) Investigation.—~~

20           ~~(1) Upon receipt of an allegation of abuse under  
21 subsection (a), the local area agency on aging shall conduct  
22 an investigation of the allegation of abuse as required under  
23 section 303 of the act of November 6, 1987 (P.L.381, No.79),  
24 known as the Older Adults Protective Services Act.~~

25           ~~(2) The Department of Health or the Department of Human  
26 Services shall provide all necessary information to the older  
27 adult's local area agency on aging and the Department of  
28 Aging to aid in an investigation of alleged abuse reported  
29 under this section.~~

30       ~~(c) Regulations. The Department of Health and the~~

1 ~~Department of Human Services may promulgate rules and~~  
2 ~~regulations deemed necessary to aid an investigation conducted~~  
3 ~~under this section.~~

4 (A) ALLEGATIONS INVOLVING OLDER ADULTS.--WHEN AN ALLEGATION <--  
5 OF ABUSE INVOLVING AN OLDER ADULT RESIDING IN A FACILITY IS  
6 REPORTED TO THE DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN  
7 SERVICES, THE DEPARTMENT THAT RECEIVED THE ALLEGATION SHALL:

8 (1) REFER THE ALLEGATION TO THE LOCAL AREA AGENCY ON  
9 AGING FOR SCREENING AND INVESTIGATION IN ACCORDANCE WITH THE  
10 ACT OF NOVEMBER 6, 1987 (P.L.381, NO.79), KNOWN AS THE OLDER  
11 ADULTS PROTECTIVE SERVICES ACT.

12 (2) PROVIDE ALL INFORMATION RELATED TO THE ALLEGATION TO  
13 THE LOCAL AREA AGENCY ON AGING TO AID IN THE INVESTIGATION OF  
14 ALLEGED ABUSE.

15 (B) ALLEGATIONS INVOLVING ADULTS.--WHEN AN ALLEGATION OF  
16 ABUSE INVOLVING AN ADULT RESIDING IN A FACILITY IS REPORTED TO  
17 EITHER THE DEPARTMENT OF HEALTH OR THE DEPARTMENT OF HUMAN  
18 SERVICES, THE DEPARTMENT THAT RECEIVED THE ALLEGATION SHALL:

19 (1) REFER THE ALLEGATION TO THE AGENCY FOR SCREENING AND  
20 INVESTIGATION IN ACCORDANCE WITH THE ACT OF OCTOBER 7, 2010  
21 (P.L.484, NO.70), KNOWN AS THE ADULT PROTECTIVE SERVICES ACT.

22 (2) PROVIDE ALL INFORMATION RELATED TO THE ALLEGATION TO  
23 THE AGENCY TO AID IN THE INVESTIGATION OF ALLEGED ABUSE.

24 (3) FOR PURPOSES OF THIS SUBSECTION, THE TERM "AGENCY"  
25 SHALL HAVE THE MEANING GIVEN TO IT IN SECTION 103 OF THE  
26 ADULT PROTECTIVE SERVICES ACT.

27 (C) ONGOING COMMUNICATION.--THE DEPARTMENT OF HEALTH, THE  
28 DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF AGING SHALL  
29 ESTABLISH ONGOING COMMUNICATION TO DETERMINE THE MOST EFFECTIVE  
30 AND EFFICIENT MANNER IN WHICH THE INFORMATION UNDER THIS SECTION

- 1 WILL BE SHARED.
- 2 Section 4. Effective date.
- 3 This act shall take effect immediately.