

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1152 Session of 2009

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AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 10, 2009

AN ACT

1 Establishing the Department of Aging and Long-Term Living and
2 providing for its powers and duties; and making related
3 repeals.

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 Department of
8 Aging and Long-Term Living Act.

9 Section 2. Objectives.

10 The objectives of this act shall be all of the following:

11 (1) To establish a cabinet-level State agency that
12 combines the Department of Aging and selected functions of
13 the Department of Public Welfare and whose jurisdiction, THE
14 DEPARTMENT OF PUBLIC WELFARE.

15 (2) TO ESTABLISH AN AGENCY WHOSE JURISDICTION, powers



1 and duties concern and are directed to advancing the well-  
2 being and full participation of ~~people with disabilities and~~ ←  
3 older adults through the ~~provision of long-term living~~ ←  
4 ~~services~~ CREATION AND GROWTH OF PROGRAMS AND ACTIVITIES THAT ←  
5 SUPPORT HEALTH AND WELLNESS OF OLDER ADULTS, ASSIST OLDER  
6 ADULTS IN MAINTAINING LIVES OF INDEPENDENCE AND DIGNITY, AND  
7 ENCOURAGE THE INVOLVEMENT OF OLDER ADULTS IN THE COMMUNITY.

8 (3) TO ESTABLISH AN AGENCY WHOSE JURISDICTION, POWERS  
9 AND DUTIES CONCERN AND ARE DIRECTED TO ADVANCING THE WELL-  
10 BEING AND FULL PARTICIPATION OF PEOPLE WITH DISABILITIES  
11 THROUGH THE PROVISION OF LONG-TERM LIVING SERVICES IN A  
12 MANNER THAT ASSISTS THEM IN ATTAINING AND MAINTAINING LIVES  
13 OF INDEPENDENCE AND DIGNITY AND PROMOTES INVOLVEMENT AND  
14 INTEGRATION IN THE COMMUNITY.

15 ~~(2)~~ (4) To effect the maximum feasible coordination of ←  
16 and eliminate duplication in the Commonwealth's  
17 administration of certain Federal and State programs for  
18 people with disabilities and older adults.

19 ~~(3)~~ (5) To promote the development of a long-term living ←  
20 system that includes consumer choice and self-direction,  
21 RECOGNIZES CULTURAL DIFFERENCES AND LANGUAGE BARRIERS AND is ←  
22 responsive to the needs and preferences of people with  
23 disabilities and older adults, ~~recognizes their cultural~~ ←  
24 ~~differences and language barriers and assists them to attain~~  
25 ~~and maintain lives of independence, dignity, integration and~~  
26 ~~involvement in the social, economic and political affairs of~~  
27 ~~their communities~~ AT EACH STAGE OF THEIR ADULT LIFE, ←  
28 INCLUDING CHANGES THAT MAY REQUIRE ADDITIONAL CARE AND  
29 SERVICES.

30 ~~(4)~~ (6) To promote the efficient and economical ←

1 administration and delivery of long-term living services to  
2 people with disabilities and older adults in ways that assure  
3 that long-term living services are provided in a manner  
4 consistent with applicable Federal and State law, including  
5 Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C.  
6 § 1396 et seq.).

7 Section 3. Definitions.

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

11 "ADULT." A PERSON RESIDING IN THIS COMMONWEALTH WHO IS AT  
12 LEAST 18 YEARS OF AGE. ←

13 "Adult daily living center." An older adult daily living  
14 center as defined in the act of July 11, 1990 (P.L.499, No.118),  
15 known as the Older Adult Daily Living Centers Licensing Act.

16 "Area agency." The single local area agency on aging  
17 designated by the Department of Aging and Long-Term Living  
18 within each planning and service area to administer the delivery  
19 of a comprehensive and coordinated plan of social and other  
20 services and activities.

21 "Area plan." The plan submitted to the Department of Aging  
22 and Long-Term Living by an area agency describing the methods by  
23 which it will ensure a coordinated and comprehensive plan of  
24 social and other services and activities in the planning and  
25 service area.

26 "Assessment." A determination based on a comprehensive  
27 review of an individual's social, physical and psychological  
28 status and needs, using the instruments and procedures  
29 established by the department for this purpose.

30 "Assisted living residence." An assisted living residence as

1 ~~defined in the act of July 25, 2007 (P.L.402, No.56), entitled~~ ←  
2 ~~"An act amending the act of June 13, 1967 (P.L.31, No.21),~~  
3 ~~entitled 'An act to consolidate, editorially revise, and codify~~  
4 ~~the public welfare laws of the Commonwealth,' further providing~~  
5 ~~for State plan for regulating and licensing personal care homes,~~  
6 ~~for Intra Governmental Council on Long Term Care and for rules~~  
7 ~~and regulations for personal care homes and assisted living~~  
8 ~~residences."~~ IN SECTION 1001 OF THE ACT OF JUNE 13, 1967 ←

9 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

10 "CENTERS FOR INDEPENDENT LIVING." A CENTER FOR INDEPENDENT ←  
11 LIVING AS DEFINED IN THE REHABILITATION ACT OF 1973 (PUBLIC LAW  
12 93-112, 29 U.S.C. § 701 ET SEQ.).

13 "COMMUNITY SENIOR CENTER." A CENTER WHERE OLDER ADULTS  
14 CONGREGATE FOR SERVICES AND ACTIVITIES THAT SUPPORT THEIR  
15 INDEPENDENCE, ENHANCE THEIR QUALITY OF LIFE AND ENCOURAGE THEIR  
16 INVOLVEMENT IN THE COMMUNITY.

17 "Council." The Council on Aging and Long-Term Living.

18 "Department." The Department of Aging and Long-Term Living  
19 of the Commonwealth.

20 "Domiciliary care." A living arrangement in the community  
21 which provides a safe, supportive, homelike residential setting  
22 for no more than three adults who are unrelated to the  
23 domiciliary care provider and who cannot live independently in  
24 the community.

