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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 807 Session of 2026

INTRODUCED BY CULVER, MASTRIANO, FONTANA, KIM, TARTAGLIONE, VOGEL, KANE, BAKER, STEFANO AND DUSH, JUNE 18, 2026

SENATOR LANGERHOLC, AGING AND YOUTH, AS AMENDED, SEPTEMBER 30, 2026

AN ACT

Amending the act of November 6, 1987 (P.L.381, No.79), entitled "An act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; providing protective services; providing for funding; and making repeals," IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; in administration, further providing for INVESTIGATIONS OF REPORTS OF NEED FOR PROTECTIVE SERVICES, FOR immunity from civil and criminal liability AND FOR CONFIDENTIALITY OF RECORDS; in reporting suspected abuse by employees, further providing for reports to department and coroner, for restrictions on employees, for confidentiality of and access to confidential reports and for penalties; providing for Older Adult Abuse Registry; and imposing penalties. <--

This act may be referred to as Alice's Law.

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

~~Section 1. The General Assembly finds and declares that there is a compelling State interest to protect older adults from abuse, neglect, exploitation and abandonment. To further this interest, it is necessary to establish an Older Adult Abuse Registry to document incidents of abuse and prohibit individuals~~ <--

~~who have harmed older adults from being employed in settings serving vulnerable populations. Maintaining such records is essential to public safety and justifiably outweighs competing privacy concerns, as limited and regulated disclosure plays a critical role in safeguarding older adults from harm.~~

~~Section 2. Section 305 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, is amended to read:~~

SECTION 1. SECTION 103 OF THE ACT OF NOVEMBER 6, 1987 (P.L.381, NO.79), KNOWN AS THE OLDER ADULTS PROTECTIVE SERVICES ACT, IS AMENDED BY ADDING A DEFINITION TO READ: <--

SECTION 103. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"TEMPORARY HEALTH CARE SERVICES AGENCY." A PERSON ENGAGED FOR HIRE IN THE BUSINESS OF PROVIDING OR PROCURING TEMPORARY EMPLOYMENT IN FACILITIES.

SECTION 2. SECTIONS 303(C) AND 305 OF THE ACT ARE AMENDED TO READ:

SECTION 303. INVESTIGATIONS OF REPORTS OF NEED FOR PROTECTIVE SERVICES.

* * *

(C) UNSUBSTANTIATED REPORTS.--IF, AFTER INVESTIGATION BY THE AGENCY, THE REPORT IS UNSUBSTANTIATED, THE CASE SHALL BE CLOSED AND, EXCEPT AS PROVIDED UNDER CHAPTER 9, ALL INFORMATION IDENTIFYING THE REPORTER AND THE ALLEGED ABUSER SHALL BE IMMEDIATELY DELETED FROM ALL RECORDS. FOR PURPOSES OF SUBSTANTIATING A PATTERN OF ABUSE, NEGLECT, EXPLOITATION OR

ABANDONMENT, THE NAME OF THE ALLEGED VICTIM AND ANY INFORMATION DESCRIBING THE ALLEGED ACT OF ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT MAY BE MAINTAINED FOR A PERIOD OF SIX MONTHS UNDER PROCEDURES ESTABLISHED BY THE DEPARTMENT.

* * *

Section 305. Immunity from civil and criminal liability.

In the absence of willful misconduct or gross negligence, the agency, the director, employees of the agency, protective services workers or employees of the department shall not be civilly or criminally liable for any decision or action or resulting consequence of decisions or action when acting under and according to the provisions of this chapter and Chapter 9.

SECTION 3. SECTION 306(B)(4) OF THE ACT IS AMENDED AND <-- SUBSECTION (B) IS AMENDED BY ADDING A PARAGRAPH TO READ:

SECTION 306. CONFIDENTIALITY OF RECORDS.

