

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 885 Session of 2023

INTRODUCED BY MASTRIANO, JULY 27, 2023

REFERRED TO AGING AND YOUTH, JULY 27, 2023

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," in administration, providing for Statewide  
8 registry of perpetrators of abuse in facilities.

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

11 Section 1. The act of November 6, 1987 (P.L.381, No.79),  
12 known as the Older Adults Protective Services Act, is amended by  
13 adding a section to read:

14 Section 312. Statewide registry of perpetrators of abuse in  
15 facilities.

16 (a) Establishment.--The department shall establish a  
17 Statewide registry of individuals found to be substantiated  
18 perpetrators of abuse, neglect, abandonment or exploitation of  
19 older adults in facilities.

20 (b) Information contained in the registry.--The following  
21 information shall be included in the registry:

1           (1) The name, Social Security number, age, sex and  
2           address of the perpetrator.

3           (2) A description of the abuse, neglect, abandonment or  
4           exploitation committed by the perpetrator, including the date  
5           or dates of the incidents.

6           (c) Notification.--The department shall provide notification  
7           to an individual that the individual's name is being placed on  
8           the registry electronically, if electronic contact information  
9           is available, and by certified and registered mail.

10          (d) Administrative review and appeal process.--An individual  
11          placed on the registry may appeal the determination within 90  
12          days from the date the notification of the determination was  
13          sent to the individual. The following shall apply:

14           (1) During the 90-day appeal period, the registry shall  
15           note "pending appeal" and, if an appeal is filed, this  
16           notation shall remain until the appeal process is concluded.

17           (2) If an individual placed on the registry files an  
18           appeal within 90 days of notification of the determination,  
19           the department shall review the determination within 60 days  
20           of the filing date of the appeal, unless the individual  
21           requests to waive the administrative review process.

22           (3) After administrative review, if the department  
23           reverses the determination, the individual's name shall be  
24           removed from the registry.

25           (4) If the department does not reverse the determination  
26           or the individual waives the administrative review process,  
27           the appeal shall be conducted as provided under 1 Pa. Code  
28           Pt. II (relating to general rules of administrative practice  
29           and procedure) and 6 Pa. Code Ch. 3 (relating to fair  
30           hearings and appeals).

1           (5) The department shall provide notification of the  
2 determinations made through the administrative review process  
3 and the appeal process to the individual as follows:

4           (i) By certified and registered mail.

5           (ii) If electronic contact information is available,  
6 by electronic mail.

7           (e) Good cause review.--After five years, an individual  
8 placed on the registry may file a reconsideration with the  
9 department to evaluate the continued inclusion of the  
10 individual's name on the registry. An individual may not submit  
11 more than one appeal annually after the five-year period.

12           (f) Employees and prospective employees.--The following  
13 provisions shall apply to a facility and a temporary health care  
14 staffing agency relating to an employee or prospective employee  
15 of the facility:

16           (1) An administrator of a facility or a temporary health  
17 care staffing agency shall require a prospective employee of  
18 the facility to submit with the employee's application for  
19 employment a certification from the department stating  
20 whether the applicant is named in the registry as a  
21 perpetrator. The certificate must be obtained before the  
22 facility or the temporary health care staffing agency hires  
23 the employee.

24           (2) The administrator of a facility or a temporary  
25 health care staffing agency may contact the department  
26 relating to whether an individual who is an employee or  
27 prospective employee of the facility is listed in the  
28 registry. The administrator must complete and sign an  
29 attestation form prior to contacting the department to ensure  
30 that they are accessing the registry for the sole purpose of

1 conducting background checks for prospective or current  
2 employees of the facility.

3 (g) Regulations.--The department shall promulgate  
4 regulations necessary to carry out this section.

5 (h) Confidentiality.--The department shall comply with  
6 sections 306 and 705 with regard to the confidentiality of  
7 information contained within the registry. This subsection shall  
8 not be construed to prohibit the department from disclosing  
9 information to an administrator of a facility or a temporary  
10 health care staffing agency under subsection (f) (2).

11 Section 2. This act shall take effect in 180 days.