
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1380 Session of
2015

INTRODUCED BY MENSCH, HAYWOOD, BREWSTER, FONTANA, WOZNIAK,
TEPLITZ, YAW, RAFFERTY, WARD, VULAKOVICH, ALLOWAY, BAKER,
YUDICHAK, BROWNE AND BOSCOLA, OCTOBER 12, 2016

REFERRED TO AGING AND YOUTH, OCTOBER 12, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for older adult services,
3 establishing penalties and making a repeal.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 69

9 OLDER ADULTS PROTECTIVE SERVICES

10 Subchapter

11 A. Preliminary Provisions

12 B. Financial Institutions

13 C. Protective Services

14 D. Criminal History

15 E. Remedies

16 F. Administration

17 SUBCHAPTER A

1 PRELIMINARY PROVISIONS

2 Sec.

3 6901. Scope.

4 6902. Definitions.

5 6903. Duties of department and area agencies on aging.

6 § 6901. Scope.

7 This chapter relates to older adult protective services.

8 § 6902. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Abandonment." The desertion of an older adult by a
13 caretaker.

14 "Abuse." Intentionally, willfully, knowingly or recklessly
15 causing or attempting to cause:

16 (1) Infliction of injury or unreasonable confinement
17 resulting in physical harm or pain.

18 (2) Intimidation or punishment resulting in mental
19 anguish.

20 (3) The deprivation by a caretaker of goods or services
21 which are necessary to maintain physical or mental health.

22 (4) Sexual abuse, including rape, involuntary deviate
23 sexual intercourse, sexual assault, aggravated indecent
24 assault, indecent assault or incest.

25 (5) Sexual harassment, including unwelcome sexual
26 advances, requests for sexual favors and other unwelcome
27 verbal or physical conduct of a sexual nature.

28 "Administrator." The person responsible for the management
29 of a facility. The term includes a person responsible for
30 employment decisions or an independent contractor responsible

1 for administration of a facility.

2 "Agent." A person authorized to act on behalf of an older
3 adult, including a person acting pursuant to a power of
4 attorney.

5 "Applicant." An individual seeking employment or engagement
6 as an employee.

7 "Area agency on aging." The single local agency designated
8 by the department within each planning and service area to
9 administer the delivery of protective services.

10 "Assessment." The evaluation of an older adult's social,
11 physical and psychological well-being, along with a description
12 of the older adult's current resources and needs.

13 "Care." Services provided to meet an older adult's need for
14 personal care or health care which require interaction with the
15 older adult.

16 "Care-dependent individual." An adult who, due to physical
17 or cognitive disability or impairment, requires assistance to
18 meet needs for food, shelter, clothing, personal care or health
19 care.

20 "Caretaker." An individual or entity that has assumed the
21 responsibility for the provision of care needed to maintain the
22 physical or mental health of an older adult. This responsibility
23 may arise voluntarily, by contract, by receipt of payment for
24 care, as a result of familial relationship, or by order of a
25 court of competent jurisdiction. It is not the intent of this
26 chapter to impose responsibility on any individual if the
27 responsibility would not otherwise exist in law.

28 "Case record." The complete record of the information
29 received and the actions taken by the area agency on aging on
30 each report of need.

1 "Consent." Authorization or approval, which, when feasible,
2 shall be obtained in writing.

3 "Department." The Department of Aging of the Commonwealth.

4 "Employee." An individual who:

5 (1) either:

6 (i) is employed by a facility; or

7 (ii) enters into a contractual relationship with a
8 facility to provide care to an older adult; and

9 (2) has unsupervised access to the individual or the
10 individual's living quarters, resources or personal records,
11 including employees of affiliated corporate entities.

12 "Exploitation." An act or course of conduct by a caretaker
13 or other person against an older adult or an older adult's
14 resources, which, through misrepresentation, coercion or threats
15 of force, results in monetary, personal or other benefit, gain
16 or profit for that caretaker or person, or monetary or personal
17 loss to the older adult, including an act or course of conduct
18 by an agent that violates the agent's duties to the older adult.

19 "Facility." Any of the following:

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

23 (2) An assisted living residence as defined in section
24 1001 of the act of June 13, 1967 (P.L.31, No.21), known as
25 the Public Welfare Code.

26 (3) A personal care home as defined in section 1001 of
27 the Public Welfare Code.

28 (4) The following entities as defined in section 802.1
29 of the act of July 19, 1979 (P.L.130, No.48), known as the
30 Health Care Facilities Act:

1 (i) A home health care agency.

2 (ii) A long-term care nursing facility.

3 (iii) A hospice.

4 (iv) A home care agency.

5 (v) A home care registry.

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

9 (6) A Living Independence for the Elderly (LIFE)
10 provider as authorized under the Balanced Budget Act of 1997
11 (Public Law 105-33, 111 Stat. 251) and licensed under the
12 Older Adult Daily Living Centers Licensing Act.

13 (7) Any other public or private organization or entity,
14 or part of an organization or entity, that uses public funds
15 and is paid, in part, to provide care to care-dependent
16 individuals.

17 The term does not include an entity licensed by the Department
18 of Drug and Alcohol Programs or the Department of Health to
19 provide drug and alcohol addiction treatment services or an
20 entity licensed by the Department of Human Services' Office of
21 Developmental Program.

22 "Financial exploitation." Exploitation involving the illegal
23 taking, misuse or concealment of funds, property or assets of an
24 older adult in the custody or control of a financial
25 institution.

26 "Financial institution." Any of the following:

27 (1) A national banking association.

28 (2) A State banking institution.

29 (3) Any other state bank that maintains a branch in this
30 Commonwealth.

1 (4) A credit union that is organized under Federal or
2 State law.

3 (5) A savings and loan association that is organized
4 under Federal or State law.

5 "Intimidation." An act or omission by any person or entity
6 toward another person that obstructs, impedes, impairs, prevents
7 or interferes with the administration of this chapter or any
8 other law intended to protect older adults from mistreatment.

9 "Law enforcement official." Any of the following:

10 (1) A police officer of a municipality.

11 (2) A peace officer, as defined in 18 Pa.C.S. § 501
12 (relating to definitions).

13 (3) A district attorney.

14 (4) The Pennsylvania State Police.

15 (5) The Office of Attorney General.