25 "Long-term living services." Those services designed to  
26 provide diagnostic, therapeutic, rehabilitative, PREVENTIVE, ←  
27 WELLNESS, supportive or maintenance services for individuals who  
28 have chronic OR EPISODIC functional impairments provided in ←  
29 settings including, BUT NOT LIMITED TO, the individual's home, ←  
30 AN ADULT DAILY LIVING CENTER, DOMICILIARY CARE, A PERSONAL CARE

1 HOME, AN ASSISTED LIVING RESIDENCE or a nursing facility. The  
2 term does not include services authorized under the act of  
3 October 20, 1966 (Sp.Sess. 3, P.L.96, No.6), known as the Mental  
4 Health and Mental Retardation Act of 1966, or similar services  
5 funded under Title XIX of the Social Security Act (49 Stat. 620,  
6 42 U.S.C. § 1396 et seq.).

7 "Nursing facility." A long-term care nursing facility  
8 licensed by the Department of Health pursuant to the act of July  
9 19, 1979 (P.L.130, No.48), known as the Health Care Facilities  
10 Act.

11 "Older adults," "older persons," "aging," or "elderly." Any  
12 persons residing within this Commonwealth who are at least 60  
13 years of age.

14 "Older Americans Act of 1965." The Older Americans Act of  
15 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

16 "People with disabilities." Individuals 18 to 59 years of  
17 age residing within this Commonwealth who have been determined  
18 to be eligible to receive, or who are receiving, attendant care  
19 services under the act of December 10, 1986 (P.L.1477, No.150),  
20 known as the Attendant Care Services Act, or services under a  
21 home and community-based services waiver or other long-term  
22 living services program administered by the Department of Aging  
23 and Long-Term Living.

24 "Personal care home." A personal care home licensed ~~by the~~ ←  
25 ~~Department of Public Welfare~~ under Article X of the act of June  
26 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

27 "Planning and service area." The geographic unit within this  
28 Commonwealth, as authorized by the Older Americans Act of 1965  
29 (Public Law 89-73, 42 U.S.C. § 3001 et seq.), for allocation of  
30 funds for the delivery of social services to older adults.

1 "Secretary." The Secretary of Aging and Long-Term Living.  
2 "Sole State agency." As used with reference to the Older  
3 Americans Act of 1965 (Public Law 89-73, 42 U.S.C. § 3001 et  
4 seq.), the Department of Aging and Long-Term Living.

5 "SUPPORT ORGANIZATION." A PRIVATE ORGANIZATION THAT SUPPORTS ←  
6 PEOPLE WITH DISABILITIES AND OLDER ADULTS THROUGH ADVOCACY OR  
7 THE PROVISION OF SERVICES.

8 "Unit of general purpose local government." As used with  
9 reference to the designation of area agencies on aging, a county  
10 or other unit which carries general government authority for an  
11 area designated as a planning and service area under this act or  
12 a combination of those units.

13 Section 4. Department of Aging and Long-Term Living.

14 (a) Establishment.--The Department of Aging and Long-Term  
15 Living is established.

16 (b) Powers and duties.--The department shall have the power  
17 and duty to do all of the following:

18 (1) Administer programs that provide long-term living  
19 services to people with disabilities and older adults.

20 (2) Assist with planning and provide consultation to  
21 State agencies with respect to services, programs and  
22 activities which they may furnish to people with disabilities  
23 and older adults.

24 (3) Develop and periodically update in consultation with  
25 the council, SERVICE PROVIDERS, CENTERS FOR INDEPENDENT ←  
26 LIVING, SUPPORT ORGANIZATIONS and the area agencies, a  
27 comprehensive plan for coordinating major Commonwealth  
28 services, programs and activities that are directed toward  
29 people with disabilities and older adults who require long-  
30 term living services.

1           ~~(4) Administer the former act of November 4, 1983~~ ←  
2           ~~(P.L.217, No.63), known as the Pharmaceutical Assistance~~  
3           ~~Contract for the Elderly Act.~~

4           (4) ADMINISTER THE PHARMACEUTICAL ASSISTANCE CONTRACT ←  
5           FOR THE ELDERLY PROGRAM AS AUTHORIZED BY THE ACT OF AUGUST  
6           26, 1971 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY LAW.

7           (5) Administer the ~~former~~ act of November 6, 1987 ←  
8           (P.L.381, No.79), known as the Older Adults Protective  
9           Services Act.

10          (6) Prepare for the Governor an annual budget FOR THE ←  
11          COUNCIL as may be reasonably required to address the needs of  
12          the council.

13          (7) Make recommendations for legislative action to the  
14          Governor and the General Assembly.

15          (8) Publish a description of the organization and  
16          function of the department so that all interested agencies  
17          and individuals may be better able to solicit assistance from  
18          the department.

19          (9) Administer and supervise a domiciliary care program  
20          for adults.

21          (9.1) LICENSE AND REGULATE PERSONAL CARE HOMES AND ←  
22          ASSISTED LIVING RESIDENCES UNDER ALL POWERS PREVIOUSLY  
23          GRANTED TO THE DEPARTMENT OF PUBLIC WELFARE AS PROVIDED IN  
24          ARTICLES II AND X OF THE ACT OF JUNE 13, 1967 (P.L.31,  
25          NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

26          (10) Administer and supervise an attendant care program  
27          for people with disabilities under the act of December 10,  
28          1986 (P.L.1477, No.150), known as the Attendant Care Services  
29          Act, and any related home and community-based services waiver  
30          FOR OLDER ADULTS AND PEOPLE WITH DISABILITIES. ←

1 (11) Conduct, in cooperation with appropriate State and  
2 local public and private agencies, studies and evaluations  
3 pertaining to the quality of life, health and social needs,  
4 civil rights and status of people with disabilities and older  
5 adults ~~receiving long term living services~~ and report the  
6 findings and recommendations to the General Assembly. ←

7 (12) In cooperation with the area agencies ~~and~~, Federal, ←  
8 State and local ~~organizations and agencies that support~~ ←  
9 ~~people with disabilities and older adults~~ AGENCIES THAT ←  
10 SUPPORT PEOPLE WITH DISABILITIES AND OLDER ADULTS, SERVICE  
11 PROVIDERS, CENTERS FOR INDEPENDENT LIVING AND SUPPORT  
12 ORGANIZATIONS, work toward the development of a continuum of  
13 home and community-based service, TRANSPORTATION and housing ←  
14 options for older adults and for people with disabilities  
15 designed to maintain them in the community and avoid or delay  
16 institutional care WHEN CLINICALLY APPROPRIATE. THE ←  
17 DEPARTMENT SHALL ENSURE THAT CONSUMERS ARE MADE AWARE OF THE  
18 AVAILABILITY OF NURSING FACILITY SERVICES OR OTHER  
19 RESIDENTIAL SETTINGS WHEN IDENTIFIED AS A CLINICALLY  
20 APPROPRIATE OPTION. System development activities shall  
21 include coordinating the Commonwealth's plans for the  
22 provision, expansion and effective administration of all of  
23 the following:

24 (i) In-home services THAT RECOGNIZE CONSUMER CHOICE, ←  
25 including personal assistance and supportive services,  
26 which shall include consumer-directed services.

