

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 252 Session of 2013

INTRODUCED BY SWANGER, GINGRICH, MILLARD, KORTZ, WATSON, KAVULICH, CLYMER, DENLINGER AND MURT, JANUARY 23, 2013

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2013

AN ACT

1 Establishing the Pennsylvania Long-term Care Council; providing
2 for its powers and duties; and repealing related provisions
3 of the Public Welfare Code.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Long-term Care Council Act.

9 Section 2. Definitions.

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

13 "Council." The Pennsylvania Long-term Care Council.

14 "Department." The Department of Aging of the Commonwealth.

15 Section 3. Pennsylvania Long-term Care Council.

16 (a) Establishment.--The Pennsylvania Long-term Care Council
17 is established within the department.

18 (b) Membership.--The council shall be composed of and

1 appointed in accordance with the following:

2 (1) The Secretary of Aging.

3 (2) The Secretary of Community and Economic Development.

4 (3) The Secretary of Health.

5 (4) The Secretary of Public Welfare.

6 (5) The Insurance Commissioner.

7 (6) The Executive Director of the Pennsylvania Housing
8 Finance Agency.

9 (7) Two members of the House of Representatives, one
10 appointed by the Speaker of the House of Representatives and
11 one appointed by the Minority Leader.

12 (8) Two members of the Senate, one appointed by the
13 President pro tempore and one appointed by the Minority
14 Leader.

15 ~~(9) The following members to be recommended by the~~ <--
16 ~~Secretary of Aging for appointment by the Governor as~~
17 ~~follows:~~

18 ~~(i) One representative from the Pennsylvania Council~~
19 ~~on Aging.~~

20 ~~(ii) Five members who represent consumer advocacy~~
21 ~~groups.~~

22 ~~(iii) One member who represents the elder law~~
23 ~~section of the Pennsylvania Bar Association.~~

24 ~~(iv) A licensed insurance producer with at least ten~~
25 ~~years' experience in the long term care insurance market~~
26 ~~who is a member of an association through which members~~
27 ~~sell, solicit and negotiate contracts of health~~
28 ~~insurance.~~

29 ~~(v) Five members who represent providers throughout~~
30 ~~the long term care continuum.~~

1 ~~(vi) Four members of the public who represent~~
2 ~~business, labor, housing and the medical community, as~~
3 ~~the Governor shall appoint.~~

4 (9) THE FOLLOWING MEMBERS TO BE APPOINTED BY THE <--
5 GOVERNOR, IN CONSULTATION WITH THE SECRETARY OF AGING:

6 (I) ONE REPRESENTATIVE FROM THE PENNSYLVANIA COUNCIL
7 ON AGING.

8 (II) ONE MEMBER WHO REPRESENTS THE LOCAL AREA
9 AGENCIES ON AGING.

10 (III) FIVE MEMBERS WHO REPRESENT CONSUMER ADVOCACY
11 GROUPS, WITH AT LEAST ONE BEING A CONSUMER OF LONG-TERM
12 CARE SERVICES.

13 (IV) ONE MEMBER WHO REPRESENTS THE ELDER LAW SECTION
14 OF THE PENNSYLVANIA BAR ASSOCIATION.

15 (V) ONE MEMBER WHO IS A LICENSED INSURANCE PRODUCER
16 WITH AT LEAST TEN YEARS' EXPERIENCE IN THE LONG-TERM CARE
17 INSURANCE MARKET.

18 (VI) SIX MEMBERS WHO REPRESENT PROVIDERS THROUGHOUT
19 THE LONG-TERM CARE CONTINUUM, WITH NO MORE THAN ONE
20 MEMBER REPRESENTING A SINGLE PROVIDER GROUP.

21 (VII) ONE MEMBER WHO HAS CAREGIVER EXPERIENCE.

22 (VIII) ONE MEMBER WHO REPRESENTS THE MEDICAL
23 COMMUNITY.

24 (IX) ONE MEMBER WHO REPRESENTS AN ACADEMIC RESEARCH
25 INSTITUTION.

26 (X) ONE MEMBER WHO REPRESENTS THE COUNTY
27 COMMISSIONERS ASSOCIATION OF PENNSYLVANIA.

28 (c) Designee.--With the exception of the chairperson,
29 governmental members may appoint a designee to attend and vote
30 at meetings of the council. Each governmental member who

1 appoints a designee shall do so by sending a letter to the
2 chairperson stating the name of that designee.

3 (d) Chairperson.--The Secretary of Aging shall serve as
4 chairperson.

5 (e) Executive director.--The Secretary of Aging shall
6 appoint an executive director of the council.