16 (6) The Department of Justice and other Federal law
17 enforcement agencies.

18 (7) Law enforcement authorities in other states.

19 "Mandatory reporter." Any of the following:

20 (1) Facility employees and administrators.

21 (2) Physicians or other licensed or certified health
22 care professionals.

23 "Neglect." The failure to provide for oneself or the failure
24 of a caretaker to provide goods or services essential to avoid a
25 clear and serious threat to physical or mental health.

26 "Older adult." An individual residing within this
27 Commonwealth who is 60 years of age or older.

28 "Older adult in need of protective services." An older adult
29 who is unable to perform or obtain services that are necessary
30 to maintain physical or mental health, for whom there is no

1 responsible caretaker and who is at risk of danger to his person
2 or property.

3 "Protective services." Those activities, resources and
4 supports provided to older adults under this chapter to detect,
5 prevent, reduce or eliminate abuse, neglect, exploitation and
6 abandonment.

7 "Serious bodily injury." Injury which creates a substantial
8 risk of death or which causes serious permanent disfigurement or
9 protracted loss or impairment of the function of a body member
10 or organ.

11 "Serious physical injury." An injury that:

12 (1) causes a person severe pain; or

13 (2) significantly impairs a person's physical
14 functioning, either temporarily or permanently.

15 "Service plan." A written plan developed by an area agency
16 on aging on the basis of a comprehensive assessment of an older
17 adult that describes identified needs and specific services
18 designed to support goal attainment. The plan shall include
19 regular follow-up appointments and predetermined reassessment of
20 progress. Specific services to support goal attainment may
21 include, but are not limited to, homemaker services, home-
22 delivered meals, personal care, other in-home services,
23 emergency shelter or food, legal aid services, transportation
24 and other such services. Service plans are cooperatively
25 developed by area agency on aging staff, the older adult or the
26 older adult's legal representative, and other family members,
27 when appropriate. The plan shall address special needs of other
28 members of the household unit if they affect the older adult's
29 need for protective services.

30 "Suspicious death." A death which is unexpected with

1 unexplained circumstances or cause.

2 § 6903. Duties of department and area agencies on aging.

3 (a) Public information and interdepartmental consultation.--

4 The department shall:

5 (1) Conduct an ongoing campaign designed to inform and
6 educate older adults, professionals and the general public
7 about the need for and the availability of protective
8 services under this chapter.

9 (2) Consult with other Commonwealth agencies on the
10 design and implementation of the ongoing public awareness
11 campaign.

12 (3) Consider the concerns of area agencies on aging and
13 the entities identified by them under subsection (c).

14 (b) Staff training.--

15 (1) The department shall establish minimum standards of
16 experience and training that protective services providers
17 funded by the department shall be required to follow in the
18 selection and assignment of staff for the provision of
19 protective services.

20 (2) The department may establish a training program for
21 mandatory reporters to inform employees about the requirement
22 to report under this chapter.

23 (c) Protective services plans.--Each area agency on aging
24 shall include a protective services plan as part of its annual
25 plan. The plan shall describe the local implementation of this
26 chapter, including the organization, staffing, mode of
27 operations and financing of protective services, as well as the
28 provisions made for purchase of services, interagency relations,
29 interagency agreements, service referral mechanisms and locus of
30 responsibility for cases with multiservice agency needs.

1 (d) Confidentiality.--The department shall establish the
2 methods that shall be used by an area agency on aging, its
3 designees and its service providers to assure the privacy of
4 older adults receiving services and the confidentiality of all
5 records.

6 (e) Schedule.--The department shall establish a schedule for
7 the submission and approval of the plans.

8 SUBCHAPTER B

9 FINANCIAL INSTITUTIONS

10 Sec.

11 6911. Duties of financial institutions.

12 6912. Reporting.

13 6913. Receipt and investigation of reports.

14 6914. Provision of protective services.

15 § 6911. Duties of financial institutions.

16 (a) Voluntary reporting of financial exploitation.--
17 Notwithstanding any provisions of Federal or State law that
18 limit or prohibit disclosure, a financial institution, including
19 its designated personnel, may report financial exploitation of
20 an older adult to the department or the area agency on aging as
21 provided by section 6912 (relating to reporting) if an employee
22 of the financial institution, while acting within the scope of
23 the employee's employment:

24 (1) has direct contact with an older adult or reviews or
25 approves an older adult's financial documents, records or
26 transactions in connection with financial services provided
27 by the financial institution to or for the older adult; and

28 (2) observes or obtains knowledge of behavior, unusual
29 circumstances or transactions that lead the employee to know
30 or have reasonable cause to suspect that the older adult is

1 the victim of financial exploitation.

2 (b) Staff training.--

3 (1) The department, in cooperation with the financial
4 services industry and the Department of Banking and
5 Securities, shall develop and provide training programs for
6 the personnel of area agencies of aging regarding the
7 identification and prevention of financial exploitation of
8 older adults and on procedures to provide relief to older
9 adults from financial exploitation.

10 (2) Financial institutions shall implement a training
11 program for employees in recognizing the types of warning
12 signs and evidence that would be acceptable indicators of
13 financial exploitation of an older adult.

14 (3) The department shall establish a model training
15 program, in consultation with representatives of the
16 financial services industry and the Department of Banking and
17 Securities, for personnel of financial institutions regarding
18 the identification and prevention of financial exploitation
19 of older adults and on procedures to provide relief to older
20 adults from financial exploitation, including guidelines
21 about when to report suspected financial exploitation, to
22 whom suspected financial exploitation should be reported,
23 information that should be included in a report and
24 applicable laws, rules and regulations that must be followed
25 while reporting suspected financial exploitation. The
26 department may adopt a national organization's training
27 program as its model training program so long as the training
28 is certified or accredited.

29 (4) Each financial institution with employees in this
30 Commonwealth shall provide training to employees who have

1 direct contact with older adults and conduct financial
2 transactions, including monitoring of electronic only
3 transactions, for or on behalf of older adults to identify
4 and report to the institution transactions which have no
5 business or lawful purposes or would be of the type that a
6 particular older adult would not normally be expected to
7 engage as potential indicators of financial exploitation.