27 (ii) Housing options such as service-enriched  
28 housing options, personal care homes and assisted living  
29 residences AND NURSING FACILITY SERVICES, WHEN CLINICALLY ←  
30 APPROPRIATE.

1 (iii) Special services to caregivers who support  
2 people with disabilities and older adults, RECOGNIZING  
3 THE IMPORTANT ROLE THAT FAMILIES PLAY IN HELPING OLDER  
4 ADULTS AND PEOPLE WITH DISABILITIES TO LIVE  
5 INDEPENDENTLY.

6 (iv) Adult daily living center services, respite  
7 services and other community-based services to support  
8 caregivers.

9 (v) The promotion of informal community supports.

10 (vi) ~~Assessment and nursing facility screening~~  
11 COMPREHENSIVE AND ONGOING ASSESSMENT programs.

12 (vii) COUNSELING PROGRAMS TO ASSIST INDIVIDUALS IN  
13 DETERMINING APPROPRIATE LONG-TERM LIVING SERVICES.

14 (VIII) Special advocacy efforts to promote greater  
15 awareness of, and more effective response to, Alzheimer's  
16 disease and other related ~~brain disorders~~ DEMENTIA.

17 (IX) ACTIVITIES AND SERVICES AT COMMUNITY SENIOR  
18 CENTERS.

19 (X) WELLNESS AND PREVENTIVE HEALTH PROGRAMS.

20 (13) In cooperation with the Department of Public  
21 Welfare, and consistent with the authority of the Department  
22 of Public Welfare as the single State agency responsible for  
23 the Medical Assistance Program funded under Title XIX of the  
24 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.),  
25 do all of the following:

26 (i) Develop and administer a system of ~~preadmission~~  
27 ~~assessment for persons who are at risk of needing~~  
28 ~~institutional care~~ ASSESSMENT FOR INDIVIDUALS SEEKING OR  
29 REQUIRING LONG-TERM LIVING SERVICES UNDER THE MEDICAL  
30 ASSISTANCE PROGRAM USING AN INSTRUMENT THAT PROVIDES

1 COMPARABLE DATA ELEMENTS AND AT COMPARABLE INTERVALS AS  
2 SPECIFIED BY THE STATE FOR NURSING FACILITIES  
3 PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

4 (ii) Develop and administer home and community-based  
5 long-term living service programs for people with  
6 disabilities and older adults who are assessed as being  
7 clinically eligible for nursing facility care, including  
8 residents of assisted living residences, OR FOR THE CARE ←  
9 PROVIDED BY AN INTERMEDIATE CARE FACILITY FOR PERSONS  
10 WITH OTHER RELATED CONDITIONS.

11 (iii) Administer those provisions of the act of June  
12 13, 1967 (P.L.31, No.21), known as the Public Welfare  
13 Code, which relate to long-term living services for  
14 people with disabilities and older adults.

15 (14) Review all proposed Commonwealth program plans and  
16 policies, and administrative regulations that are published  
17 in the Pennsylvania Bulletin for their impact on people with  
18 disabilities and older adults. If the secretary ~~believes~~ ←  
19 DETERMINES that they have an impact on such persons, the ←  
20 secretary may comment in accordance with the provisions of  
21 the act of July 31, 1968 (P.L.769, No.240), referred to as  
22 the Commonwealth Documents Law.

23 (15) Promulgate rules and regulations necessary to  
24 perform the duties required of the department under this act.

25 (16) ~~At the option of the secretary, to administer the~~ ←  
26 ~~provisions of the former act of January 22, 1968 (P.L.42,~~  
27 ~~No.8), known as the Pennsylvania Urban Mass Transportation~~  
28 ~~Assistance Law of 1967, which relate to special transit~~  
29 ~~programs for the elderly. The secretary shall confer with the~~  
30 ~~Department of Transportation in order to ensure that the~~

1 ~~regulations promulgated by the department do not conflict~~  
2 ~~with those promulgated by the Department of Transportation.~~

3 ~~(17)~~ Review the activities of regulatory agencies of the  
4 Commonwealth which affect the full and fair utilization of  
5 State and community resources for programs and benefits for  
6 people with disabilities and older adults and initiate  
7 programs which will help assure such utilization.

8 ~~(18)~~ (17) Conduct, in cooperation with the Department of ←  
9 Health and the Department of Public Welfare, periodic studies  
10 and evaluations pertaining to the quality of care and related  
11 services for consumers of long-term living services and  
12 report the findings to the General Assembly.

13 ~~(19)~~ (18) Conduct, in cooperation with the Department of ←  
14 Health, an ongoing Statewide prescription drug education  
15 program designed to inform older adults of the dangers of  
16 prescription drug abuse and misuse.

17 ~~(20)~~ (19) Collaborate with the Department of Community ←  
18 and Economic Development and the Pennsylvania Housing Finance  
19 Agency in the location, design, management of and services  
20 for accessible and affordable housing built for people with  
21 disabilities and older adults and upon request, provide  
22 technical assistance to local housing authorities, nonprofit  
23 housing and community groups, redevelopment authorities and  
24 other groups with a special emphasis on programs related to  
25 utility costs, rehabilitation and maintenance of the homes of  
26 those persons.