* * *

(B) LIMITED ACCESS TO THE AGENCY'S PROTECTIVE SERVICES RECORDS.--

* * *

(4) [THE] EXCEPT AS PROVIDED UNDER CHAPTER 9, THE RELEASE OF INFORMATION THAT WOULD IDENTIFY THE PERSON WHO MADE A REPORT OF SUSPECTED ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OR PERSON WHO COOPERATED IN A SUBSEQUENT INVESTIGATION, IS HEREBY PROHIBITED UNLESS THE SECRETARY CAN DETERMINE THAT SUCH A RELEASE WILL NOT BE DETRIMENTAL TO THE SAFETY OF SUCH PERSON.

* * *

(7) THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY SHALL HAVE ACCESS TO INFORMATION AS PROVIDED UNDER CHAPTER 9.

~~Section 3. Section 702(a)~~ SECTION 4. SECTION 702 HEADING of <--

the act is amended AND SUBSECTION (A) IS AMENDED by adding a paragraph to read: <--

Section 702. Reports to department, COMMISSION and coroner. <--

(a) Department.--

* * *

(3) Beginning upon the establishment of the Older Adult Abuse Registry, upon receipt of a report under paragraph (1), the department shall ~~place~~ TRANSMIT TO THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY the name of the alleged perpetrator who is an employee ~~on the Older Adult Abuse Registry as provided for under~~ FOR THE PURPOSES OF Chapter 9. <--

* * *

Section ~~4~~ 5. Section 704(b) of the act is amended to read: <--

Section 704. Restrictions on employees.

* * *

(b) [Prohibition] Suspension and termination.--

(1) Upon the filing of criminal charges against an employee, the Commonwealth agency which licenses the facility shall order the facility to immediately [prohibit that employee from having access to recipients at the facility. If that employee is a director, operator, administrator or supervisor, that employee shall be subject to restrictions deemed appropriate by the Commonwealth agency which licenses the facility to assure the safety of recipients of the facility.] suspend the employee and, if convicted, terminate the employee.

(2) Upon accessing the Older Adult Abuse Registry under section 903(a)(2), if a facility or temporary health care services agency finds that a current employee has a profile on the registry, the facility OR TEMPORARY HEALTH CARE <--

SERVICES AGENCY shall terminate the employee.

Section ~~5~~ 6. Section 705(a), (c) and (e) of the act are amended and subsection (b) is amended by adding a paragraph to read: <--

Section 705. Confidentiality of and access to confidential reports.

(a) General rule.--Except as provided in subsection (b) and Chapter 9, a report under this chapter shall be confidential.

(b) Exceptions.--A report under this chapter shall be made available to all of the following:

* * *

(11) The ~~department~~ PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY as provided ~~for~~ under Chapter 9. <--

(c) Excision of certain names.--[The] Except as provided under Chapter 9, the name of the person suspected of committing the abuse shall be excised from a report made available under subsection (b)(4), (5) and (10).

* * *

(e) Protecting identity of person making report.--Except as provided under Chapter 9 and for reports to law enforcement officials, the release of data that would identify the individual who made a report under this chapter or an individual who cooperated in a subsequent investigation is prohibited. Law enforcement officials shall treat all reporting sources as confidential information.

Section ~~6~~ 7. Section 706 of the act is amended to read: <--

Section 706. Penalties.

(a) Administrative.--

(1) An administrator who intentionally or willfully fails to comply or obstructs compliance with the provisions

of this chapter or who intimidates or commits a retaliatory act against an employee who complies in good faith with the provisions of this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter or that intimidates or commits a retaliatory act against an employee who complies in good faith with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(3) The Commonwealth agency or Commonwealth agencies which regulate the facility have jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than [$2,500] $10,000. An order under this paragraph is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Criminal.--

(1) An administrator who intentionally or willfully fails to comply or obstructs compliance with this chapter commits a misdemeanor of the [third] second degree and shall, upon conviction, be sentenced to pay a fine of [$2,500] $10,000 or to imprisonment for not more than [one year] two years, or both.

(2) A facility owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter commits a misdemeanor of the [third] second degree and shall, upon conviction, be sentenced to pay a fine of

[$2,500] $10,000 or to imprisonment for not more than [one year] two years, or both.