8 (5) A financial institution shall be deemed in
9 compliance with this subchapter if it uses a model training
10 program established by the department under paragraph (3) or
11 is subject to training requirements established under Federal
12 laws, regulations or policies consistent with the
13 requirements of this paragraph and is subject to examination
14 by Federal regulatory agencies to ensure compliance with the
15 requirements.

16 (c) Authority to prohibit disbursement of funds and
17 transactions.--

18 (1) Pending an investigation by a financial institution,
19 an area agency on aging or law enforcement official, if a
20 financial institution reasonably believes that financial
21 exploitation of an older adult may have occurred, may have
22 been attempted or is being attempted, the financial
23 institution may, but is not required to, refuse to disburse
24 or engage in a transaction, as appropriate, to prevent
25 financial exploitation of an older adult with respect to the
26 account:

27 (i) of the older adult;

28 (ii) on which the older adult is a beneficiary,
29 including a trust or guardianship account; or

30 (iii) of a person suspected of perpetrating

1 financial exploitation of an older adult.

2 (2) A financial institution may also refuse to disburse
3 funds or engage in a transaction under this section if an
4 area agency on aging or law enforcement official provides
5 information to the financial institution demonstrating that
6 it is reasonable to believe that financial exploitation of an
7 older adult may have occurred, may have been attempted or is
8 being attempted.

9 (3) A financial institution is not required to refuse to
10 disburse funds or engage in a transaction when provided with
11 information alleging that financial exploitation may have
12 occurred, may have been attempted or is being attempted, but
13 may use its discretion to determine whether or not to refuse
14 to disburse funds based on the information available to the
15 financial institution.

16 (4) Except as provided by Federal or State law, a
17 financial institution that refuses to disburse funds or
18 engage in a transaction based on a reasonable belief that
19 financial exploitation of an older adult may have occurred,
20 may have been attempted or is being attempted shall:

21 (i) Make a reasonable effort to notify all parties
22 authorized to transact business on the account orally or
23 in writing.

24 (ii) Report the incident to the area agency on aging
25 and law enforcement officials.

26 (5) Any refusal to disburse funds or engage in a
27 transaction as authorized by this section based on the
28 reasonable belief of a financial institution that financial
29 exploitation of an older adult may have occurred, may have
30 been attempted or is being attempted shall expire upon the

1 sooner of:

2 (i) ten business days after the date on which the
3 financial institution first refused to disburse the funds
4 or engage in the transaction, unless terminated or
5 extended by an order of a court of competent
6 jurisdiction, a law enforcement official, the department
7 or an area agency on aging. An additional five business
8 days shall be permitted, if requested by a law
9 enforcement official, the department or an area agency on
10 aging, following the submission of a petition for a court
11 order further extending the time period; or

12 (ii) the time when the financial institution is
13 satisfied that the disbursement will not result in
14 financial exploitation of an older adult.

15 (6) A court of competent jurisdiction may enter an order
16 extending the refusal by the financial institution to
17 disburse funds or engage in a transaction based on a
18 reasonable belief that financial exploitation of an older
19 adult may have occurred, may have been attempted or is being
20 attempted. A court of competent jurisdiction may also order
21 other protective relief as authorized.

22 (d) Immunity.--Except as provided under subsection (f), a
23 financial institution and its directors, officers, employees or
24 agents shall not be subject to a claim for damages or other
25 civil or criminal liability for:

26 (1) The identification or failure to identify the
27 financial exploitation of an older adult.

28 (2) A decision to make a report or not make a report
29 under subsection (a).

30 (3) A refusal to disburse funds or engage in a

1 transaction under subsection (c) or a decision to allow the
2 disbursement of funds or engage in a transaction under
3 subsection (c).

4 (4) The release of information to a law enforcement
5 official, the department or an area agency on aging as
6 authorized by this subchapter.

7 (e) Additional immunities and defenses.--Notwithstanding any
8 other law to the contrary:

9 (1) The refusal by a financial institution to engage in
10 a transaction authorized under this subsection shall not
11 constitute the wrongful dishonor of an item under 13 Pa.C.S.
12 § 4402 (relating to liability of bank to customer for
13 wrongful dishonor; time of determining insufficiency of
14 account).

15 (2) A reasonable belief that payment of a check will
16 facilitate the financial exploitation of an older adult shall
17 constitute reasonable grounds to doubt the collectibility of
18 the item for purposes of the Expedited Funds Availability Act
19 (Public Law 100-86, 12 U.S.C. § 4001 et seq.), The Check
20 Clearing for the 21st Century Act (Public Law 108-100, 12
21 U.S.C. § 5001 et seq.) and 12 CFR Pt. 229 (relating to
22 availability of funds and collection of checks).

23 (f) Limitation.--The immunities and defenses provided under
24 subsections (d) and (e) shall not apply to a director, officer,
25 employee or agent involved in the financial exploitation of an
26 older adult.

27 (g) Suspicious activity reports.--The department shall use
28 its best efforts to enter into a cooperative agreement with the
29 United States Department of the Treasury to receive or access
30 suspicious activity reports filed by financial institutions with

1 the United States Department of the Treasury. Except as
2 prohibited by Federal law, any other Commonwealth agency which
3 receives or is granted access to the reports from the United
4 States Department of the Treasury shall make the reports or
5 access to the reports available to the department to facilitate
6 the discharge of the department's duties under this chapter. For
7 the purpose of authorizing access to suspicious activity
8 reports, the department shall be deemed to be a law enforcement
9 agency authorized to receive the reports under Federal laws and
10 regulations.

11 § 6912. Reporting.

12 (a) Voluntary reports.--Any person, including employees of
13 financial institutions, having reasonable cause to suspect that
14 an older adult may be a victim of suspicious death, serious
15 bodily injury, serious physical injury, sexual abuse or
16 financial exploitation may report the information to the area
17 agency on aging.

18 (b) Mandatory reports to area agency on aging.--A mandatory
19 reporter, who has reasonable cause to suspect that an older
20 adult may be a victim of abuse, neglect, exploitation or
21 abandonment, shall immediately make an oral report to the area
22 agency on aging. If applicable, the area agency on aging shall
23 advise the mandatory reporter of additional reporting
24 requirements that may apply under subsection (c). Within 48
25 hours of making the oral report, the mandatory reporter shall
26 make a written report to the area agency on aging.