27 ~~(21)~~ (20) Review and comment on all rules, regulations, ←  
28 eligibility or payment standards issued by the Department of  
29 Public Welfare, the Department of Health, the Department of  
30 Environmental Protection or the Department of Labor and

1 Industry relating to the licensure and regulation of nursing  
2 facilities and hospitals; medical assistance, supplemental  
3 security income; home support, HOMECARE, HOSPICE and home  
4 health care. ~~The rules, regulations and standards may not~~  
5 ~~take effect until they have been submitted to the department~~  
6 ~~for comment.~~

7 ~~(22)~~ (21) Review and comment on rules, regulations,  
8 eligibility standards or contract provisions issued by the  
9 Department of Revenue and the Department of Transportation  
10 relating to activities financed in whole or in part by the  
11 Pennsylvania Lottery. ~~The rules, regulations, eligibility~~  
12 ~~standards and contract provisions may not take effect until~~  
13 ~~they have been submitted to the department for comment.~~

14 ~~(23)~~ (22) Review and comment on rules, regulations,  
15 eligibility standards or contract provisions issued by the  
16 Department of Transportation relating to specialized  
17 transportation needs of people with disabilities and older  
18 adults in rural and urban areas. ~~The rules, regulations,~~  
19 ~~eligibility standards or contract provisions may not take~~  
20 ~~effect until they have been submitted to the department for~~  
21 ~~comment.~~

22 ~~(24)~~ (23) In coordination with the area agencies,  
23 CENTERS FOR INDEPENDENT LIVING, SUPPORT ORGANIZATIONS,  
24 SERVICE PROVIDERS and the council, develop and conduct  
25 research, demonstration programs and training programs to  
26 advance the interests AND IDENTIFY THE CARE AND SERVICE NEEDS  
27 of people with disabilities and older adults.

28 ~~(25)~~ ~~Advance the interests of people with disabilities~~  
29 ~~and~~ (24) SERVE AS AN ADVOCATE FOR older adults at all levels  
30 of government and provide consultation and assistance to the

1 area agencies, service providers, communities and civic  
2 groups developing local services for ~~people with disabilities~~ ←  
3 ~~and~~ older adults.

4 (25) ADVANCE THE INTERESTS OF PEOPLE WITH DISABILITIES ←  
5 AT ALL LEVELS OF GOVERNMENT AND PROVIDE CONSULTATION TO  
6 SERVICE PROVIDERS, SUPPORT ORGANIZATIONS AND OTHER GROUPS  
7 DEVELOPING SERVICES AND SUPPORTS FOR PEOPLE WITH  
8 DISABILITIES.

9 (26) Maintain a clearinghouse of information related to  
10 the interests of people with disabilities and older adults  
11 and provide technical assistance and consultation to all  
12 agencies, both public and private with respect to programs  
13 and services for those persons.

14 (27) Promote, utilizing wherever possible the area  
15 agencies, CENTERS FOR INDEPENDENT LIVING, SUPPORT ←  
16 ORGANIZATIONS AND SERVICE PROVIDERS, community education  
17 regarding the problems of people with disabilities and older  
18 adults through institutes, publications and use of  
19 communications media.

20 (28) Under the Older Americans Act of 1965, to:

21 (i) Evaluate the need for services for older adults  
22 within this Commonwealth and determine the extent to  
23 which public and private programs meet such a need with  
24 special emphasis on the needs and participation of the  
25 minority elderly.

26 (ii) Provide for services to older adults that  
27 promote lives of independence, dignity, integration and  
28 involvement through area agencies and other appropriate  
29 agencies, organizations and institutions authorized in  
30 accordance with the Older Americans Act of 1965, related

1 Federal acts and applicable State law and to stimulate  
2 services and opportunities for older adults which are not  
3 otherwise available.

4 (iii) Function as the sole State agency to receive  
5 and disburse Federal funds under the Older Americans Act  
6 of 1965 and State funds made available for providing  
7 services to older adults.

8 (iv) Develop and administer the State plan for the  
9 aging required by Federal law.

10 (v) Promote and support programs, studies and  
11 policies, in cooperation with other government agencies,  
12 which will enhance the opportunity for continued work,  
13 education and training for older adults.

14 (vi) Promote, through the use of area agencies and  
15 direct grants, contracts and technical assistance, the  
16 development of ~~independent~~ COMMUNITY senior centers, ←  
17 service organizations, clubs, associations and  
18 organizations dedicated to the rights and needs of older  
19 adults when these are not in conflict with State or area  
20 plans for the aging.

21 (vii) Establish and administer a State Long-Term  
22 Care Ombudsman Program, including providing resources to  
23 area agencies or other contractors to investigate and  
24 resolve complaints related to the health, safety or  
25 rights of older adults who are consumers of long-term  
26 living services and prepare and submit to the General  
27 Assembly an annual report containing data and findings  
28 regarding the types of problems experienced and  
29 complaints investigated.

30 (29) PROVIDE GUIDANCE AS REQUESTED BY THE DEPARTMENT OF ←

1 TRANSPORTATION RELATING TO THE DEPARTMENT OF TRANSPORTATION'S  
2 ADMINISTRATION OF TRANSPORTATION SERVICES AS AUTHORIZED BY  
3 CHAPTER 9 OF THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91),  
4 KNOWN AS THE STATE LOTTERY LAW. THE SECRETARY SHALL CONFER  
5 WITH THE DEPARTMENT OF TRANSPORTATION IN ORDER TO ENSURE THAT  
6 THE REGULATIONS PROMULGATED BY THE DEPARTMENT DO NOT CONFLICT  
7 WITH THOSE PROMULGATED BY THE DEPARTMENT OF TRANSPORTATION.

8 (c) Preference.--In filling vacancies authorized to the  
9 department, the secretary shall assure that preference is given  
10 to people with disabilities and older adults.