(c) Penalties for failure to report.--A person required under this chapter to report a case of suspected abuse who willfully fails to do so commits a [summary offense] misdemeanor of the second degree for the first violation and a [misdemeanor] felony of the third degree for a second or subsequent violation.

Section ~~7~~ 8. The act is amended by adding a chapter to read: <--

CHAPTER 9

OLDER ADULT ABUSE REGISTRY

Section 901. Definitions.

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

"COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY. <--

"CONVICTION." A JUDGMENT ENTERED BY A COURT UPON A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE OR A FINDING OF GUILT BY A JURY OR THE COURT, NOTWITHSTANDING ANY PENDING APPEAL OR HABEAS CORPUS PROCEEDING ARISING FROM THE JUDGMENT.

"Crime against a recipient." The commission of any of the following offenses where the victim is a recipient and the perpetrator is an employee:

(1) An offense under 18 Pa.C.S. Ch. 27 (relating to assault).

(2) An offense under 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(3) 18 Pa.C.S. § 3701 (relating to robbery).

(4) 18 Pa.C.S. § 3922.1 (relating to financial exploitation of an older adult or care-dependent person).

(5) AN OFFENSE THAT IS A CRIME OF VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714(G) (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES). <--

(6) CRIMINAL ATTEMPT, CRIMINAL SOLICITATION OR CRIMINAL CONSPIRACY TO COMMIT AN OFFENSE UNDER PARAGRAPH (1), (2), (3), (4) OR (5).

(7) AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION THAT IS EQUIVALENT TO AN OFFENSE UNDER PARAGRAPH (1), (2), (3), (4), (5) OR (6).

"DEPARTMENT." THE DEPARTMENT OF AGING OF THE COMMONWEALTH.

"Recipient abuse." The alleged or substantiated abuse, neglect, exploitation or abandonment of a recipient by an employee.

"Registry." The Older Adult Abuse Registry established under section 902.

~~"Temporary health care services agency." A person engaged for hire in the business of providing or procuring temporary employment in facilities.~~ <--

Section 902. Older Adult Abuse Registry.

(a) Establishment and administration.--

(1) The COMMISSION, IN CONSULTATION WITH THE department AND THE DEPARTMENT OF HEALTH, shall establish the Older Adult Abuse Registry within 180 days of the effective date of this paragraph. Upon establishment, the ~~department~~ COMMISSION shall transmit notice of the establishment to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin. <--

(2) The ~~department~~ COMMISSION shall operate and maintain the registry, including a case file and a profile for each individual meeting the criteria for placement on the <--

registry, or shall enter into a contract with a third-party entity for the operation and maintenance of the registry.

(b) Access to profiles.--The ~~department~~ COMMISSION shall establish a procedure to provide administrators of facilities and temporary health care services agencies with continuous access to profiles on the registry through the use of log-in credentials. <--

~~(c) Criteria for profile.--The registry shall include a profile for individuals who:~~ <--

~~(1) Are the subject of a protective report under section 302(a) pending investigation.~~

~~(2) Are the subject of a substantiated report under section 303(d).~~

~~(3) Are on a plan of supervision or suspended, pending investigation of recipient abuse.~~

~~(4) Have been terminated from the facility or temporary health care services agency as the result of alleged or substantiated recipient abuse.~~

~~(5) Are under investigation by law enforcement for an alleged crime against a recipient.~~

~~(6) Have been convicted of a crime against a recipient.~~

(C) CRITERIA FOR PROFILE.--THE REGISTRY SHALL INCLUDE A PROFILE FOR AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING CRITERIA: <--

(1) THE INDIVIDUAL IS AN EMPLOYEE IDENTIFIED AS THE ALLEGED PERPETRATOR OF RECIPIENT ABUSE IN A PROTECTIVE SERVICES REPORT UNDER SECTION 302(A) THAT IS PENDING INVESTIGATION.

