

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1103 Session of 2024

INTRODUCED BY ARGALL, BROOKS, BOSCOLA, GEBHARD, J. WARD, ROTHMAN, PENNYCUICK, HUTCHINSON, FARRY, COLLETT, PHILLIPS-HILL, DUSH, CAPPELLETTI, MASTRIANO, SCHWANK, LAUGHLIN AND ROBINSON, MARCH 12, 2024

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 12, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in general powers and
4 duties of the Department of Public Welfare, further providing
5 for personal care home and assisted living residence
6 administrators; and abrogating regulations.

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

9 Section 1. Section 213 of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Human Services Code, is amended by adding a
11 subsection to read:

12 Section 213. Personal Care Home and Assisted Living
13 Residence Administrators.--* * *

14 (f) Notwithstanding any other provision of law to the
15 contrary, the department shall provide a skills competency
16 examination to individuals seeking employment as a direct care
17 staff person in either a personal care home or an assisted
18 living residence in lieu of successfully obtaining a high school
19 diploma or GED equivalency. The following shall apply:

1 (1) In addition to the duties required of a direct care
2 staff person, the examination shall include an assessment of
3 interpersonal communication skills, basic writing and reading
4 comprehension, understanding of cultural and diverse
5 communities, awareness of mental and behavioral health needs
6 and other competencies specific to working in a personal care
7 home or an assisted living residence.

8 (2) Nothing in this subsection shall be construed to
9 permit a direct care staff person from dispensing,
10 distributing or administering medication.

11 Section 2. The following shall apply:

12 (1) In order to facilitate the prompt implementation of
13 section 213(f) of the act, the Department of Human Services
14 shall promulgate temporary regulations that shall expire not
15 later than two years following the publication of the
16 temporary regulations. The Department of Human Services may
17 promulgate temporary regulations not subject to:

18 (i) Section 612 of the act of April 9, 1929
19 (P.L.177, No.175), known as The Administrative Code of
20 1929.

21 (ii) Sections 201, 202, 203, 204 and 205 of the act
22 of July 31, 1968 (P.L.769, No.240), referred to as the
23 Commonwealth Documents Law.

24 (iii) Sections 204(b) and 301(10) of the act of
25 October 15, 1980 (P.L.950, No.164), known as the
26 Commonwealth Attorneys Act.

27 (iv) The act of June 25, 1982 (P.L.633, No.181),
28 known as the Regulatory Review Act.

29 (2) The authority of the Department of Human Services to
30 adopt temporary regulations under paragraph (1) shall expire

1 two years after the effective date of this paragraph.
2 Regulations adopted after this period shall be promulgated as
3 provided by law.
4 Section 3. The provisions of 55 Pa. Code §§ 2600.54 and
5 2800.54 are abrogated insofar as they are inconsistent with the
6 addition of section 213(f) of the act.
7 Section 4. This act shall take effect in 60 days.