

No. 1986-150

AN ACT

HB 459

To require the Department of Public Welfare to provide home-based care as an alternative to nursing home or other institutional care.

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

Section 1. Short title.

This act shall be known and may be cited as the Attendant Care Services Act.

Section 2. Declaration of policy.

The General Assembly declares it is the policy of this Commonwealth that:

(1) The increased availability of attendant care services for adults will enable them to live in their own homes and communities.

(2) Priority recipients of attendant care services under this act shall be those mentally alert but severely physically disabled who are in the greatest risk of being in an institutional setting.

(3) Recipients of attendant care have the right to make decisions about, direct the provision of and control their attendant care services. This includes, but is not limited to, hiring, training, managing, paying and firing of an attendant.

(4) Attendant care services may be provided by county governments and county human service departments.

(5) Subject to available funds, attendant care programs should be developed to serve eligible individuals throughout this Commonwealth.

Section 3. Definitions.

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

“Attendant care services.”

(1) Those basic and ancillary services which enable an eligible individual to live in his home and community rather than in an institution and to carry out functions of daily living, self-care and mobility.

(2) Basic services shall include, but not be limited to:

(i) Getting in and out of a bed, wheelchair and/or motor vehicle.

(ii) Assistance with routine bodily functions, including, but not limited to:

(A) Health maintenance activities.

(B) Bathing and personal hygiene.

(C) Dressing and grooming.

(D) Feeding, including preparation and cleanup.

(3) If a person is assessed as needing one or more of the basic services, the following services may be provided if they are ancillary to the basic services:

(i) Homemaker-type services, including, but not limited to, shopping, laundry, cleaning and seasonal chores.

(ii) Companion-type services, including, but not limited to, transportation, letter writing, reading mail and escort.

(iii) Assistance with cognitive tasks, including, but not limited to, managing finances, planning activities and making decisions.

“Department.” The Department of Public Welfare of the Commonwealth.

“Eligible individual.” Any physically disabled/mentally alert person 18 through 59 years of age who meets all of the following requirements:

(1) Experiences any medically determinable physical impairment which can be expected to last for a continuous period of not less than 12 months.

(2) Is capable of selecting, supervising and, if needed, firing an attendant.

(3) Is capable of managing his own financial and legal affairs.

(4) Because of physical impairment, requires assistance to complete functions of daily living, self-care and mobility, including, but not limited to, those functions included in the definition of attendant care services.

“Personal care attendant.” An individual other than a family member who provides attendant care services to eligible individuals.

“Secretary.” The Secretary of Public Welfare of the Commonwealth.

Section 4. Program.

(a) Establishment.—The department shall establish and develop under this act programs of attendant care services for eligible individuals.

(b) Solicitation of proposals.—The department shall solicit proposals to provide attendant care services under this act. Providers shall submit proposals in the form and manner required by the department.

(c) Proposal selection criteria.—Proposals shall be selected based on service priorities developed by the department; however, priority shall be given to proposals that will serve the severely disabled and those at greatest risk of being institutionalized as defined by the department.

(d) Agreements with providers.—In order to provide attendant care services, the department may enter into agreements with providers. Each agreement shall include, at minimum, the number of clients to be served, the types of attendant care services to be provided, the cost of services, the method of payment and the criteria to be used for evaluating the provision of services.

(e) Participation of eligible clients.—Providers, where appropriate, shall include eligible clients in the planning, startup, delivery and administration of attendant care services and training of personal care attendants.

(f) Consumer assessment reports.—Determination of eligibility and the need for attendant care services shall be supported by consumer assessment reports as required by the department.

(g) Weekly maximum hours of service.—Each attendant care provider agency’s average hours of service per consumer must not exceed 40 hours per seven-day week.

(h) **Waiting list.**—The department and providers shall develop a waiting list, by service priority, for those eligible clients who cannot be served immediately.

Section 5. Funding.

(a) **Use of funds.**—Funds made available under this act shall be used only for the planning, designing, delivering and administering of attendant care services and training of personal care attendants.

(b) **Federal and private funds.**—Programs for attendant care services, under this act, shall use Federal funds, where possible. The department shall apply for and use, subject to specific appropriation by the General Assembly, all Federal funds which become available to carry out a program of attendant care services under this act. The department shall use any private funds which become available to carry out a program of attendant care services under this act.

(c) **Program fee schedule.**—The department shall develop, wherever practical, a sliding fee schedule for attendant care services for eligible clients.

(d) **Disbursement of funds.**—The department shall disburse funds in a manner that ensures, to the extent of available funds, equitable distribution of service among eligible clients with attendant care needs and among various regions of this Commonwealth.

(e) **Availability of services.**—Attendant care services shall be available only to the extent that they are funded through annual appropriation of State and Federal funds and program fees.

Section 6. Demonstration projects.

The department may initiate demonstration projects to test new ways of providing attendant care services, as well as conduct specific research into ways to best provide attendant care services in both urban and rural environments.

Section 7. Rules or regulations.

The department shall promulgate such rules or regulations as may be necessary for the effective administration of any programs of attendant care services under this act.

Section 8. Report.

Prior to June 30, 1988, the secretary shall submit a report to the legislative committees having jurisdiction over appropriations and the legislative committees having jurisdiction over health and welfare service. This report shall include at least the following information regarding attendant care services:

(1) A summary of the attendant care services provided under this act, including, but not limited to, a description of service models utilized, costs by service model, unit of service and per client, and client demographics.

(2) Recommendations regarding the direction of and funding priorities for attendant care services for fiscal years 1988-1989 and 1989-1990.

Section 9. Effective date.

This act shall take effect July 1, 1987.

APPROVED—The 10th day of December, A. D. 1986.

DICK THORNBURGH