11 Section 5. Council on Aging and Long-Term Living.

12 (a) Creation.--

13 ~~(1) There is created in the Office of the Governor the~~ ←  
14 ~~Council on Aging and Long Term Living, which shall consist of~~  
15 ~~21 persons and which shall include the chairpersons of the~~  
16 ~~regional councils on aging and long term living, as described~~  
17 ~~under subsection (f) (7).~~

18 ~~(2) (i) At least seven members of the council shall be~~  
19 ~~older adults.~~

20 ~~(ii) At least seven members of the council shall be~~  
21 ~~people with disabilities.~~

22 ~~(iii) At least four members of the council shall be~~  
23 ~~current consumers of long term living services.~~

24 ~~(iv) At least three members of the council shall be~~  
25 ~~current providers of services to people with disabilities~~  
26 ~~or older adults.~~

27 (1) THERE IS CREATED IN THE OFFICE OF THE GOVERNOR THE ←  
28 COUNCIL ON AGING AND LONG-TERM LIVING, WHICH SHALL CONSIST OF  
29 36 PERSONS, BE COMPRISED OF TWO SUBCOUNCILS, THE SUBCOUNCIL  
30 ON AGING AND THE SUBCOUNCIL ON LONG-TERM LIVING, AND INCLUDE

1 THE CHAIRPERSONS OF THE REGIONAL COUNCILS ON AGING AND LONG-  
2 TERM LIVING, AS DESCRIBED UNDER SUBSECTION (F) (7).

3 (2) THERE SHALL BE A CHAIR OF THE SUBCOUNCIL ON AGING AND  
4 A CHAIR OF THE SUBCOUNCIL ON LONG-TERM LIVING. THESE CHAIRS  
5 SHALL SERVE AS COCHAIRS OF THE COUNCIL.

6 (3) THE SUBCOUNCIL ON AGING SHALL CONSIST OF 18 PERSONS,  
7 INCLUSIVE OF THE SUBCOUNCIL CHAIR, COMPRISED AS FOLLOWS:

8 (I) AT LEAST FIVE MEMBERS WHO ARE OLDER ADULTS, WITH  
9 AT LEAST ONE OLDER ADULT WHO RECEIVES SERVICES THROUGH  
10 THE DEPARTMENT;

11 (II) NO MORE THAN FIVE MEMBERS WHO ARE EMPLOYED BY,  
12 HAVE A FINANCIAL INTEREST IN OR ARE ASSOCIATED WITH AN  
13 ENTITY THAT PROVIDES SERVICES TO OLDER ADULTS OR AN  
14 ORGANIZATION THAT REPRESENTS SUCH PROVIDERS;

15 (III) NO MORE THAN FIVE INDIVIDUALS WHO ARE  
16 ASSOCIATED WITH AN ORGANIZATION THAT ADVOCATES FOR OLDER  
17 ADULTS; AND

18 (IV) OTHER INDIVIDUALS SELECTED BY THE SECRETARY WHO  
19 MAY INCLUDE ACADEMIC AND OTHER PROFESSIONALS WITH  
20 EXPERTISE IN THE FIELD OF AGING OR CAREGIVERS FOR OLDER  
21 ADULTS.

22 (4) THE SUBCOUNCIL ON LONG-TERM LIVING SHALL CONSIST OF  
23 18 PERSONS, INCLUSIVE OF THE SUBCOUNCIL CHAIR, COMPRISED AS  
24 FOLLOWS:

25 (I) AT LEAST FIVE PEOPLE WITH DISABILITIES WHO ARE  
26 NOT EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN AN  
27 ORGANIZATION THAT PROVIDES SERVICES TO PEOPLE WITH  
28 DISABILITIES;

29 (II) NO MORE THAN FIVE MEMBERS WHO ARE EMPLOYED BY OR  
30 ASSOCIATED WITH AN ORGANIZATION THAT PROVIDES SERVICES TO

1 PEOPLE WITH DISABILITIES OR REPRESENTS SUCH PROVIDERS;  
2 (III) NO MORE THAN FIVE INDIVIDUALS WHO ARE  
3 ASSOCIATED WITH AN ORGANIZATION THAT ADVOCATES FOR PEOPLE  
4 WITH DISABILITIES; AND

5 (IV) OTHER INDIVIDUALS SELECTED BY THE SECRETARY WHO  
6 MAY INCLUDE ACADEMIC AND OTHER PROFESSIONALS WITH  
7 EXPERTISE RELATING TO DISABILITIES OR CAREGIVERS FOR  
8 PEOPLE WITH DISABILITIES.

9 ~~(3) Eleven~~ (5) NINETEEN members of the council shall  
10 constitute a quorum. ←

11 ~~(4)~~ (6) Absence of a member at three consecutive ←  
12 meetings shall result in the member forfeiting the seat,  
13 unless the member requests in writing and receives approval  
14 from the ~~chairman for an absence necessitated by illness of~~ ←  
15 ~~the member or the death of a loved one~~ APPROPRIATE COCHAIR ←  
16 FOR THE ABSENCE.

17 (b) Nomination and terms.--The members of the council shall  
18 be nominated by the Governor, INCLUDING THOSE INDIVIDUALS ←  
19 SELECTED BY THE SECRETARY, subject to the consent of a majority  
20 of the members elected to the Senate, and shall represent, as  
21 far as possible, ~~different geographical sections~~ THE ←  
22 GEOGRAPHICAL AND CULTURAL DIVERSITY of this Commonwealth. The  
23 members shall serve staggered three-year terms and shall serve  
24 until their successors are appointed and qualified. Members  
25 shall be eligible for reappointment, EXCEPT NO MEMBER SHALL ←  
26 SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

27 (c) Organization.--The council shall provide for its  
28 organization and procedure including the selection of a ~~chairman~~ ←  
29 THE COCHAIRS and other officers as deemed necessary. ←

30 (d) Compensation.--The members of the council shall receive

1 no compensation for their services on the council but shall be  
2 reimbursed by the department, in accordance with regulations,  
3 for any ordinary and necessary expenses incurred in the  
4 performance of their duties.

5 (e) Meetings.--The council shall meet at least ~~six~~ FOUR ←  
6 times per year to review and comment upon all reports of the  
7 department to the Governor and the General Assembly and conduct  
8 other council business. THE COCHAIRS MAY SCHEDULE MEETINGS OF ←  
9 THE SUBCOUNCILS IN ADDITION TO OR IN CONJUNCTION WITH THE  
10 COUNCIL MEETINGS. MEETINGS SHALL BE ADVERTISED AND CONDUCTED  
11 PURSUANT TO 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

12 (f) Powers and duties.--The council shall have the following  
13 powers and duties:

14 (1) To review and comment on rules and regulations  
15 promulgated by the department.

16 (2) To prepare and submit to the Governor, the General  
17 Assembly and the secretary, public reports evaluating the  
18 level and quality of services and programs provided to people  
19 with disabilities and older adults by Commonwealth agencies  
20 together with recommendations for improved, expanded or  
21 additional programs and services for people with disabilities  
22 and older adults, including recommendations for COMMUNITY ←  
23 INTEGRATION AND improving cultural sensitivity within these  
24 programs and services.

