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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 537 Session of  
2023

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INTRODUCED BY FLOOD, M. MACKENZIE, MENTZER AND GILLEN,  
MARCH 20, 2023

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MARCH 20, 2023

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AN ACT

1 Providing for communication duties between the Department of  
2 Health and the Department of Human Services with certain  
3 agencies and the Department of Aging relating to abuse of  
4 adults and older adults.

5 This act may be referred to as the Robert Raph Act.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Communication  
10 of Older Adult Abuse Act.

11 Section 2. Definitions.

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

15 "Abuse." Either of the following:

16 (1) as defined in section 103 of the act of November 6,  
17 1987 (P.L.381, No.79), known as the Older Adults Protective  
18 Services Act; or

1 (2) as defined in section 103 of the act of October 7,  
2 2010 (P.L.484, No.70), known as the Adult Protective Services  
3 Act.

4 "Adult." As defined in section 103 of the Adult Protective  
5 Services Act.

6 "Facility." Any of the following:

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

10 (2) A hospice as defined in section 802.1 of the Health  
11 Care Facilities Act.

12 (3) A personal care home as defined in section 1001 of  
13 the act of June 13, 1967 (P.L.31, No.21), known as the Human  
14 Services Code.

15 (4) An assisted living residence as defined in section  
16 1001 of the Human Services Code.

17 "Older adult." As defined in section 103 of the Older Adults  
18 Protective Services Act.

19 Section 3. Communication duties of departments.

20 (a) Allegations involving older adults.--When an allegation  
21 of abuse involving an older adult residing in a facility is  
22 reported to the Department of Health or the Department of Human  
23 Services, the department that received the allegation shall:

24 (1) Refer the allegation to the local area agency on  
25 aging for screening and investigation in accordance with the  
26 act of November 6, 1987 (P.L.381, No.79), known as the Older  
27 Adults Protective Services Act.

28 (2) So long as the disclosure is not otherwise  
29 prohibited by law, provide all information related to the  
30 allegation to the local area agency on aging to aid in the

1 investigation of alleged abuse.

2 (b) Allegations involving adults.--When an allegation of  
3 abuse involving an adult residing in a facility is reported to  
4 either the Department of Health or the Department of Human  
5 Services, the department that received the allegation shall:

6 (1) Refer the allegation in accordance with the act of  
7 October 7, 2010 (P.L.484, No.70), known as the Adult  
8 Protective Services Act.

9 (2) So long as the disclosure is not otherwise  
10 prohibited by law, provide all information related to the  
11 allegation to the agency to aid in the investigation of  
12 alleged abuse.

13 (c) Ongoing communication.--The Department of Health, the  
14 Department of Human Services and the Department of Aging shall  
15 establish ongoing communication to determine the most effective  
16 and efficient manner in which the information under this section  
17 will be shared.

18 (d) Construction.--Nothing in this section shall be  
19 construed to supersede or negate the requirements for mandatory  
20 reporting under Chapter 5 of the Adult Protective Services Act  
21 or under Chapter 7 of the Older Adults Protective Services Act.  
22 Section 4. Effective date.

23 This act shall take effect in 60 days.