(2) THE INDIVIDUAL IS AN EMPLOYEE IDENTIFIED AS THE PERPETRATOR OF RECIPIENT ABUSE IN A REPORT SUBSTANTIATED

UNDER SECTION 303(D).

(3) THE INDIVIDUAL IS ON A PLAN OF SUPERVISION OR IS SUSPENDED PENDING INVESTIGATION OF RECIPIENT ABUSE.

(4) THE INDIVIDUAL HAS BEEN TERMINATED FROM A FACILITY OR TEMPORARY HEALTH CARE SERVICES AGENCY AS THE RESULT OF ALLEGED OR SUBSTANTIATED RECIPIENT ABUSE.

(5) THE INDIVIDUAL HAS BEEN CHARGED WITH A CRIME AGAINST A RECIPIENT FOR WHICH A FINAL DISPOSITION HAS NOT BEEN REACHED.

(6) THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME AGAINST A RECIPIENT.

(d) Content of profiles.--

(1) Each profile shall include ALL OF THE FOLLOWING: <--

(i) The following personal information:

(A) Full legal name AND ANY ALIASES. <--

(B) The last four digits of the individual's Social Security number.

(C) Age.

(D) Race.

(E) Sex.

(F) Home address.

(G) Current or former employee job title.

(H) A recent photograph.

(ii) A notation indicating ANY OF THE FOLLOWING, AS APPLICABLE: <--

(A) Each criterion under subsection (c) that applies to the individual.

(B) For ~~criteria~~ EACH CRITERION under subsection (c)(1), (3) ~~and~~ OR (5), the current status of the ~~investigations~~ INVESTIGATION OR CRIMINAL PROCEEDING. <-- <-- <--

(C) Next to the associated criteria listed, if there was a finding of a false report under subsection (e)(2)(ii).

(D) If an appeal is filed under subsection (h), "Appeal pending" until the appeal process is concluded.

(iii) The date or dates associated with each ~~criteria~~ CRITERION listed. <--

(iv) The county in which the alleged or substantiated recipient abuse or crime against a recipient occurred.

(2) Final dispositions and report statuses must remain on a profile permanently, unless the finding OR REPORT was made in error, the individual was found not guilty in a court of competent jurisdiction, THE CRIMINAL CHARGES AGAINST THE INDIVIDUAL WERE DISMISSED or the ~~department~~ COMMISSION is notified of the individual's death. <--

(e) Case files and access.--

~~(1) The registry shall include a permanent case file, which shall only be accessible by the department, for an individual who is the subject of any of the following:~~ <--

~~(i) A protective services report made under section 302(a).~~

~~(ii) A substantiated report under section 303(d).~~

~~(iii) An unsubstantiated report made under section 303.~~

(1) THE REGISTRY SHALL INCLUDE A PERMANENT CASE FILE, WHICH SHALL ONLY BE ACCESSIBLE BY THE COMMISSION, FOR AN INDIVIDUAL WHO IS IDENTIFIED IN ANY OF THE FOLLOWING: <--

(I) AS THE ALLEGED PERPETRATOR OF RECIPIENT ABUSE IN

A PROTECTIVE SERVICES REPORT MADE UNDER SECTION 302(A).

(II) AS THE PERPETRATOR OF RECIPIENT ABUSE IN A REPORT SUBSTANTIATED UNDER SECTION 303(D).

(III) AS THE ALLEGED PERPETRATOR OF RECIPIENT ABUSE IN A REPORT DETERMINED TO BE UNSUBSTANTIATED UNDER SECTION 303(C).

(iv) A report to law enforcement officials relating to recipient abuse:

(A) Under section 701(b).

(B) Made by a department, agency, facility or temporary health care services agency about an employee.

(C) Made by an individual.