25 (3) To carry out public hearings on matters affecting  
26 the rights and interests of people with disabilities and  
27 older adults, including matters involving cases of neglect,  
28 abuse and ~~age~~ discrimination against people with disabilities ←  
29 and older adults in the administration of the laws of the  
30 Commonwealth and its political subdivisions.

1 (4) To carry out studies about major issues affecting  
2 people with disabilities and older adults and to report to  
3 the Governor, the General Assembly, the secretary and the  
4 public its findings and recommendations in regard to  
5 appropriate action and a long-term strategy for addressing  
6 these issues.

7 (5) To assist the department in the preparation of the  
8 State plan on aging.

9 (6) To consult with the secretary regarding the  
10 operations of the department.

11 (7) To establish no more than five regional councils on  
12 aging and long-term living consisting of 15 citizen members,  
13 with the composition, members' terms of offices, organization  
14 and duties and responsibilities determined by the council.

15 THE COUNCIL SHALL ENSURE THAT THE REGIONAL COUNCILS ARE  
16 REPRESENTATIVE OF THE CONSTITUENCIES CITED IN SUBSECTION (A)  
17 (3) AND (4). ←

18 (8) To employ, with funds as are annually appropriated  
19 by the General Assembly, sufficient staff and services to  
20 carry out these duties and powers as well as the duties and  
21 powers of the regional councils.

22 Section 6. Area agencies.

23 (a) Planning and service area.--Planning and service areas  
24 in existence on the effective date of this section may only be  
25 changed by order of the secretary under provisions set forth by  
26 the department for combining or dividing geographical areas to  
27 bring about more effective and efficient planning and service  
28 delivery.

29 (b) Designated area agencies.--

30 (1) For each planning and service area there shall be an

1 area agency designated by the department in accordance with  
2 the Older Americans Act of 1965, to serve as a focal point in  
3 the community for the coordination of services for older  
4 adults and for the issues and concerns of aging.

5 (2) An area agency designated under paragraph (1) shall  
6 be one of the following:

7 (i) An established office of aging.

8 (ii) An office or agency of the unit of general  
9 purpose local government which is designated for the  
10 purpose under paragraph (1) by the chief elected  
11 officials of the unit of general purpose local  
12 government.

13 (iii) An office or agency designated by the chief  
14 elected officials of a combination of units of general  
15 purpose local government to act on behalf of that  
16 combination for the purpose under paragraph (1).

17 (iv) A public or nonprofit private agency in a  
18 planning and service area which is under the supervision  
19 or direction, for the purpose under paragraph (1), of the  
20 designated State agency and which can engage in the  
21 planning or provision of a broad range of social services  
22 within the planning and service area and must provide  
23 assurance, found adequate by the department, that it will  
24 have the ability to develop and administer an area plan.

25 (3) The secretary may redesignate or designate new area  
26 agencies based on established regulations. The regulations  
27 shall include criteria of efficiencies, appropriateness and  
28 equity and shall provide for public hearings on redesignation  
29 conducted in the affected planning and service areas. Any  
30 determinations of redesignation shall be executed not less

1 than 100 days prior to the beginning of the fiscal year of  
2 the local authority. A designation or redesignation may  
3 occur:

4 (i) if changes are made in established planning and  
5 service area boundaries;

6 (ii) if a currently designated area agency is unable  
7 or unwilling to continue as the area agency;

8 (iii) if removal of an area agency designation is  
9 requested by the local authority with cause shown; or

10 (iv) if the department determines that a currently  
11 designated area agency is incapable of carrying out its  
12 approved area plan.

13 (4) The removal of an area agency designation and the  
14 designation of a new area agency shall be carried out under  
15 regulations promulgated by the department and consistent with  
16 the Older Americans Act of 1965.

17 (5) For the purpose of this subsection, the term "local  
18 authority" shall mean county commissioners or county council.

19 (c) Powers and duties.--

20 (1) The area agency shall have the authority to act as  
21 an advocate at all levels of government and within the  
22 community at large for the interests of older adults within  
23 the planning and service area. It shall develop a  
24 comprehensive area plan to coordinate services for older  
25 adults within its planning and service area. The area plan  
26 shall make provision for all of the following:

27 (i) Information ~~about~~ and referral ~~to~~, advocacy ←  
28 programs.

29 (ii) ~~Case management~~ SERVICE COORDINATION OR CASE ←  
30 MANAGEMENT OF SERVICES, including protective services and

1 long-term living services.

2 (iii) Transportation services.

3 (iv) Legal counseling and representation.

4 (v) In-home services THAT RECOGNIZE CONSUMER CHOICE, ←

5 including personal assistance and supportive services,

6 which shall include consumer-directed services.

7 (vi) Assistance to secure adequate housing and

8 health services.

9 (vii) Other services required by Federal law and

10 services and activities designated by the department or

11 identified as critical needs by the area agency and the

12 area agency advisory board. The State plan on aging and

13 grants and contracts provided by the department shall

14 reasonably accommodate locally designated priorities and

15 critical needs.

16 (viii) The establishment of an affiliated network of

17 COMMUNITY senior ~~community~~ centers. ←

18 (IX) CONGREGATE AND HOME-DELIVERED MEALS. ←

19 (X) INFORMATION AND PROGRAMS ABOUT WELLNESS AND

20 PREVENTION, INCLUDING MANAGEMENT OF CHRONIC DISEASE.

21 (2) The area agency shall be responsible for working

22 toward the development, in cooperation with State and local

23 organizations and agencies, of a continuum of community-based

24 service and housing options for older adults designed to

25 maintain them in the community and avoid or delay

26 institutional care WHEN CLINICALLY APPROPRIATE. THE AREA ←

27 AGENCY SHALL ENSURE THAT CONSUMERS ARE MADE AWARE OF THE

28 AVAILABILITY OF NURSING FACILITY SERVICES AND OTHER

29 RESIDENTIAL SETTINGS WHEN IDENTIFIED AS A CLINICALLY

30 APPROPRIATE OPTION. System development activities shall

1 include coordinating area plans for the provision, expansion  
2 and effective administration of:

3 (i) In-home services THAT RECOGNIZE CONSUMER CHOICE, ←  
4 including personal assistance and supportive services,  
5 which shall include consumer-directed services.

