

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 20, 2022

AN ACT

1 Providing for communication duties between the Department of
2 Health and the Department of Human Services with certain
3 agencies and the Department of Aging relating to abuse of
4 adults and older adults.

5 THIS ACT MAY BE REFERRED TO AS THE ROBERT RAPH ACT. <--

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the ~~Robert Raph~~ <--

10 COMMUNICATION OF OLDER ADULT ABUSE Act. <--

11 Section 2. Definitions.

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

15 "Abuse." Either of the following:

16 (1) as defined in section 103 of the act of November 6,
17 1987 (P.L.381, No.79), known as the Older Adults Protective

1 Services Act; or

2 (2) as defined in section 103 of the act of October 7,
3 2010 (P.L.484, No.70), known as the Adult Protective Services
4 Act.

5 "Adult." As defined in section 103 of the Adult Protective
6 Services Act.

7 "Facility." Any of the following:

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

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

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

16 (4) An assisted living residence as defined in section
17 1001 of the Human Services Code.

18 "Older adult." As defined in section 103 of the Older Adults
19 Protective Services Act.

20 Section 3. Communication duties of departments.

21 (a) Allegations involving older adults.--When an allegation
22 of abuse involving an older adult residing in a facility is
23 reported to the Department of Health or the Department of Human
24 Services, the department that received the allegation shall:

25 (1) Refer the allegation to the local area agency on
26 aging for screening and investigation in accordance with the
27 act of November 6, 1987 (P.L.381, No.79), known as the Older
28 Adults Protective Services Act.

29 (2) Provide all information related to the allegation to
30 the local area agency on aging to aid in the investigation of

1 alleged abuse.

2 (b) Allegations involving adults.--When an allegation of
3 abuse involving an adult residing in a facility is reported to
4 either the Department of Health or the Department of Human
5 Services, the department that received the allegation shall:

6 (1) Refer the allegation ~~to the agency for screening and~~ <--
7 ~~investigation~~ in accordance with the act of October 7, 2010
8 (P.L.484, No.70), known as the Adult Protective Services Act.

9 (2) Provide all information related to the allegation to
10 the agency to aid in the investigation of alleged abuse.

11 ~~(3) For purposes of this subsection, the term "agency" <--~~
12 ~~shall have the meaning given to it in section 103 of the~~
13 ~~Adult Protective Services Act.~~

14 (c) Ongoing communication.--The Department of Health, the
15 Department of Human Services and the Department of Aging shall
16 establish ongoing communication to determine the most effective
17 and efficient manner in which the information under this section
18 will be shared.

19 (D) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE <--
20 CONSTRUED TO SUPERSEDE OR NEGATE THE REQUIREMENTS FOR MANDATORY
21 REPORTING UNDER CHAPTER 5 OF THE ADULT PROTECTIVE SERVICES ACT
22 OR UNDER CHAPTER 7 OF THE OLDER ADULTS PROTECTIVE SERVICES ACT.
23 Section 4. Effective date.

24 This act shall take effect ~~immediately~~ IN 60 DAYS. <--