27 (c) Mandatory reports to law enforcement officials and
28 department.--In addition to the report under subsection (a), a
29 mandatory reporter who has reasonable cause to suspect that an
30 older adult may be a victim of suspicious death, serious bodily

1 injury, serious physical injury, sexual abuse or financial
2 exploitation shall immediately contact law enforcement officials
3 and the department to make an oral report. Within 48 hours of
4 making the oral report, the mandatory reporter shall make a
5 written report to appropriate law enforcement officials and to
6 the area agency on aging. The area agency on aging shall forward
7 the report to the department within 48 hours of receipt.

8 (d) Contents of report.--A written mandatory report under
9 this section shall be in a manner and on forms prescribed by the
10 department. At a minimum, the report shall include the following
11 information, as well as anything additional required by
12 regulation:

13 (1) Name, age, sex and address of the older adult.

14 (2) Name and address of the older adult's legal
15 representative or next of kin.

16 (3) Name and address of the facility, if applicable.

17 (4) Nature and location of the reported incident and any
18 specific comments or observations that are directly related
19 to the alleged incident and the older adult involved.

20 (5) Any relevant information known related to the
21 identity of the alleged perpetrator, including, but not
22 limited to, name, age, sex and relationship to the older
23 adult.

24 (6) Name of the individual making the report, contact
25 information for the reporter and information regarding any
26 actions taken by the reporter in response to the incident.

27 (e) Training.--Mandatory reporters shall be trained on the
28 requirements to report under this subchapter.

29 (f) Coroner.--For a report under this section that concerns
30 the death of an older adult, if there is reasonable cause to

1 suspect that the older adult died as a result of abuse, neglect,
2 exploitation or abandonment, the area agency on aging shall give
3 the oral report and forward a copy of the written report to the
4 appropriate coroner within 24 hours.

5 § 6913. Receipt and investigation of reports.

6 (a) Receipt.--The area agency on aging must be capable of
7 receiving reports of older adults in need of protective services
8 24 hours a day, seven days a week. This capability may include
9 the use of a local emergency response system or a crisis
10 intervention agency, provided that access can be made to a
11 protective services caseworker in appropriate emergency
12 situations, as set forth in regulations issued by the
13 department. All reports received orally shall be documented in a
14 manner set forth by the department.

15 (b) Investigation.--It shall be the area agency on aging's
16 responsibility to investigate each report in accordance with
17 regulations issued by the department. The investigation shall be
18 initiated within 72 hours after the receipt of the report and
19 shall be carried out under regulations issued by the department.
20 The regulations shall provide for the methods of conducting
21 investigations and shall assure that steps are taken to avoid
22 any conflict of interest. Consent of the older adult is not
23 required in order to investigate reports of abuse, neglect,
24 exploitation or abandonment.

25 (c) Access to older adults.--

26 (1) The area agency on aging shall have direct access to
27 older adults who have been reported to be in need of
28 protective services in order to:

29 (i) Investigate reports.

30 (ii) Assess needs of the older adult and develop a

1 service plan for addressing those needs.

2 (iii) Provide for the delivery of services by the
3 area agency on aging or other service provider arranged
4 for under the service plan.

5 (2) If the area agency on aging is denied access to an
6 older adult reported to be in need of protective services,
7 the area agency on aging may petition the court for an order
8 to require any of the following:

9 (i) Access to the older adult.

10 (ii) A medical evaluation of the older adult.

11 (iii) A psychiatric evaluation of the older adult.

12 (d) Access to records.--

13 (1) The area agency on aging shall, subject to the
14 consent of the older adult, have access to all records for
15 the purposes of:

16 (i) Assessing an older adult's need for services.

17 (ii) Planning and delivery of services.

18 (iii) Investigating reports.

19 (2) If an older adult refuses to provide consent, the
20 department or the area agency on aging may file a petition
21 with the court of common pleas in the county where the older
22 adult resides for an order compelling the production of
23 records. Upon the issuance of the order, the department or
24 the area agency on aging shall have access to all records
25 reasonably necessary for the purposes of investigating
26 reports. If a record custodian refuses to comply with an
27 order, the area agency on aging may file a petition with the
28 court of common pleas in the county where the older adult
29 resides for an order compelling the production of records.
30 The area agency on aging or the department shall compensate

1 the record custodian for actual costs of producing records,
2 or amounts as set forth by regulations adopted by the
3 department.

4 (3) Records of State agencies, private organizations,
5 financial institutions, medical institutions and
6 practitioners, which the area agency on aging reasonably
7 believes to be necessary to complete an investigation or
8 assessment and service plan, shall be requested in written
9 form and be made available to the area agency on aging unless
10 the disclosure would be prohibited by any other provision of
11 Federal or State law.

12 (4) A financial institution may release nonpublic
13 personal information when reporting a known or suspected
14 instance of financial exploitation of an older adult or when
15 cooperating with an area agency on aging or law enforcement
16 official investigation of known or suspected financial
17 exploitation of an older adult.

18 (5) If the area agency on aging can demonstrate that the
19 older adult has denied access to the older adult's records
20 because of incompetence, coercion, extortion or justifiable
21 fear, the area agency on aging shall have access to all
22 records. If the older adult denying access to records is
23 competent, the area agency on aging may petition the court
24 for an order to require access.

25 (6) If any other entity or individual denies access to
26 the older adult's records, the area agency on aging may
27 petition the court for an order to require access.

28 (e) Investigations involving facilities.--If the report
29 concerns a facility, the area agency on aging shall notify the
30 local ombudsman and the licensing agency. Any investigations

1 concerning facilities shall be conducted under procedures
2 developed by the department in consultation with the
3 Commonwealth agency with oversight authority for the facility.
4 The department and any other Commonwealth agency shall share
5 information with one another necessary to ensure the health,
6 safety and welfare of the older adult. Facilities shall take
7 reasonable steps to protect the older adults following receipt
8 of a report of suspected abuse, neglect, exploitation or
9 abandonment involving a facility employee, including a plan of
10 supervision or suspension.

11 (f) Investigations involving law enforcement officials.--

12 (1) To the extent possible, law enforcement officials,
13 the area agency on aging and mandatory reporters shall
14 coordinate their respective investigations and shall advise
15 each other and provide any applicable additional information
16 on an ongoing basis.

17 (2) Upon receiving a report that falls into any of the
18 following categories, the area agency on aging shall
19 immediately notify a law enforcement official:

20 (i) Suspicious death.