6 (ii) Housing options such as service-enriched  
7 housing, personal care homes and assisted living  
8 residences AND NURSING FACILITY SERVICES, WHEN CLINICALLY ←  
9 APPROPRIATE.

10 (iii) Special supports to caregivers who care for  
11 older adults.

12 (iv) Adult daily living services, respite services  
13 and other community-based services to support caregivers.

14 (v) The promotion of informal community supports.

15 (vi) ~~Assessment~~ COMPREHENSIVE AND ONGOING ASSESSMENT ←  
16 programs.

17 (VII) COUNSELING PROGRAMS TO ASSIST INDIVIDUALS IN ←  
18 DETERMINING APPROPRIATE LONG-TERM LIVING SERVICES.

19 ~~(vii)~~ (VIII) Special services to protect the health, ←  
20 safety and welfare of older adults who lack the capacity  
21 to protect themselves.

22 (ix) Special advocacy efforts to promote greater  
23 awareness of Alzheimer's disease and other related ~~brain~~ ←  
24 ~~disorders~~ DEMENTIA. To the extent that the needs of other ←  
25 adults AFFECTED BY ALZHEIMER'S DISEASE AND OTHER RELATED ←  
26 DEMENTIA involve and overlap the needs of older adults  
27 addressed under this subparagraph, the area agency shall  
28 serve as an advocate for AFFECTED adults of any age. ←

29 (3) The area agency shall give priority of services to  
30 older adults with the greatest social need and greatest



1 economic need, ~~with particular attention to low income~~  
2 ~~minority individuals and older adults residing in rural~~  
3 ~~areas.~~

4 (4) In filling employment vacancies, the area agency  
5 shall assure that preference is given to older adults.

6 (5) Consistent with the Older Americans Act of 1965 and  
7 provisions set forth by the department, the area agency may  
8 grant to or contract with any public or private agency for  
9 the provision of social services. The area agency is  
10 authorized to use, with their consent, the services,  
11 equipment, personnel and facilities of Federal and State  
12 agencies, with or without reimbursement and on a similar  
13 basis, to cooperate with other public and private agencies,  
14 and instrumentalities in the use of services, equipment and  
15 facilities.

16 (d) Advisory councils.--In each planning and service area,  
17 an advisory council of at least 15 members shall be appointed to  
18 advise the area agency with regard to the needs of older adults  
19 residing in the planning and service area and the area agency's  
20 responses to those needs. The composition and responsibility of  
21 the area agency advisory council shall be consistent with the  
22 provisions of the Older Americans Act of 1965 and the  
23 regulations of the department. The regulations shall require  
24 that each advisory council be composed of a majority of older  
25 adults. Advisory councils shall be given the maximum possible  
26 opportunity to influence local programs and policies and  
27 advocacy roles within area agency programs and local  
28 communities. Area agencies shall provide advisory councils with  
29 the funds necessary to carry out their functions.

30 (e) Reports and plans.--

1           (1) Under provisions set forth by the department, the  
2 area agency shall submit to the department a comprehensive  
3 area plan which clearly explains the area agency's objectives  
4 for providing services to the older adults of the planning  
5 and service area. The plan may be submitted as part of a  
6 coordinated county human service plan if the format is  
7 approved by the department.

8           (2) AREA PLANS SHALL BE SUBJECT TO APPROVAL BY THE  
9 DEPARTMENT BASED ON THE AREA AGENCY'S DEMONSTRATION OF  
10 COMPLIANCE WITH THE OLDER AMERICANS ACT OF 1965 AND OTHER  
11 APPLICABLE LAW, PROVISION OF SERVICES IN A MANNER THAT  
12 ADVANCES THE GOAL OF CONSISTENCY AMONG THE PLANNING AND  
13 SERVICE AREAS OF THE COMMONWEALTH AND OTHER RELEVANT FACTORS  
14 TO BE DETERMINED BY THE SECRETARY.

15           (3) Each area agency, under provisions set forth by the  
16 department, shall submit an annual report which describes and  
17 evaluates its programs and services after the close of each  
18 year of funding by the department.

19           (f) Allocation of resources.--

20           (1) The area agency shall receive a basic allocation of  
21 resources, consisting of Federal and State funds weighted by  
22 the proportion of poor older adults who reside in the  
23 planning and service area in relation to the total number of  
24 poor older adults who reside in this Commonwealth utilizing  
25 poverty threshold income standards as determined by the  
26 United States Office of Management and Budget, except that  
27 each area agency shall be held harmless to the amount of  
28 State funds received in the preceding program year.

29           (2) The department may allocate additional resources to  
30 area agencies based upon the total number of older adults who

1 reside within the planning and service area, the availability  
2 of transportation services, the rural-urban distribution of  
3 older adults, rural program cost differentials, the need for  
4 social and medical services, the amount of funds devoted by  
5 county commissioners for older adults and other special  
6 circumstances as determined by the secretary.

7 (3) Funds appropriated to carry out the purposes of this  
8 act shall be distributed to the area agencies as grants or  
9 cost reimbursement for services to older adults, if there is  
10 an acceptable plan in accordance with subsection (e).

11 (g) Evaluation.--The department shall continually review and  
12 evaluate the activities of area agencies and the impact and  
13 effectiveness of all programs under this act, which may include  
14 an onsite evaluation. A written report of the findings of the  
15 evaluation shall be submitted to the area agency subject to the  
16 evaluation and within 30 days shall be available to the public.  
17 In all evaluations, the department shall obtain the views of  
18 program beneficiaries concerning strengths and weaknesses of the  
19 program. Other departments and agencies of the Commonwealth  
20 shall make available to the department information necessary for  
21 the evaluations. The department shall annually submit to the  
22 Governor and the General Assembly a report on its activities  
23 including statistical data reflecting services and activities  
24 provided TO older adults during the preceding fiscal year. ←

25 Section 7. Demonstration programs.

26 In recognition of the need for expanded knowledge and  
27 experience concerning the status of people with disabilities and  
28 older adults in this Commonwealth, the secretary may provide for  
29 research and demonstration programs for the following purposes:

30 (1) Studying current living conditions and needs with

1 special emphasis on persons with low income, medical and  
2 functional disabilities, advanced age and isolated living  
3 situations.