~~(v) A court record associated with an arrest for a crime against a recipient. The status of a criminal proceeding brought on the basis of a report under subsection (c).~~ <--

~~(vi) A disciplinary action taken by facilities or temporary health care service agencies against the individual for alleged or substantiated recipient abuse.~~

(V) A COURT RECORD ASSOCIATED WITH AN ARREST FOR A CRIME AGAINST A RECIPIENT, INCLUDING THE STATUS OF THE CRIMINAL PROCEEDING. <--

(VI) A DISCIPLINARY ACTION TAKEN BY A FACILITY OR TEMPORARY HEALTH CARE SERVICES AGENCY AGAINST THE INDIVIDUAL FOR ALLEGED OR SUBSTANTIATED RECIPIENT ABUSE.

(2) The case file shall include THE FOLLOWING INFORMATION, AS APPLICABLE: <--

(i) The source of each report or record.

(ii) False reports of recipient abuse or crimes

where the victim is a recipient pursuant to a conviction under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) or 4906 (relating to false reports to law enforcement authorities) for the purpose of identifying and tracking patterns of intentionally making false reports relating to recipient abuse.

(iii) A record of any request to release, amend or expunge information retained by the ~~department~~ COMMISSION <-- or appeal made by an individual on the registry.

(iv) Final and binding disciplinary actions taken by a facility, temporary health care services agency, agency or department against the individual, including imposition of probationary or other conditions related to employment.

(f) Mandatory reporting and time requirements.--

(1) Each facility, temporary health care services agency, agency, law enforcement official and ~~court shall submit the names of individuals who meet the criteria under subsection (e)(1) to the department within 48 hours of creation of a report or record, taking disciplinary action, opening a criminal investigation or arrest for or conviction of a crime against a recipient as provided for under subsection (e)(1).~~ ATTORNEY FOR THE COMMONWEALTH SHALL SUBMIT <-- TO THE COMMISSION, WITHIN 48 HOURS AFTER ANY OF THE FOLLOWING OCCUR, THE NAME OF THE INDIVIDUAL IDENTIFIED UNDER SUBSECTION (E)(1), AS APPLICABLE:

(I) CREATION OF A REPORT OR RECORD.

(II) TAKING DISCIPLINARY ACTION.

(III) OPENING A CRIMINAL INVESTIGATION.

(IV) ARREST FOR A CRIME AGAINST A RECIPIENT.

(V) CONVICTION OF A CRIME AGAINST A RECIPIENT.

(2) Within five days of receipt of a submission under paragraph (1), ~~the department shall create a case file and, if applicable, a profile on the registry for the subject of the report or record.~~ <--

~~(g) Notification.--~~

~~(1) If an individual meets the criteria for placement of a profile on the registry under subsection (c), the department shall notify the individual and the individual's legal counsel, if applicable, within five days of the individual's profile being placed on the registry that the individual's name has been placed on the registry and provide the form described under paragraph (2) by:~~

~~(i) certified and registered mail; and~~

~~(ii) if electronic contact information is available, electronically.~~ THE COMMISSION SHALL CREATE A CASE FILE FOR THE INDIVIDUAL IDENTIFIED UNDER SUBSECTION (E)(1). IF THE INDIVIDUAL MEETS A CRITERION UNDER SUBSECTION (C), THE COMMISSION MAY CREATE A PROFILE ON THE REGISTRY ONLY IN ACCORDANCE WITH SUBSECTION (G). <--

(3) NOTHING IN 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) SHALL BE CONSTRUED TO PROHIBIT THE TRANSMISSION TO THE COMMISSION OF CRIMINAL HISTORY RECORD INFORMATION NECESSARY TO IMPLEMENT THIS CHAPTER.

(G) NOTICE AND ADMINISTRATIVE REVIEW.--

(1) IF AN INDIVIDUAL MEETS A CRITERION FOR PLACEMENT OF A PROFILE ON THE REGISTRY UNDER SUBSECTION (C), THE COMMISSION SHALL, WITHIN FIVE DAYS OF RECEIPT OF A SUBMISSION UNDER SUBSECTION (F)(1), NOTIFY THE INDIVIDUAL OF THE RIGHT TO REQUEST ADMINISTRATIVE REVIEW AND THE OPPORTUNITY TO BE

HEARD BEFORE THE COMMISSION PLACES THE INDIVIDUAL'S PROFILE ON THE REGISTRY. THE COMMISSION SHALL PROVIDE THE FORM UNDER PARAGRAPH (3) WITH THE NOTICE. THE COMMISSION SHALL PROVIDE THE NOTICE AND FORM BY:

(I) CERTIFIED AND REGISTERED MAIL; AND

(II) IF ELECTRONIC CONTACT INFORMATION IS AVAILABLE, BY ELECTRONIC MAIL.