21 (ii) Serious bodily injury.

22 (iii) Serious physical injury.

23 (iv) Sexual abuse.

24 (v) Financial exploitation.

25 (3) Following a referral to a law enforcement official:

26 (i) The area agency on aging shall contact a law
27 enforcement official to obtain information about any
28 actions taken and the outcomes, including any decisions
29 regarding criminal charges.

30 (ii) The law enforcement official shall provide this

1 information to the extent that it is available.

2 (iii) The area agency on aging shall report this
3 information to the department in a manner prescribed by
4 the department.

5 (g) Unsubstantiated reports.--If, after investigation by the
6 area agency on aging, the report is unsubstantiated, the case
7 shall be closed. For purposes of substantiating a pattern of
8 abuse, neglect, exploitation or abandonment, case records shall
9 be maintained for three years.

10 (h) Substantiated reports.--

11 (1) If, after investigation by the area agency on aging,
12 the report is substantiated, the area agency on aging, in
13 conjunction with the older adult, shall develop a service
14 plan.

15 (2) The service plan shall encourage self-determination
16 and continuity of care in the least restrictive setting.

17 (3) For purposes of substantiating a pattern of abuse,
18 neglect, exploitation or abandonment, case records shall be
19 maintained for three years.

20 (4) The area agency on aging may pursue civil or
21 criminal remedies.

22 (5) An older adult shall not be found to be abused or
23 neglected solely on the grounds of environmental factors that
24 are beyond the control of the older adult or the caretaker,
25 such as inadequate housing, furnishings, income, clothing or
26 medical care.

27 § 6914. Provision of protective services.

28 (a) Availability of protective services.--The area agency on
29 aging shall offer protective services under any of the following
30 conditions:

1 (1) An older adult requests the services.

2 (2) Another interested person requests the services on
3 behalf of an older adult.

4 (3) After investigation of a report, the area agency on
5 aging determines the older adult is in need of the services.

6 (b) Consent by request.--An individual shall receive
7 protective services voluntarily unless the services are ordered
8 by a court of competent jurisdiction or requested by the older
9 adult's legal representative.

10 (c) Interference with services.--If any person interferes
11 with the provision of services or interferes with the right of
12 an older adult to consent to provision of services, the area
13 agency on aging may petition the court for an order enjoining
14 the interference.

15 (d) Financial obligations, liabilities and payments.--All
16 older adults receiving services and all agencies providing
17 services under this subchapter shall comply with the following
18 provisions regarding liability for the payment of services:

19 (1) Funding to provide or make available protective
20 services under this subchapter shall not be used in place of
21 any public or private entitlements or benefits for which the
22 older adult receiving protective services under this
23 subchapter is or may be eligible.

24 (2) Funding available to local protective services
25 agencies under this subchapter may be used to cover the costs
26 of activities, including, but not limited to:

27 (i) Administering protective services plans.

28 (ii) Receiving and maintaining records of reports of
29 abuse, neglect, exploitation and abandonment.

30 (iii) Conducting investigations of reported abuse,

1 neglect, exploitation and abandonment.

2 (iv) Carrying out assessments and developing service
3 plans.

4 (v) Petitioning the court.

5 (vi) Providing for emergency involuntary
6 intervention.

7 (vii) Arranging for available services needed to
8 carry out service plans, which may include arranging for
9 services for other persons in order to reduce, correct or
10 eliminate abuse, neglect, exploitation or abandonment of
11 an older adult.

12 (viii) Purchasing, on a temporary basis, services
13 determined by a service plan to be necessary to reduce,
14 correct or eliminate abuse, neglect, exploitation or
15 abandonment of an older adult when the services are not
16 available within the existing resources of the area
17 agency on aging or other appropriate provider. Purchase
18 of services under this provision is limited to a 30-day
19 period which may be renewed with adequate justification
20 under regulations issued by the department.

21 (3) Older adults receiving protective services shall not
22 be required to pay a fee for any services received by other
23 older adults when the receipt of the services by others is
24 not subject to cost sharing.

25 SUBCHAPTER C

26 PROTECTIVE SERVICES

27 Sec.

28 6921. Involuntary intervention by emergency court order.

29 6922. Confidentiality of records.

30 6923. Rights of older adult.

1 § 6921. Involuntary intervention by emergency court order.

2 (a) Emergency petition.--An area agency on aging may
3 petition a court of common pleas for an emergency order to
4 provide protective services to an older adult who is at imminent
5 risk of death, sexual abuse, serious bodily injury, serious
6 physical injury or financial exploitation. The court of common
7 pleas shall grant the area agency on aging's petition if it
8 finds, by a preponderance of the evidence, that failure to
9 provide protective services will place the older adult at
10 imminent risk of death, sexual abuse, serious bodily injury,
11 physical injury or financial exploitation. The courts of common
12 pleas of each judicial district shall ensure that a judge or
13 magisterial district judge is available on a 24-hour-a-day, 365-
14 days-a-year basis to accept and rule on petitions for emergency
15 court orders under this section whenever the area agency on
16 aging determines that a delay until normal court hours may
17 significantly increase danger to the older adult.

18 (b) Limited order.--The court, after finding a preponderance
19 of evidence of the need for an emergency order, shall order only
20 services as are necessary to remove the conditions creating the
21 established need.

22 (c) Right to counsel.--In order to protect the rights of an
23 older adult for whom protective services are being ordered, an
24 emergency court order under this section shall provide that the
25 older adult has the right to legal counsel. If the older adult
26 is unable to provide for counsel, the counsel shall be appointed
27 by the court.

28 (d) Forcible entry.--If it is necessary to forcibly enter
29 premises after obtaining a court order, a law enforcement
30 official may do so, accompanied by a representative of the area

1 agency on aging.

2 (e) Health and safety requirements.--The area agency on
3 aging shall take reasonable steps to ensure that while the older
4 adult is receiving services under an emergency court order, the
5 health and safety needs of any of the older adult's dependents
6 are met and that personal property and the dwelling the older
7 adult occupies are secure.

8 § 6922. Confidentiality of records.

