

No. 2015-64

AN ACT

HB 753

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

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 Pennsylvania Long-term Care Council Act.

Section 2. 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:

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

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

Section 3. Pennsylvania Long-term Care Council.

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

(b) Membership.—The council shall be composed of and appointed in accordance with the following:

- (1) The Secretary of Aging.
- (2) The Secretary of Health.
- (3) The Secretary of Human Services.
- (4) The Insurance Commissioner.
- (5) The Adjutant General.
- (6) The Secretary of Transportation.
- (7) The Executive Director of the Pennsylvania Housing Finance Agency.
- (8) Two members of the Senate, one appointed by the President pro tempore and one appointed by the Minority Leader.
- (9) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader.
- (10) The following members to be appointed by the Governor, in consultation with the Secretary of Aging:
 - (i) One representative from the Pennsylvania Council on Aging.
 - (ii) One member who represents the local area agencies on aging.
 - (iii) Six members who represent consumer advocacy groups, with at least two being consumers of long-term care services.
 - (iv) One member who represents the elder law section of the Pennsylvania Bar Association.
 - (v) One member who is a licensed insurance producer with at least 10 years' experience in the long-term care insurance market.

(vi) Seven members who represent providers throughout the long-term care continuum, with no more than one member representing a single provider group, as follows:

(A) One member representing nonprofit skilled nursing facilities.

(B) One member representing for-profit skilled nursing facilities.

(C) One member representing assisted living residences or personal care homes.

(D) One member representing homecare or hospice.

(E) One member representing older adult daily living centers.

(F) One member representing senior community centers.

(G) One member representing long-term care managed care.

(vii) Two members with caregiver experience, at least one of whom has personal experience as a family caregiver.

(viii) Two members who represent the medical community, one of whom must be a physician with at least five years' experience in a long-term care setting and the other of whom must be a nurse with at least five years' experience in a long-term care setting.

(ix) Two members who represent an academic research institution.

(x) One member who represents the County Commissioners Association of Pennsylvania.

(c) Designee.—With the exception of the chairperson, governmental members may appoint a designee to attend and vote at meetings of the council. Each governmental member who appoints a designee shall do so by sending a letter to the chairperson stating the name of that designee.

(d) Chairperson.—The Secretary of Aging shall serve as chairperson.

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

(f) Terms of members.—

(1) The terms of those members who serve in accordance with subsection (b)(1), (2), (3), (4), (5), (6) and (7) shall be concurrent with their service in the office from which they derive their membership.

(2) Members appointed in accordance with subsection (b)(8) and (9) shall serve terms conterminous with their respective appointing authorities.

(3) Of the members appointed by the Governor, no less than one-third of the members shall be appointed to serve a two-year initial term, no less than one-third of the members shall be appointed to serve a three-year initial term, and the remaining members shall serve a four-year term. Members of the council shall serve for terms of four years after completion of the initial terms as designated in this section.

(4) Members shall be eligible for reappointment but shall serve no more than two consecutive full terms. Members shall serve until their successors are appointed and qualified, provided they represent the interests of the membership class for which they were appointed.

(g) Vacancies.—Any vacancy on the council shall be filled by the original appointing authority. An individual appointed to fill a vacancy shall serve the balance of the previous member's term.

(h) Removal.—In addition to the provisions of subsection (f)(1) and (2), members may be removed from the board for the following reasons:

(1) A member who fails to attend three consecutive meetings shall forfeit his or her seat unless the chairman, upon written request from the member, finds that the member should be excused from a meeting.

(2) A member shall forfeit his or her seat if he or she no longer represents the interests of the membership class for which he or she was appointed. Specifically, a member meeting this threshold shall no longer be employed or associated with the interests of the respective qualification for which he or she was appointed.

(i) Expenses.—Members may not receive compensation or remuneration for their service as council members or as committee members. Nongovernmental council members shall be entitled to reimbursement for travel and related actual expenses accrued in the performance of their duties as members, in accordance with Commonwealth travel policy. Committee members who are not members of the council may not receive reimbursement.

Section 4. Powers and duties of council.

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

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

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

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

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

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

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

(b) Scope.—All the powers and duties enumerated in this section shall be performed in a manner that addresses all areas of long-term care, including, but not limited to, institutional care and home-based and community-based services.

Section 5. Council committees.

(a) Establishment.—The council shall establish committees which may research and study the following areas:

- (1) Regulatory review and access to quality care.
- (2) Community access and public education.
- (3) Long-term care services models and delivery.
- (4) Work force.
- (5) Housing.
- (6) Behavioral health issues of senior citizens who are at least 60 years of age.

(b) **Composition.**—The council chairperson shall appoint committee members, who may include those who are not members of the council and who have expertise pertaining to the specific topics and tasks assigned.

(c) **Chairpersons and vice chairpersons.**—The chairperson of the council shall appoint council members to serve as chairperson and, as needed, vice chairperson for each committee.

(d) **Duties.**—The council committees shall have the following powers and duties:

- (1) To study and report on the topics assigned by the council.
- (2) To facilitate the creation of the reports and, with the permission of the council, invite individuals to assist in preparation of reports for the council.
- (3) To approve reports and recommendations for submission to the council. Only members appointed to each committee may participate in approving reports and recommendations to the council.

(e) **Construction.**—Nothing in this section shall be construed to prohibit the chairperson, with concurrence by the council, from establishing additional committees or ad hoc work groups to assist the council or committees.

Section 6. Repeal.

Repeals are as follows:

- (1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate this act.
- (2) Section 212 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is repealed.

Section 7. Effective date.

This act shall take effect in six months.

APPROVED—The 24th day of November, A.D. 2015

TOM WOLF