7 (f) Terms of members.--

8 (1) The terms of those members who serve ~~by virtue of~~ <--
9 ~~the public office they hold~~ IN ACCORDANCE WITH SUBSECTION (B) <--
10 (1), (2), (3), (4), (5) AND (6) shall be concurrent with
11 their service in the office from which they derive their
12 membership.

13 ~~(2) The remaining members shall serve until their~~ <--
14 ~~successors are appointed, provided that they represent the~~
15 ~~interest of the membership class for which they were~~
16 ~~appointed.~~

17 ~~(g) Expenses. Members shall not receive compensation or~~
18 ~~remuneration, but shall be entitled to reimbursement for all~~
19 ~~reasonable and necessary actual expenses accrued in the~~
20 ~~performance of their duties as members.~~

21 (2) MEMBERS APPOINTED IN ACCORDANCE WITH SUBSECTION <--
22 (B) (7) AND (8) SHALL SERVE TERMS CONTERMINOUS WITH THEIR
23 RESPECTIVE APPOINTING AUTHORITIES.

24 (3) OF THE MEMBERS APPOINTED BY THE GOVERNOR, NO LESS
25 THAN ONE-THIRD OF THE MEMBERS SHALL BE APPOINTED TO SERVE A
26 TWO-YEAR INITIAL TERM, NO LESS THAN ONE-THIRD OF THE MEMBERS
27 SHALL BE APPOINTED TO SERVE A THREE-YEAR INITIAL TERM AND THE
28 REMAINING MEMBERS SHALL SERVE A FOUR-YEAR TERM. MEMBERS OF
29 THE COUNCIL SHALL SERVE FOR TERMS OF FOUR YEARS AFTER
30 COMPLETION OF THE INITIAL TERMS AS DESIGNATED IN THIS

1 SECTION.

2 (4) MEMBERS SHALL BE ELIGIBLE FOR REAPPOINTMENT BUT
3 SHALL SERVE NO MORE THAN TWO CONSECUTIVE FULL TERMS. MEMBERS
4 SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND
5 QUALIFIED, PROVIDED THEY REPRESENT THE INTERESTS OF THE
6 MEMBERSHIP CLASS FOR WHICH THEY WERE APPOINTED.

7 (G) VACANCIES.--ANY VACANCY ON THE COUNCIL SHALL BE FILLED
8 BY THE ORIGINAL APPOINTING AUTHORITY. AN INDIVIDUAL APPOINTED TO
9 FILL A VACANCY SHALL SERVE THE BALANCE OF THE PREVIOUS MEMBER'S
10 TERM.

11 (H) REMOVAL.--IN ADDITION TO THE PROVISIONS OF SUBSECTION
12 (F) (1) AND (2), MEMBERS MAY BE REMOVED FROM THE BOARD FOR THE
13 FOLLOWING REASONS:

14 (1) A MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE
15 MEETINGS SHALL FORFEIT HIS OR HER SEAT UNLESS THE CHAIRMAN,
16 UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE MEMBER
17 SHOULD BE EXCUSED FROM A MEETING.

18 (2) A MEMBER SHALL FORFEIT HIS OR HER SEAT IF HE OR SHE
19 NO LONGER REPRESENTS THE INTERESTS OF THE MEMBERSHIP CLASS
20 FOR WHICH HE OR SHE WAS APPOINTED. SPECIFICALLY, A MEMBER
21 MEETING THIS THRESHOLD SHALL NO LONGER BE EMPLOYED OR
22 ASSOCIATED WITH THE INTERESTS OF THE RESPECTIVE QUALIFICATION
23 FOR WHICH HE OR SHE WAS APPOINTED.

24 (I) EXPENSES.--MEMBERS SHALL NOT RECEIVE COMPENSATION OR
25 REMUNERATION FOR THEIR SERVICE AS COUNCIL MEMBERS OR AS
26 COMMITTEE MEMBERS. NONGOVERNMENTAL COUNCIL MEMBERS SHALL BE
27 ENTITLED TO REIMBURSEMENT FOR TRAVEL AND RELATED ACTUAL EXPENSES
28 ACCRUED IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS, IN
29 ACCORDANCE WITH COMMONWEALTH TRAVEL POLICY. COMMITTEE MEMBERS
30 WHO ARE NOT MEMBERS OF THE COUNCIL SHALL NOT BE ENTITLED TO

1 REIMBURSEMENT.

2 Section 4. Powers and duties of council.

3 (a) General rule.--The council shall have the following
4 powers and duties:

5 (1) To consult with various departments and agencies and
6 to make recommendations on regulations, licensure, financing
7 or any other responsibilities of those departments or
8 agencies relating to long-term care.