9 (a) General rule.--Information contained in reports, records
10 of investigation, assessments and service plans created under
11 this subchapter shall be considered confidential and shall be
12 maintained under regulations issued by the department. Except as
13 provided below, this information shall be disclosed by area
14 agency on aging staff for the purposes of development and
15 implementation of protective services. The department or the
16 area agency on aging may not release information that could be
17 detrimental to the older adult except that the information shall
18 be released to a law enforcement official under subsection (b)
19 (2) and may be used by the department in civil proceedings,
20 subject to protective orders. All information contained in
21 protective service records is subject to other Federal and State
22 confidentiality and security laws.

23 (b) Release of protective services records.--Protective
24 services records may be provided as follows:

25 (1) Protective services records may be provided to a
26 court of competent jurisdiction, or to another party,
27 pursuant to court order. A subpoena, other than a grand jury
28 subpoena, shall not be a court order for purposes of this
29 section.

30 (2) Protective services records may be provided to law

1 enforcement officials or the coroner if the information is
2 relevant to the official's or coroner's investigation of
3 abuse, neglect, exploitation or abandonment of the older
4 adult.

5 (3) In arranging specific services to carry out service
6 plans, the area agency on aging may disclose to appropriate
7 service providers information as may be necessary to initiate
8 the delivery of services.

9 (4) The older adult who is the subject of a report or
10 the older adult's guardian may receive, upon written request,
11 all information contained in the report of need except
12 information that would identify the person who made a report
13 of suspected abuse, neglect, exploitation or abandonment, or
14 persons who cooperated in a subsequent investigation.

15 (5) A person who made a report of suspected abuse,
16 neglect, exploitation or abandonment may receive, upon
17 written request, confirmation that the report was received
18 and the area agency on aging is acting in accordance with
19 this subchapter.

20 (6) For the purposes of monitoring agency performance or
21 conducting other official duties, appropriate staff of the
22 department, as designated by the Secretary of Aging, may
23 access protective services records.

24 (7) The department or the area agency on aging may
25 collaborate or share information included in protective
26 services records with Commonwealth agencies for purposes of
27 official Commonwealth business.

28 (8) The department or the area agency on aging may share
29 protective services records with another area agency on aging
30 that is performing responsibilities under this subchapter

1 relevant to older adults within their jurisdictions.

2 (9) An employee of an agency of another state who
3 performs older adult protective services similar to those
4 under this subchapter may access protective services records
5 relevant to older adults within their jurisdiction.

6 (10) Protective services records may be provided to a
7 practitioner of the healing arts who is examining or treating
8 the older adult and who suspects that the older adult is in
9 need of protection under this subchapter.

10 (11) Protective services records may be provided to the
11 director, or an individual specifically designated in writing
12 by the director, of any hospital or other medical institution
13 where the older adult is being treated if the director or
14 designee suspects that the recipient is in need of protection
15 under this chapter.

16 (12) Protective services records may be provided to a
17 financial institution reporting financial exploitation for
18 the purposes of assisting the financial institution in
19 determining whether to prohibit the disbursement of funds or
20 the completing of a transaction as provided under section
21 6911(c) (relating to duties of financial institutions).

22 (c) Protecting identity of reporter and cooperating
23 witnesses.--

24 (1) Except for disclosures to law enforcement officials,
25 the release of records that would identify the individual who
26 made a report under this subchapter or an individual who
27 cooperated in a subsequent investigation is prohibited.

28 (2) If records are provided pursuant to court order, the
29 identity of the reporter and cooperating witnesses shall be
30 deleted, unless otherwise ordered by the court after an in

1 camera review.

2 (d) Penalties for unauthorized disclosure.--Any disclosure
3 of information obtained by the department or an area agency on
4 aging under this subchapter that is not authorized shall
5 constitute a misdemeanor of the third degree.

6 § 6923. Rights of older adult.

7 (a) Notification.--The area agency on aging shall discreetly
8 notify the older adult during the investigation that a report
9 has been made and shall provide the older adult a brief summary
10 of the nature of the report.

11 (b) Information.--As provided in section 6922(b)(4)
12 (relating to confidentiality of records), the older adult who is
13 the subject of a report, or the older adult's guardian, provided
14 the guardian is not named in the report, may receive, upon
15 written request, all information contained in the report of need
16 except information that would identify the person who made a
17 report of suspected abuse, neglect, exploitation or abandonment
18 or persons who cooperated in a subsequent investigation.

19 (c) Appeal.--Any denial of services by the department or an
20 area agency on aging under this subchapter may be appealed
21 according to the provisions of the rules and regulations issued
22 by the department under Article XXII-A of the act of April 9,
23 1929 (P.L.177, No.175), known as The Administrative Code of
24 1929.

25 SUBCHAPTER D

26 CRIMINAL HISTORY

27 Sec.

28 6931. Criminal history.

29 § 6931. Criminal history.

30 (a) General rule.--Prior to hiring or engaging an applicant,

1 a facility shall require the applicant, owner or operator to
2 submit the following information obtained within the preceding
3 one-year period:

4 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
5 history record information), a report of criminal history
6 record information from the Pennsylvania State Police or a
7 statement from the Pennsylvania State Police that its central
8 repository contains no such information relating to the
9 applicant. The provisions of 18 Pa.C.S. § 9121(b)(2)
10 (relating to general regulations) shall not apply to criminal
11 history information or other criminal history record
12 information requested or received under this section.

13 (2) Federal criminal history record information pursuant
14 to applicable Federal law. The following apply:

15 (i) The department shall serve as the intermediary
16 for the purposes of this section. The applicant shall
17 submit a full set of fingerprints to the Federal Bureau
18 of Investigation in a manner designated by the
19 department. The provisions of 18 Pa.C.S. § 9121(b)(2)
20 shall not apply to criminal history information or other
21 criminal history record information requested or received
22 under this section.

23 (ii) Criminal history information shall be used by
24 the department to determine the applicant's eligibility
25 for employment with a facility. The employment
26 determination shall be provided to the facility and the
27 applicant prior to commencement of employment. The
28 facility shall ensure confidentiality of the information.

29 (3) Additional applicant information from a court or
30 other authority as required by the department and within the

1 time frame designated by the department. Failure to provide
2 the requested information within the time frame designated by
3 the department may result in employment ineligibility.

