




SENIOR HEALTH NEWS

The Pennsylvania Health Law Project Help-Line
-800.274.3258



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Proposed Changes to the Older Adult Protective Services Act Explained

The Older Adult Protective Services Act (OAPSA) provides for certain protections for older adults who face an immediate risk of abuse, neglect, and exploitation. Right now, to help protect against abuse, neglect, or exploitation, the law requires people looking to work or actually working in direct-care settings for less than a year to have and to pass a criminal background check. Direct care settings are nursing homes, personal care homes, adult day care centers, and home health care. A felony conviction of any kind means that the person has a lifetime ban from working in certain direct care environments.

In December 2003, the Pennsylvania Supreme Court ruled part of OAPSA unconstitutional. The ruling pertains to part of the OAPSA law that banned job-applicants and those working for less than a year who had felony convictions from ever working in direct care is unconstitutional.

The Court held that there was no rational reason to ban job-applicants and those working for less than a year while those working for longer than a year were not banned from working with care-dependent persons. The Court also questioned the law's treating all crimes as equal and resulting in a lifetime ban from employment in direct care settings. The Court limited its decision to the individual plaintiffs and not all people who are affected by the

criminal background check provision.

HB 2319, amending OAPSA, passed the Pennsylvania State House on March 31, 2004. HB 2319 would make the following changes:

- ? All employees, regardless of how much time they have spent working in a direct-care environment, would have to have a criminal background check.
- ? People convicted of severe crimes (criminal homicide, kidnapping, rape, neglect of care-dependent person) would still have a lifetime ban from working in a direct-care environment.
- ? People convicted of lesser crimes (drugs and other offenses) would have a ten-year ban from employment (not including prison time).
- ? People who would be banned from working in direct care setting for 10 years could apply for an exemption (also known as a "certificate of employability"). These exemptions would be granted to people who showed rehabilitation and that they had a clean working history for five years.

Even with these changes, facilities could still refuse to hire someone based on their criminal background check, even if they have a clean work history. We will keep you updated as the bill progresses through the Senate and the remainder of the legislative process.



Personal Care Homes— New Regulations Due Later this Year

Personal Care Homes are sometimes called Personal Care Boarding Homes or Assisted Living Residences. Many people who live in Personal Care Homes need some kind of help taking care of themselves. The Personal Care Homes provide a room and three meals a day for residents. By law they are also supposed to provide other assistance that a disabled or elderly resident might need, though not the kind of care someone would get in a nursing home.

Later this year new regulations regarding personal care homes will go in to effect. These regulations are expected to remedy some of the serious deficiencies in the current regulations governing personal care homes. Many believe that these regulations will bring about improved quality of life for Pennsylvania's personal care home residents.

Over the years there have been many problems in Personal Care Homes with residents not getting the kind of care they need. In October 2001, the Auditor General released a report on many of the problems in Personal Care Homes. In February 2002, the Pennsylvania Health Law Project also released a report documenting many of the problems experienced by residents of Personal Care Homes. Both reports made many suggestions regarding possible solutions to some of the system-wide problems in Personal Care Homes.

For years, the Pennsylvania Health Law Project has represented consumers who are residents or family members of residents in personal care homes in filing complaints with the State about quality of care and treatment of residents in personal care homes. The Penn-

sylvania Health Law Project sits on the State's Personal Care Home Advisory Committee to address issues around Personal Care Homes.

We will let you know when the new regulations are released and when they will take effect. If you know of anyone living in a Personal Care Home and have questions or concerns about their care or the conditions in the personal care home, please contact the Pennsylvania Health Law Project at 1-800-274-3258.



Long Term Care Presentation in Spanish!

On April 22nd at 8:30am at Episcopal Hospital there will be a presentation on long-term care for bilingual professionals, in Spanish. This presentation will address how to access long-term care and in-home services and will be held entirely in Spanish, to give bilingual professionals language support on how to discuss some of these issues with their Spanish-speaking clients. Pennsylvania Health Law Project staff will be participating in the presentation. For more information, please call the Philadelphia Corporation on Aging at 267-386-7163.



Don't Forget your Medicare Preventive Screenings!



While Medicare mainly covers doctor's visits when you are sick or having health problems, there are some preventive services that Medicare does cover. It is important for Medicare consumers to take advantage of these services as they can find many life-threatening diseases early. Unfortunately, not everyone gets the tests. For example, Medicare covers annual mammograms for all women on Medicare over 40 years old. However, many women on Medicare do not get this important test. In Pennsylvania in 2001, less than 50% of women over 65 on traditional Medicare received a mammogram.

Besides mammograms, Medicare covers the following screenings:

- ?????Bone mass measurements
- ?????Colorectal cancer screening
- ?????Glaucoma testing
- ?????Pap tests and pelvic exams
- ?????Prostate cancer screening

In addition to screenings, Medicare also covers flu, pneumococcal pneumonia shots and Hepatitis B shots. For Medicare enrollees with diabetes, Medicare will cover several types of diabetes services, such as glucose monitors, tests strips, and lancets. For individuals at risk for complications from diabetes, Medicare will cover Diabetes Self-Management Training.