(2) UPON RECEIPT OF THE NOTIFICATION UNDER PARAGRAPH (1), THE INDIVIDUAL MAY WAIVE ADMINISTRATIVE REVIEW OR REQUEST ADMINISTRATIVE REVIEW. IF THE INDIVIDUAL WAIVES ADMINISTRATIVE REVIEW, THE COMMISSION SHALL PLACE THE INDIVIDUAL'S PROFILE ON THE REGISTRY WITHIN FIVE DAYS OF THE WAIVER. IF THE INDIVIDUAL REQUESTS ADMINISTRATIVE REVIEW, THE COMMISSION SHALL SCHEDULE THE REVIEW WITHIN 15 DAYS OF THE REQUEST. IF THE ADMINISTRATIVE REVIEW RESULTS IN A DETERMINATION IN FAVOR OF THE COMMISSION, THE COMMISSION SHALL PLACE THE INDIVIDUAL'S PROFILE ON THE REGISTRY WITHIN FIVE DAYS OF THE DETERMINATION. IF THE ADMINISTRATIVE REVIEW RESULTS IN A DETERMINATION IN FAVOR OF THE INDIVIDUAL, THE COMMISSION MAY NOT PLACE THE PROFILE ON THE REGISTRY. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PRECLUDE THE COMMISSION FROM AGAIN INITIATING THE PROCESS TO PLACE A PROFILE ON THE REGISTRY FOLLOWING COMPLETION OF AN INVESTIGATION OR THE ADJUDICATION OF AN ADMINISTRATIVE OR CRIMINAL PROCEEDING FOR THE SAME CONDUCT IF THE COMMISSION PROVIDES THE NOTICE UNDER PARAGRAPH (1) AND THE PRIOR ADMINISTRATIVE REVIEW WAS BASED ON INCOMPLETE INFORMATION RELATING TO THE CONDUCT.

~~(2)~~ (3) Upon receipt of notification under paragraph (1), the individual must provide and verify to the ~~department~~ <--

COMMISSION the information required under subsection (d)(1) <--
(i) on a form ~~prescribed by the department~~ DEVELOPED BY THE <--
COMMISSION within five days of receipt of the form. The form
~~prescribed by the department~~ shall include a statement that a <--
false statement made by an individual on the form is
punishable under the applicable provisions of 18 Pa.C.S. Ch.
49 (relating to falsification and intimidation).

~~(3)~~ (4) Once an individual's profile is placed on the <--
registry, the ~~department~~ COMMISSION shall notify ALL OF the <--
following of the individual's placement on the registry:

(i) The administrator of the facility or temporary health care services agency where the individual was most recently employed.

(ii) The administrator of the facility, temporary health care services agency or agency who reported the recipient abuse.

(iii) Except for an individual under subparagraph (i) or (ii), the individual who reported the recipient abuse.

(iv) The older adult or guardian of the older adult who was the victim of recipient abuse or crime against a recipient.

(h) Appeals.--

~~(1) An individual notified of placement of a profile on~~ <--
~~the registry under subsection (g)(1) may appeal the placement~~
~~within 90 days of the date of the notification.~~

~~(2) If an individual placed on the registry files an~~
~~appeal within 90 days of notification of the placement, the~~
~~department shall review the placement within 60 days of the~~
~~filing date of the appeal, unless the individual waives the~~

~~administrative review process.~~

~~(3) After administrative review, the appeal shall be~~

(1) FOLLOWING THE PROCESS UNDER SUBSECTION (G), AN INDIVIDUAL WHOSE PROFILE IS PLACED ON THE REGISTRY MAY APPEAL THE PLACEMENT. <--

(2) AN APPEAL SHALL BE conducted as provided under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

~~(4) The department shall notify the individual and the individual's legal counsel, if applicable, of the determination of the appeal:~~ <--

(3) THE COMMISSION SHALL NOTIFY THE INDIVIDUAL OF THE DETERMINATION OF THE APPEAL: <--

(i) by certified and registered mail; and

(ii) if electronic contact information is available, by electronic mail.