4 (b) Lifetime ban.--A facility shall not hire or engage an
5 applicant required to submit information pursuant to this
6 subchapter if the applicant's criminal history record
7 information indicates the applicant has been convicted of an
8 offense or attempt, solicitation or conspiracy to commit an
9 offense under one of the following provisions of 18 Pa.C.S.
10 (relating to crimes and offenses):

11 (1) Chapter 25 (relating to criminal homicide).

12 (2) Chapter 26 (relating to crimes against unborn
13 child).

14 (3) Section 2702 (relating to aggravated assault).

15 (4) Section 2713 (relating to neglect of care-dependent
16 person).

17 (5) Section 2715 (relating to threat to use weapons of
18 mass destruction).

19 (6) Section 2716 (relating to weapons of mass
20 destruction).

21 (7) Section 2717 (relating to terrorism).

22 (8) Section 2901 (relating to kidnapping).

23 (9) Section 3121 (relating to rape).

24 (10) Section 3122.1 (relating to statutory sexual
25 assault).

26 (11) Section 3123 (relating to involuntary deviate
27 sexual intercourse).

28 (12) Section 3124.1 (relating to sexual assault).

29 (13) Section 3125 (relating to aggravated indecent
30 assault).

1 (14) Section 3126 (relating to indecent assault).
2 (15) Section 3212 (relating to infanticide).
3 (16) Section 4302 (relating to incest).

4 (17) Section 4303 (relating to concealing death of
5 child).

6 (18) Section 4304 (relating to endangering welfare of
7 children).

8 (19) Section 4305 (relating to dealing in infant
9 children).

10 (20) Section 5510 (relating to abuse of corpse).

11 (21) Section 6312 (relating to sexual abuse of
12 children).

13 (22) Federal or out-of-State offenses similar in nature
14 to the offenses listed in this subsection.

15 (c) Five-year ban.--A facility shall not hire or engage an
16 applicant required to submit criminal history information
17 pursuant to this subchapter for a period of five years from the
18 date of conviction if the applicant's criminal history record
19 information indicates that the applicant has been convicted of
20 any of the following provisions:

21 (1) An offense designated as a felony under the act of
22 April 14, 1972 (P.L.233, No.64), known as The Controlled
23 Substance, Drug, Device and Cosmetic Act.

24 (2) 18 Pa.C.S. § 2902 (relating to unlawful restraint).

25 (3) 18 Pa.C.S. § 3127 (relating to indecent exposure).

26 (4) 18 Pa.C.S. § 3301 (relating to arson and related
27 offenses).

28 (5) 18 Pa.C.S. § 3502 (relating to burglary).

29 (6) 18 Pa.C.S. § 3701 (relating to robbery).

30 (7) A felony offense under 18 Pa.C.S. Ch. 39 (relating

1 to theft and related offenses).

2 (8) Two or more misdemeanors under 18 Pa.C.S. Ch. 39.

3 (9) 18 Pa.C.S. § 4101 (relating to forgery).

4 (10) 18 Pa.C.S. § 4114 (relating to securing execution
5 of documents by deception).

6 (11) 18 Pa.C.S. § 4120 (relating to identity theft).

7 (12) 18 Pa.C.S. § 4952 (relating to intimidation of
8 witnesses or victims).

9 (13) 18 Pa.C.S. § 4953 (relating to retaliation against
10 witness, victim or party).

11 (14) A felony offense under 18 Pa.C.S. § 5902(b)
12 (relating to prostitution and related offenses).

13 (15) 18 Pa.C.S. § 5903(c) or (d) (relating to obscene
14 and other sexual materials and performances).

15 (16) 18 Pa.C.S. § 6301 (relating to corruption of
16 minors).

17 (17) 75 Pa.C.S. § 3735 (relating to homicide by vehicle
18 while driving under influence).

19 (18) 75 Pa.C.S. § 3735.1 (relating to aggravated assault
20 by vehicle while driving under influence).

21 (19) 75 Pa.C.S. § 3802 (relating to driving under
22 influence of alcohol or controlled substance).

23 (20) Federal or out-of-State offenses similar in nature
24 to the offenses listed in this subsection.

25 (d) Exemption.--A facility may hire an applicant subject to
26 a 10-year ban under subsection (c) prior to the expiration of
27 the ban period, provided the applicant can demonstrate a minimum
28 five-year aggregate work history in care-dependent services,
29 without disciplinary action or a criminal conviction from the
30 date of conviction. Care-dependent services include health care,

1 child care, mental health care or care of older adults or of
2 persons with intellectual disabilities or physical disabilities.

3 (e) Right to appeal.--An applicant or employee may challenge
4 the decision of the department involving the Federal criminal
5 history record by filing an appeal with the department in
6 accordance with 2 Pa.C.S. (relating to administrative law and
7 procedure).

8 (f) Employee disclosure.--The department shall develop a
9 standardized form to be used by facilities for the written
10 reporting by employees and administrators of any conviction for
11 an offense enumerated under subsections (b) and (c). The form
12 shall be published on the department's publicly accessible
13 Internet website and in the Pennsylvania Bulletin.

14 (g) Form.--

15 (1) The form shall contain a list of the prohibited
16 offenses under subsections (b) and (c) and a space for the
17 employee to indicate any convictions.

18 (2) Employees and administrators who have not been
19 convicted of any enumerated offense shall respond "no
20 conviction."

21 (3) Employees and administrators must be informed that
22 failure to accurately report any conviction for an offense
23 enumerated under subsection (b) or (c) shall subject the
24 employee to criminal prosecution under 18 Pa.C.S. § 4904
25 (relating to unsworn falsification to authorities).

26 (h) Reporting.--

27 (1) Facilities shall require employees and
28 administrators to complete and submit the form on an annual
29 basis.

30 (2) Employees and administrators shall advise their

1 employers with written notice utilizing the form not later
2 than 72 hours after a conviction.

3 (i) Criminal history background check.--If an employee or
4 administrator refuses to submit the form, the facility shall
5 immediately require the employee to submit a current report of
6 criminal history record information as required under subsection
7 (a).

8 (j) Penalties.--

9 (1) An employee or administrator who discloses a
10 conviction for an offense enumerated under subsection (b) or
11 (c) shall be subject to termination.

12 (2) An employee or administrator who willfully fails to
13 disclose a conviction for an offense enumerated under
14 subsection (b) or (c) shall be subject to termination and may
15 be subject to criminal prosecution under 18 Pa.C.S. § 4904.