New Medicare enrollees can now receive one wellness visit to their health care provider in the first six months of

their enrollment. This is only available to new enrollees- people who are already on Medicare are not eligible for this. This is part of the Medicare bill passed in December 2003. Diagnostic screening tests other than the ones mentioned above would not be covered.

Some of the tests are only available to certain at-risk individuals. While Medicare Part B normally pays 80% of the costs of covered services, some of these tests are free or are covered outside of the Part B deductible. For more information on the preventive services covered by Medicare, contact your health care provider or contact the Center for Medicaid and Medicare Services at 1-800-MEDICARE (1-800-633-4227). You can also find information on the web at www.medicare.gov.

Community Education Corner

Have a Pennsylvania Health Law Project attorney or paralegal give a free presentation to your seniors or staff on important issues relating to health.

From healthcare programs for lower-income persons on Medicare to accessing home and community based care to using managed care. You decide the topic. Call (800)274-3258 for more information.

Apply for Medical Assistance Faster!



The Department of Public Welfare has a new, easier way for advocates to help consumers apply for Medical Assistance. Anyone can apply for Medical Assistance and other benefits over the Internet, using the state's COMPASS site.

This is a convenient way to apply for Medical Assistance for people who have access to the Internet. You fill out an application at www.compass.state.pa.us. When the application is complete, you can submit it to the County Assistance Office over the Internet, with the click of a button. The applicant can then print out a page that they must sign and send to the County Assistance Office, along with a list of the kind of documentation that they need. Advocates and consumers can use COMPASS to apply for Medical Assistance, Food Stamps, some waiver services, Cash benefits and more.

Now, groups who sign up as a Community Partner can complete applications more quickly. You can also track applications your group has submitted and check on the status of those applications. When you sign up as a Community Partner, you can choose to complete a Medical Assistance application on-line as a Power User. The Power User application takes about half the time that a regular application for Medical Assistance on COMPASS takes. It is a shorter version of the application and allows advocates to enter information more quickly. If you are able to verify the applicant's information, you can also submit an electronic signature. The whole application can take as little as 15 minutes!

To sign up as a Community Partner,

go to the COMPASS website at www.compass.state.pa.us. Once you enter the site, there is a link to sign up as a Community Partner. There are a few forms to fill out and send in. Once you are signed up, you can help consumers fill out applications even faster than before! There is also a link to the COMPASS site from the Pennsylvania Health Law Project website at www.phlp.org.



PACE and PACENET Trainings in April

During April the Department of Aging will be doing PACE/ PACENET trainings around the state. These trainings will discuss the new PACE and PACENET income limits, the deductible and co-pays, and enrollment through the web. It will also discuss the Medicare Discount Drug Card and the coordination of Medicare and PACE/ PACENET benefits.

You can get a schedule on the Department of Aging website at www.aging.state.pa.us or by calling 1-800-225-7223.

Would you benefit from a quick way of screening Seniors for Medicaid Eligibility?

The Pennsylvania Health Law Project Help-Line
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The organization that has always provided free assistance in determining and establishing Medicaid eligibility, now offers a free online tool to screen your Seniors for eligibility for full Medicaid, Part B Buy-In, and Waiver programs. To try the Quickscreen, go to www.phlp.org and click on the “Quickscreen” link to the right.

Trainings in Bucks, Chester, Delaware, Montgomery, and Philadelphia counties are being generously funded by the Pew Charitable Trust. If you are in one of these 5 counties, call us at (800)274-3258 to come train your staff on

- ? How to use the Quickscreen
- ? How to submit online applications for programs and
- ? How to track the status of applications submitted.

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Visit us online at
www.phlp.org !!

Beware of Fake Medicare Discount Drug Cards!

The names of the companies that have been approved by Medicare to issue official "Medicare Approved" Discount Drug cards were released on March 26th.

There have been reports of people selling fake Medicare Discount Drug cards. Consumers can protect themselves by checking with 1-800-Medicare before purchasing a card, to make sure that the company is an official card sponsor under contract with Medicare. Consumers can also protect themselves by making sure that the card they sign up for has a gray "Medicare Approved" seal on the front of it. Medicare Approved Discount Drug cards will be available for sale in April.

As a reminder, the Discount Drug Cards are the first part of the Medicare Prescription Drug bill. They will be in effect from May 2004 until December 31, 2005. All people on Medicare who do not have prescription drug coverage through Medical Assistance are eligible for Discount Cards and will be able to get a 10-25% discount on select drugs as covered by that Discount Drug card. The cards will cost \$30 per year. Some people on Medicare whose income is below \$12,569 for a single person and below \$16,862 for a couple in 2004 will be able to get their cards free and will also be able to get a \$600 annual credit towards the price of the drugs they buy with their discount drug card. For more information, call us at (800)274-3258.



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