9 (2) To perform such other duties as the Governor may
10 assign relating to long-term care.

11 (3) To approve reports produced by any committee
12 established under section 5 before release to the public or
13 the General Assembly.

14 (4) To develop and adopt rules for conducting council
15 meetings, including, but not limited to, the procedure for
16 formally adopting the approval of committee reports before
17 release to the public.

18 (5) To develop and adopt rules for conducting committee
19 meetings. This power includes, but is not limited to,
20 determining the scope of responsibilities for each committee,
21 the number of members for each committee and the procedure
22 for formally adopting the approval of committee reports
23 before release to the council.

24 (6) To assign topics for research and study to each
25 committee. Nothing in this paragraph shall be construed to
26 prohibit a committee from proposing topics for consideration
27 to the council.

28 (b) Scope.--All the powers and duties enumerated in this
29 section shall be performed in a manner that addresses all areas
30 of long-term care, including, BUT NOT LIMITED TO, institutional <--

1 care and home-based and community-based services.

2 Section 5. Council committees.

3 (a) Establishment.--The council shall establish committees

4 ~~to address~~ WHICH MAY RESEARCH AND STUDY the following areas: <--

5 (1) Regulatory review and access to QUALITY care. <--

6 (2) Community access and public education.

7 (3) Long-term care services models and delivery.

8 (4) Work force.

9 ~~(b) Composition. The council chairperson, with concurrence~~ <--

10 ~~by the council, shall appoint committee members to serve in the~~

11 ~~same manner as section 3(f). The members shall represent:~~

12 ~~(1) Advocacy groups.~~

13 ~~(2) Consumers.~~

14 ~~(3) Long term care providers.~~

15 ~~(4) Direct caregivers.~~

16 ~~(5) The general public.~~

17 ~~(6) Governmental entities.~~

18 ~~(c) Chairpersons and vice chairpersons. The chairperson of~~

19 ~~the council shall appoint a chairperson and vice chairperson for~~

20 ~~each committee.~~

21 (5) HOUSING. <--

22 (B) COMPOSITION.--THE COUNCIL CHAIRPERSON SHALL APPOINT

23 COMMITTEE MEMBERS, WHO MAY INCLUDE THOSE WHO ARE NOT MEMBERS OF

24 THE COUNCIL AND WHO HAVE EXPERTISE PERTAINING TO THE SPECIFIC

25 TOPICS AND TASKS ASSIGNED.

26 (C) CHAIRPERSONS AND VICE CHAIRPERSONS.--THE CHAIRPERSON OF

27 THE COUNCIL SHALL APPOINT COUNCIL MEMBERS TO SERVE AS

28 CHAIRPERSON AND, AS NEEDED, VICE CHAIRPERSON FOR EACH COMMITTEE.

29 (d) Duties.--The council committees shall have the following

30 powers and duties:

1 (1) To study and report on the topics assigned by the
2 council.

3 ~~(2) To retain individuals, with the permission of the~~ <--
4 ~~council, to assist in researching, studying and drafting~~
5 ~~reports for the council.~~

6 (2) TO FACILITATE THE CREATION OF THE REPORTS AND, WITH <--
7 THE PERMISSION OF THE COUNCIL, INVITE INDIVIDUALS TO ASSIST
8 IN PREPARATION OF REPORTS FOR THE COUNCIL.

9 (3) To approve reports and recommendations for
10 submission to the council. Only members appointed to ~~the~~ EACH <--
11 committee may participate in approving reports and
12 recommendations TO THE COUNCIL. <--

13 Nothing in this section shall be construed to prohibit the
14 chairperson, with concurrence by the council, from establishing
15 additional committees or ad hoc work groups to assist the
16 council ~~of~~ OR committees. <--

17 ~~Section 6. Existing council members.~~ <--

18 ~~(a) General rule. Nongovernmental members of the Intra-~~
19 ~~Governmental Council on Long Term Care currently serving on the~~
20 ~~council shall continue to serve until successors are appointed.~~

21 ~~(b) Construction. Nothing in this section shall be~~
22 ~~construed to prohibit the reappointment of existing members.~~

23 Section 7 6. Repeal. <--

24 Repeals are as follows:

25 (1) The General Assembly declares that the repeal under
26 paragraph (2) is necessary to effectuate this act.

27 (2) Section 212 of the act of June 13, 1967 (P.L.31,
28 No.21), known as the Public Welfare Code, is repealed.

29 Section 8 7. Effective date. <--

30 This act shall take effect in six months.