16 (k) Provisional employees for limited periods.--Facilities
17 may employ applicants on a provisional basis for a single period
18 not to exceed 30 days if all of the following conditions are
19 met:

20 (1) The applicant has applied for a criminal history
21 report required under subsection (a)(1) and (2) and provided
22 the facility with a copy of the completed request forms.

23 (2) The facility has no knowledge about the applicant
24 that would disqualify the applicant from employment under 18
25 Pa.C.S. § 4911 (relating to tampering with public records or
26 information).

27 (3) The applicant shall swear or affirm in writing that
28 the applicant is not disqualified from employment under this
29 subchapter.

30 (4) If the information obtained from the criminal

1 history report reveals that the applicant is disqualified
2 from employment, the applicant shall be dismissed
3 immediately.

4 (1) Supervision.--The department shall develop guidelines
5 regarding the supervision of applicants. Supervision shall
6 include random direct supervision by an employee who has been
7 employed by the facility for a period of at least one year.

8 SUBCHAPTER E

9 REMEDIES

10 Sec.

11 6941. Penalties.

12 6942. Immunity from civil and criminal liability.

13 § 6941. Penalties.

14 (a) Civil penalties.--

15 (1) A mandatory reporter who fails to comply or
16 obstructs compliance with the provisions of this chapter or
17 who intimidates or commits a retaliatory act against an
18 individual who complies in good faith with the provisions of
19 this chapter commits a violation of this chapter and shall be
20 subject to an administrative penalty. The department has
21 jurisdiction to determine violations of this chapter and may
22 issue an order assessing a civil penalty of not more than
23 \$5,000. An order under this paragraph is subject to 2 Pa.C.S.
24 Chs. 5 Subch. A (relating to practice and procedure of
25 Commonwealth agencies) and 7 Subch. A (relating to judicial
26 review of Commonwealth agency action).

27 (2) The Commonwealth agency or Commonwealth agencies
28 which license the facility have jurisdiction to determine
29 violations of section 6931 (relating to criminal history) and
30 may issue an order assessing a civil penalty not to exceed

1 \$5,000.

2 (3) The older adult or any person making a report or
3 cooperating with the area agency on aging, including
4 providing testimony in any administrative or judicial
5 proceeding, shall be free from any discriminatory,
6 retaliatory or disciplinary action by an employer or by any
7 other person or entity. Any person who violates this
8 paragraph is subject to a civil action by the reporter or the
9 older adult. The reporter or older adult shall recover treble
10 compensatory damages, compensatory and punitive damages or
11 \$5,000, whichever is greater.

12 (4) Any person, including the older adult, with
13 knowledge sufficient to justify making a report or
14 cooperating with the area agency on aging, including possibly
15 providing testimony in any administrative or judicial
16 proceeding, shall be free from any intimidation by an
17 employer or by any other person or entity. Any person who
18 violates this paragraph is subject to a civil action by the
19 person intimidated or the older adult. The person intimidated
20 or the older adult shall recover treble compensatory damages,
21 compensatory and punitive damages or \$5,000, whichever is
22 greater.

23 (b) Criminal penalties.--

24 (1) A mandatory reporter under this chapter who
25 intentionally fails to report suspected abuse, neglect,
26 exploitation or abandonment commits a summary offense for the
27 first violation and a misdemeanor of the second degree for a
28 second or subsequent violation and shall, upon conviction, be
29 sentenced to pay a fine of \$5,000 or to imprisonment for not
30 more than one year, or both.

1 (2) It shall be unlawful for a person to knowingly or
2 intentionally make or cause to be made a false statement or
3 representation of a material fact in a report of need in
4 accordance with 18 Pa.C.S. § 4904 (relating to unsworn
5 falsification to authorities). A person who makes a false
6 statement commits a misdemeanor of the first degree and
7 shall, upon conviction, be sentenced to pay a fine of no more
8 than \$10,000 or to imprisonment for not more than five years,
9 or both.

10 (c) Immunity.--

11 (1) Any person participating in the making of a report,
12 or who provides testimony in any administrative or judicial
13 proceeding in any court of this Commonwealth arising out of a
14 report, shall be immune from any civil or criminal liability
15 on account of the report or testimony related to good faith
16 compliance with this chapter. This immunity shall not extend
17 to liability for acts of abuse, neglect, exploitation or
18 abandonment, even if the acts are the subject of the report
19 or testimony.

20 (2) Any company, institution and all affiliated entities
21 that employ a person required or permitted to make a report
22 under this chapter shall not be held civilly liable for any
23 action directly related to good faith compliance with this
24 chapter.

25 (d) Funds.--Funds collected under this chapter by the
26 department shall be dedicated for department programs to
27 investigate and prevent the abuse, neglect, exploitation and
28 abandonment of older adults.

29 § 6942. Immunity from civil and criminal liability.

30 In the absence of willful misconduct or gross negligence, the

1 area agency on aging, the director, employees of the area agency
2 on aging, protective services workers or employees of the
3 department shall not be civilly or criminally liable for any
4 decision or action or resulting consequence of decisions or
5 action when acting under and according to the provisions of this
6 chapter.

7 SUBCHAPTER F

8 ADMINISTRATION

9 Sec.

10 6951. Funding.

11 6952. Regulations.

12 § 6951. Funding.

13 Funds necessary to administer this chapter shall be provided
14 by an annual appropriation by the General Assembly.

15 § 6952. Regulations.

16 The department shall issue rules and regulations to carry out
17 this chapter and shall be responsible for presenting to the
18 General Assembly annually a report on the program and services
19 performed. State agencies with oversight authority over entities
20 impacted by this chapter shall promulgate regulations necessary
21 to assist the department in implementing this chapter.

22 Section 2. Repeals are as follows:

23 (1) The General Assembly declares that the repeal under
24 paragraph (2) is necessary to effectuate the addition of 23
25 Pa.C.S. Ch. 69.

26 (2) The act of November 6, 1987 (P.L.381, No.79), known
27 as the Older Adults Protective Services Act, is repealed.

28 Section 3. This act shall take effect as follows:

29 (1) The addition of 23 Pa.C.S. § 6911 shall take effect
30 in one year.

- 1 (2) This section shall take effect immediately.
- 2 (3) The remainder of this act shall take effect in 180
- 3 days.