4 (2) Studying existing methods and alternatives for  
5 providing services, programs and opportunities.

6 (3) Identifying those factors of particular detriment or  
7 benefit to the welfare of people with disabilities and older  
8 adults.

9 (4) Developing new approaches and alternatives for  
10 living arrangements, social services, institutional care,  
11 health services, legal representation and the coordination of  
12 community services.

13 (5) STUDYING INTERGENERATIONAL MENTORING PROGRAMS THAT ←  
14 EXEMPLIFY THE VALUE AND BENEFITS OF THE KNOWLEDGE AND  
15 EXPERIENCE OF OLDER ADULTS.

16 Section 8. Reorganization.

17 ~~(a) Employees. All Department of Public Welfare personnel~~ ←

18 (A) EMPLOYEES.-- ←

19 (1) ALL DEPARTMENT OF PUBLIC WELFARE PERSONNEL employed  
20 by the Office of Long-Term Living and the allocations,  
21 appropriations, equipment, files, records, contracts,  
22 agreements, obligations and other materials which are used or  
23 expended by the Department of Public Welfare EXCLUSIVELY in ←  
24 connection with the powers, duties or functions exercised by  
25 the Office of Long-Term Living are transferred to the  
26 department with the same force and effect as if the  
27 appropriations had been made to and the items had been the  
28 property of the Department of Aging and Long-Term Living and  
29 as if the contracts, agreements and obligations had been  
30 incurred or entered into by the department.

1 (2) ALL DEPARTMENT OF PUBLIC WELFARE PERSONNEL INVOLVED ←  
2 WITH THE LICENSURE AND REGULATION OF PERSONAL CARE HOMES AND  
3 THE ALLOCATIONS, APPROPRIATIONS, EQUIPMENT, FILES, RECORDS,  
4 CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER MATERIALS WHICH  
5 ARE USED OR EXPENDED BY THE DEPARTMENT OF PUBLIC WELFARE  
6 EXCLUSIVELY IN CONNECTION WITH THE LICENSURE AND REGULATION  
7 OF PERSONAL CARE HOMES ARE TRANSFERRED TO THE DEPARTMENT UPON  
8 THE EFFECTIVE DATE OF THIS SUBSECTION, PURSUANT TO SUBSECTION  
9 20(A).

10 (b) Contracts, ~~ete~~ AND OBLIGATIONS.--The reorganization of ←  
11 the Department of Aging as the department shall not affect the  
12 status of any contract, agreement or obligation entered into by  
13 the Department of Aging.

14 (c) Civil service.--All positions in the department shall be  
15 deemed to be included in the list of positions under section  
16 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as  
17 the Civil Service Act, and the provisions and benefits of the  
18 act shall be applicable to the employees of and positions in the  
19 department.

20 (d) Personnel.--All personnel transferred to the department  
21 from the Department of Public Welfare under this act shall  
22 retain any civil service or other employment status assigned to  
23 the personnel in those departments and agencies prior to the  
24 effective date of this section.

25 ~~(e) Personal care homes and assisted living residences.~~ ←  
26 ~~Nothing in this act shall affect the licensing and regulation of~~  
27 ~~personal care homes and assisted living residences by the~~  
28 ~~Department of Public Welfare pursuant to Article X of the act of~~  
29 ~~June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.~~

30 ~~(f)~~ (E) References.--A reference in a statute or regulation ←

1 to the Department of Aging shall mean a reference to the  
2 department. A reference in a statute or regulation to the  
3 Secretary of Aging shall mean a reference to the secretary.

4 ~~(g)~~ (F) Secretary of Aging.--The Secretary of Aging shall ←  
5 become the secretary on the effective date of this section.  
6 Programs and activities authorized under this act shall not  
7 commence before that date, except that the secretary and  
8 adequate staff, to be supported from the affected  
9 authorizations, shall immediately commence transitional and  
10 budgetary activities.

11 SECTION 9. LOTTERY FUND. ←

12 THE DEPARTMENT SHALL NOT EXPEND MONEYS AVAILABLE THROUGH THE  
13 STATE LOTTERY FUND FOR THE ADMINISTRATION AND PROVISION OF  
14 PROGRAMS BEING TRANSFERRED BY THIS ACT FROM THE DEPARTMENT OF  
15 PUBLIC WELFARE TO PROVIDE SERVICES FOR PEOPLE WITH DISABILITIES  
16 WHO ARE UNDER 60 YEARS OF AGE.

17 Section 19. Repeals.

18 Repeals are as follows:

19 (1) The General Assembly declares that the repeals under  
20 paragraphs (2) and (3) are necessary to effectuate the  
21 purposes of this act.

22 (2) The provisions of the act of June 13, 1967 (P.L.31,  
23 No.21), known as the Public Welfare Code, are repealed to the  
24 extent that they are inconsistent with this act.

25 (3) Article XXII-A of the act of April 9, 1929 (P.L.177,  
26 No.175), known as The Administrative Code of 1929, is  
27 repealed.

28 (4) All other acts and parts of acts are repealed  
29 insofar as they are inconsistent with this act.

30 Section 20. Effective date.



1 This act shall take effect AS FOLLOWS:

2 (1) SECTIONS 4(B) (9.1) AND 8(A) (2) SHALL TAKE EFFECT  
3 WHEN FINAL REGULATIONS REGARDING ASSISTED LIVING RESIDENCES  
4 PURSUANT TO THE ACT OF JULY 25, 2007 (P.L.402, NO.56),  
5 ENTITLED "'AN ACT TO CONSOLIDATE, EDITORIALY REVISE, AND  
6 CODIFY THE PUBLIC WELFARE LAWS OF THE COMMONWEALTH,' FURTHER  
7 PROVIDING FOR STATE PLAN FOR REGULATING AND LICENSING  
8 PERSONAL CARE HOMES, FOR INTRA-GOVERNMENTAL COUNCIL ON LONG-  
9 TERM CARE AND FOR RULES AND REGULATIONS FOR PERSONAL CARE  
10 HOMES AND ASSISTED LIVING RESIDENCES," ARE PUBLISHED BY THE  
11 DEPARTMENT OF PUBLIC WELFARE IN THE PENNSYLVANIA BULLETIN.

12 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT July 1,  
13 2009, or immediately, whichever is later.