
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 71 Session of
2013

INTRODUCED BY WASHINGTON, FONTANA, FARNESE, STACK, ERICKSON,
BOSCOLA, SCHWANK, RAFFERTY, TARTAGLIONE, HUGHES, VULAKOVICH,
WILLIAMS, LEACH, SOLOBAY AND COSTA, JANUARY 14, 2013

REFERRED TO AGING AND YOUTH, JANUARY 14, 2013

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," further defining "facility"; and further
8 providing for information relating to prospective facility
9 personnel.

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

12 Section 1. The definition of "facility" in section 103 of
13 the act of November 6, 1987 (P.L.381, No.79), known as the Older
14 Adults Protective Services Act, amended December 18, 1996
15 (P.L.1125, No.169), is amended to read:

16 Section 103. Definitions.

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

20 * * *

21 "Facility." Any of the following:

1 (1) A domiciliary care home as defined in section 2202-A
2 of the act of April 9, 1929 (P.L.177, No.175), known as The
3 Administrative Code of 1929.

4 (2) A home health care agency.

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

8 (4) An older adult daily living center as defined in
9 section 2 of the act of July 11, 1990 (P.L.499, No.118),
10 known as the Older Adult Daily Living Centers Licensing Act.

11 (5) A personal care home as defined in section 1001 of
12 the act of June 13, 1967 (P.L.31, No.21), known as the Public
13 Welfare Code.

14 (6) Any individual who provides care, other than an
15 immediate family member who does not receive a State
16 reimbursement for care, in or out of an individual's home.

17 * * *

18 Section 2. Section 502 of the act, amended October 24, 2012
19 (P.L.1412, No.175), is amended to read:

20 Section 502. Information relating to prospective facility
21 personnel.

22 (a) General rule.--A facility shall require all applicants
23 to submit with their applications, and shall require all
24 administrators and any operators who have or may have direct
25 contact with a recipient to submit, the following information
26 obtained within the preceding [one-year] three-month period:

27 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
28 history record information), a report of criminal history
29 record information from the State Police or a statement from
30 the State Police that their central repository contains no

1 such information relating to that person. The criminal
2 history record information shall be limited to that which is
3 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
4 general regulations).

5 [(2) Where the applicant is not and for the two years
6 immediately preceding the date of application has not been a
7 resident of this Commonwealth, administration shall require
8 the applicant to submit with the application for employment a
9 report of Federal criminal history record information
10 pursuant to the Federal Bureau of Investigation's
11 appropriation under the Departments of State, Justice, and
12 Commerce, the Judiciary, and Related Agencies Appropriation
13 Act, 1973 (Public Law 92-544, 86 Stat. 1109). The department
14 shall be the intermediary for the purposes of this paragraph.
15 For the purposes of this paragraph, the applicant shall
16 submit a full set of fingerprints in a manner prescribed by
17 the department. The Commonwealth shall submit the
18 fingerprints to the Federal Bureau of Investigation for a
19 national criminal history record check. The information
20 obtained from the criminal record check shall be used by the
21 department to determine the applicant's eligibility. The
22 determination shall be submitted to the administrator by the
23 applicant prior to commencing employment. The administrator
24 shall insure confidentiality of the information. The
25 provisions of 18 Pa.C.S. § 9121(b)(2) shall not apply if the
26 request for a report of Federal criminal history record
27 information is made pursuant to this section.]

28 (2.1) The applicant shall submit a full set of
29 fingerprints in a manner prescribed by the department. The
30 State Police shall submit the fingerprints to the Federal

1 Bureau of Investigation in order to obtain a report of
2 Federal criminal history record information and serve as
3 intermediary for the purposes of this section.

4 (b) (Reserved).

5 Section 3. This act shall take effect immediately.