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& ASSOCIATES

Legislative Update for PAELA Winter Conference

February 22nd 2020



Harrisburg Update

- **State Government Update**

- **Governor Wolf's Proposed FY 2020-21 Budget**

- Combined reporting for corporate income tax
 - Severance tax on natural gas production to support Restore PA
 - Fee for municipalities who do not have local police forces, but use the State Police
 - \$1/ton fee on municipal waste disposed in Pennsylvania to fund the shortfalls in the Hazardous Sites Cleanup Program

- **Preview of the 2020 Election in Pennsylvania**



Bills PAELA is Tracking

- **SB 124/ HB 987, Pennsylvania Orders for Life-Sustaining Treatment (POLST)-** PAELA supports SB 124. We are working closely with the Prime Sponsor, Senator Gene Yaw. PAELA met with the PA Catholic Conference to begin a dialogue on how to address the differences in HB 987 and SB 124.
- **HB 51/ SB 277, Presumptive Eligibility-** HCBS Presumptive Eligibility for nursing home eligibles who wish to remain in their homes. PAELA supports both Bills.



Bills PAELA is Tracking

- **SB 320, Digital Assets Legislation-** Revisions to the Uniform Fiduciary Access to Digital Assets Act (2015); providing for user direction and agreements, for disclosure of digital assets and electronic communications, for functions of fiduciaries and for compliance and immunity for custodians of digital assets and electronic communications; making conforming amendments; and providing for functions of the Administrative Office of Pennsylvania Courts. Passed Senate and is in the House Judiciary Committee.
- **HB 696, Senior Citizen Retirement Investment Protection Commission-** The commission would develop public policies, procedures, educational tools and issue a report in an effort to stop this harmful and predatory practice.



Bills PAELA is Tracking

- **HB 535- Amends Title 20 (Decedents, Estates and Fiduciaries), in powers of attorney, further providing for general provisions and for durable powers of attorney.** The bill adds to the required notice, “If you believe that you are a victim of financial abuse by your agent and you are a senior citizen, you may call the Department of Aging, 1-800-490-8505. The hotline is open 24 hours a day, seven days a week.” The notice is also to state, “I understand that if any intentional act or omission on my part as the agent causes harm to the principal, I may be subject to criminal penalties.” PAELA has strong concerns about this Bill.
- **HB 713, Filial Support-** PAELA has strong concerns about this legislation.



Bills PAELA is Tracking

- **HB 899, Guardianships and Mental Health Care-** Prohibits the interests of a mental health facility from superseding those of guardians and their wards.
- **HB 205, OPSA Changes** - expands the definition of exploitation to include certain actions by Agent under POA.
- **SB 385-** Exclude VA income from eligibility calculations for all programs administered by the Commonwealth.
- **SB 924, Guardianship for Medically Disabled Adult Children-** Streamlines the guardianship procedure for families facing a disabled child turning 18. The bill is limited to families who have providing the majority of financial and physical support throughout the child's life.



Bills PALEA is Tracking

- **SB 819/ HB 1930 OPSA Changes-** A re-write of the OPSA to make the following changes:
 - Streamline communications between organizations and agencies that care for seniors.
 - Address the rise of financial exploitation of older Pennsylvanians by giving financial institutions tools to intervene if they suspect an elder is being taken advantage of through the illegal taking, misuse or concealment of money, property or assets.
 - Provide mandatory reporters with a procedure for reporting suspected elder abuse, as well as give them the tools necessary to work together on the investigations that follow.
 - Address issues created by a state Supreme Court decision in 2015 that held it is unconstitutional for the offenses listed in the Older Protective Services Act to result in a lifetime industry employment ban.

SB 819 passed the Senate and is the House Aging and Older Services Committee.



Proposed Legislation PALEA is Watching

- **Independent Senior Living Facility Privacy Act-** This legislation ensures that residents of a CCRC can live freely in their apartments without fear of inspection from state agencies unless there is a reason to suspect abuse or serious neglect.
- **Guardianship Law Changes, Proposed Amendments to the Probate, Estates and Fiduciaries Code-** Senator Haywood is planning to introduce legislation that contains the recommendations of the 2012 JSGC's Advisory Committee on Decedents' Estates Laws report.
- **"Peter Falk's Law"** – Early in the Session, Senator Judy Ward announced her intention to introduce legislation providing that unless specifically authorized by court order, no guardian may restrict visitation. PAELA has sent a letter to Senator Ward expressing significant concerns, she has expressed her intentions to not introduce the Bill.



- Questions