~~(5)~~ (4) If an appeal is granted, the ~~department must~~ COMMISSION SHALL remove the appealed information ~~on~~ FROM the profile or, if applicable, the individual's profile from the registry and notify the individual of the removal ~~with~~ WITHIN five days of the final determination. <--

(i) Additional duties.--

(1) Each individual on the registry shall TAKE THE FOLLOWING ACTIONS: <--

(i) Notify the ~~department~~ COMMISSION of a change of home address of the individual within 10 days of moving out of the home address listed on the registry. <--

(ii) Annually attest, on a form ~~prescribed by the department~~ DEVELOPED BY THE COMMISSION, to the accuracy <--

of the information under subsection (d)(1) and submit ~~a photo~~ WITH THE FORM A PHOTOGRAPH of the individual taken ~~in the last 30 days on a form prescribed by the department~~ WITHIN THE PREVIOUS 30 DAYS. The form ~~prescribed by the department~~ shall include a statement that a false statement made by an individual on the form is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49. <--

(2) The ~~department~~ COMMISSION shall TAKE THE FOLLOWING ACTION: <--

(i) Verify the information attested to under paragraph (1)(ii).

~~(ii) Establish a procedure by which an individual may send an electronic request to the department to review a summary of information on the profile for the sole purpose of ensuring that an individual being considered for employment or employed by the applicant to provide care to an older adult not associated with a facility or temporary health care services agency does not have a profile on the registry.~~ <--

~~(iii) Require each applicant under subparagraph (ii) to sign an attestation on a form prescribed by the department stating that the information requested is for the sole purpose of ensuring that an individual being considered for employment or employed by the applicant to provide care to an older adult not associated with a facility or temporary health care services agency does not have a profile on the registry. The form prescribed by the department shall include a statement that a false statement made by an individual on the form is punishable~~

~~under the applicable provisions of 18 Pa.C.S. Ch. 49.~~

(II) ESTABLISH A PROCEDURE BY WHICH AN INDIVIDUAL MAY SUBMIT AN ELECTRONIC REQUEST TO THE COMMISSION TO REVIEW A SUMMARY OF INFORMATION ON A PROFILE FOR THE SOLE PURPOSE OF DETERMINING WHETHER AN INDIVIDUAL WHOM THE REQUESTING INDIVIDUAL IS CONSIDERING EMPLOYING OR EMPLOYS TO PROVIDE CARE TO AN OLDER ADULT NOT ASSOCIATED WITH A FACILITY OR TEMPORARY HEALTH CARE SERVICES AGENCY HAS A PROFILE ON THE REGISTRY. <--

(III) REQUIRE EACH REQUESTING INDIVIDUAL UNDER SUBPARAGRAPH (II) TO SIGN AN ATTESTATION ON A FORM DEVELOPED BY THE COMMISSION STATING THAT THE INFORMATION REQUESTED IS FOR THE SOLE PURPOSE SPECIFIED UNDER SUBPARAGRAPH (II). THE FORM SHALL INCLUDE A STATEMENT THAT A FALSE STATEMENT MADE BY AN INDIVIDUAL ON THE FORM IS PUNISHABLE UNDER THE APPLICABLE PROVISIONS OF 18 PA.C.S. CH. 49.

(J) SENTENCING COURT NOTICE.--A SENTENCING COURT, AT THE TIME OF SENTENCING, SHALL INFORM AN INDIVIDUAL CONVICTED OF A CRIME AGAINST A RECIPIENT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION OF THE PROVISIONS OF THIS SECTION. THE COURT SHALL:

(1) INFORM THE INDIVIDUAL OF THE INDIVIDUAL'S APPEARANCE ON THE REGISTRY, THE INDIVIDUAL'S DUTIES UNDER THIS SECTION AND THE OBLIGATION TO PROVIDE REQUIRED INFORMATION.

(2) REQUIRE THE INDIVIDUAL TO READ AND SIGN A FORM STATING THAT DUTIES UNDER THIS SECTION HAVE BEEN EXPLAINED. IF THE INDIVIDUAL IS INCAPABLE OF READING, THE COURT SHALL CERTIFY THAT THE DUTIES WERE EXPLAINED TO THE INDIVIDUAL AND THE INDIVIDUAL INDICATED AN UNDERSTANDING OF THE DUTIES.

Section 903. Prohibitions and requirements.

(a) Prohibition and requirements for facilities and temporary health care services agencies.--Beginning upon the establishment of the registry, a facility or a temporary health care services agency:

(1) prior to employing an individual, shall access the registry to determine if the individual has a profile on the registry;

(2) shall access the registry to determine if individuals currently employed have a profile on the registry; and

(3) may not employ or otherwise engage individuals who have a profile on the registry.

(b) Requirements for employees and prospective employees.--Beginning on the effective date of this subsection and prior to the establishment of the registry, the administrator of a facility or a temporary health care services agency shall require current and prospective employees to sign an attestation on a form ~~prescribed~~ DEVELOPED by the ~~department~~ COMMISSION <-- stating that the information provided to the administrator by the individual is true and complete and that the individual does not meet any of the criteria under section 902(c). The form ~~prescribed by the department~~ shall include a statement that a <-- false statement made by an individual on the form is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

Section 904. Penalties.

(a) Facilities and temporary health care services agencies.--The ~~department~~ COMMISSION may issue an order <-- assessing a civil penalty of not more than $10,000 to a facility or a temporary health care services agency owner or

administrator that intentionally or willfully fails to comply with or obstructs compliance with this chapter or that intimidates or commits a retaliatory act against an employee who complies in good faith with this chapter.

(b) Individuals on registry.--

(1) The ~~department~~ COMMISSION may issue an order assessing a civil penalty to an individual who intentionally or willfully fails to comply with the provisions of section 902(i)(1)(i) as follows: <--

(i) $100 for noncompliance for 60 days or less.

(ii) $500 for noncompliance for more than 60 days but less than 180 days.

(2) An individual who intentionally or willfully fails to comply with the provisions of section 902(i)(1)(i) for more than 180 days or provides false information to the ~~department~~ COMMISSION under section 902(i)(1)(i) commits a misdemeanor of the second degree and shall be sentenced to pay a fine of $1,000 or to imprisonment for not more than one year, or both. <--

(c) Applicable provisions.--An order under this section is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Section 905. Temporary regulations.

(a) Authority.--In order to facilitate the prompt implementation of this chapter, the ~~department~~ COMMISSION shall promulgate temporary regulations that shall expire no later than two years following the publication of the temporary regulations. The ~~department~~ COMMISSION may promulgate temporary regulations not subject to: <--

(1) Section 612 of the act of April 9, 1929 (P.L.177,

No.175), known as The Administrative Code of 1929.

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

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

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

(b) Expiration.--The ~~department's~~ authority OF THE COMMISSION to adopt temporary regulations under subsection (a) shall expire ~~six months~~ 60 DAYS after ~~the effective date of this section~~ PUBLICATION OF THE NOTICE UNDER SECTION 902(A)(1). Regulations adopted after this period shall be promulgated as provided by law. <--

Section ~~8~~ 9. The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, shall not apply to the provisions of Chapter 9 of the act. <--

Section ~~9~~ 10. This act shall apply to contracts entered into ~~before,~~ on or after the effective date of this section. <--

Section ~~10~~ 11. This act shall take effect ~~in 60 days~~ IMMEDIATELY. <--