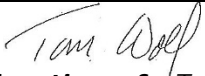


Executive Order

Commonwealth of Pennsylvania Governor's Office

Subject: Protection of Vulnerable Populations	Number: 2019-05
 By Direction of: Tom Wolf, Governor	Date: July 31, 2019

WHEREAS, all Pennsylvanians should be safe from harm, mistreatment, and abuse; and

WHEREAS, the Commonwealth's responsibility for the health and safety of all Pennsylvanians is demonstrated by its commitment to strengthen laws, regulations, and programs that protect its citizens, and to seek out, respond to, and resolve concerns regarding the health, safety, and welfare of its citizens; and

WHEREAS, it is imperative that state and local institutions are properly equipped and individuals responsible for the care and protection of Pennsylvanians are trained and supported so that individuals requiring services or care from state programs and institutions do not fear abuse, neglect, or intimidation from those trusted to provide care; and

WHEREAS, Sections 501 and 502 of *The Administrative Code of 1929 (71 P.S. §§ 181, 182)* require administrative departments and the several independent and departmental administrative boards and commissions to coordinate their work and activities with other departments, boards, and commissions; and

WHEREAS, all Pennsylvanians should be active partners in advocating for the safety and welfare of our family, friends, neighbors, and community members.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the **Office of Advocacy and Reform** (hereinafter referred to as the "Office"), the position of **Child Advocate** and the **Council on Reform** (hereinafter referred to as the "Council"), and do order and direct as follows:

1. **Office of Advocacy and Reform.** The Office shall serve as the central coordinating body to promote the implementation of this Executive Order.
 - a. **Composition.** The Office shall consist of, at a minimum, an Executive Director, the Child Advocate, and the Long-Term Care Ombudsman.

- b. Executive Director.** The Governor shall appoint an Executive Director who shall serve at the pleasure of the Governor. The Executive Director shall:

 - (1) Manage and provide organizational direction for the Office;
 - (2) Work with the Governor’s Office, Commonwealth agencies, and the General Assembly to review laws, policies and procedures impacting the delivery of services to vulnerable populations;
 - (3) Facilitate opportunities for training and collaboration between and among state and local agencies that serve vulnerable populations;
 - (4) Work with state agencies to establish coordinated and consistent trauma-informed training and practices in state-operated and state-funded programs to make the Commonwealth a trauma-informed state;
 - (5) Collaborate with Commonwealth agencies to identify best practices for the delivery of services to vulnerable populations.

- 2. Child Advocate.** A Child Advocate shall be appointed by and shall serve at the pleasure of the Governor and shall report to both the Executive Director of the Office and the Secretary of Human Services. The Child Advocate shall:

 - a. Serve as a liaison and a resource to connect children and families with appropriate and available government services;
 - b. Recommend system-wide improvements, including changes in laws, regulations, policies, and actions, to benefit the health, safety, welfare, and rights of children;
 - c. Triage complaints regarding government services for children and families, including child protective services; foster care, adoption, mental health and substances use services; child development and early learning; and juvenile justice services that may adversely affect the health, safety, or welfare of a child or children;
 - d. Represent the health, safety and welfare interests of children before the General Assembly;
 - e. Carry out such other duties as the Office of Advocacy and Reform and the Secretary of Human Services determine to be appropriate.

- 3. Long-Term Care Ombudsman.** The Long-Term Care Ombudsman, established by the Older Americans Act of 1965, 42 U.S.C. § 3058g, and placed under the authority of the Pennsylvania Department of Aging through Section 2203-A(a)(24.2) of the Administrative Code of 1929, 71 P.S. § 581-3(a)(24.2), and presently existing within the Department of Aging, shall report to the Office of Advocacy and Reform and the Secretary of Aging.

4. Council on Reform.

- a. Purpose.** The purpose of the Council is to study best practices related to the health, safety, and welfare of vulnerable populations and to make recommendations to improve the support and protection of vulnerable Pennsylvanians.
- b. Responsibilities.** The Council shall:

 - (1) Confer with constituents, partners, committees, councils, and subject matter experts that assist vulnerable populations to gain their insight on issues and best practices;
 - (2) Review recommendations made previously by existing oversight and advisory bodies that assist vulnerable populations, evaluate the effectiveness or progress of those recommendations that have been implemented, and determine whether any recommendations that have not been implemented should be considered further;
 - (3) Recommend additional reforms to further protect vulnerable populations.
- c. Report.** The Council shall submit a report to the Governor that outlines its recommendations on or before November 1, 2019.
- d. Composition.**

 - (1) The Council shall consist of up to twenty-five (25) members who shall be appointed by and serve at the pleasure of the Governor. Members shall not appoint designees to act or serve on their behalf. The Governor will fill vacancies as they occur. Members will be selected from representatives who are themselves, or are family of, individuals who are currently receiving or have previously received services from the Commonwealth in an institutional setting; individuals or groups that are members of, serve, or work with vulnerable populations, including but not limited to local government and law enforcement officials, advocates – including a child advocate, senior advocate, disability advocate, a veteran living with a disability, academic and medical professionals, and care providers.
 - (2) The Council shall also include the following ex officio members:

 - (a) The Secretary of Human Services or designee;
 - (b) The Secretary of Health or designee;
 - (c) The Secretary of Aging or designee;
 - (d) The Secretary of Drug and Alcohol Programs or designee;
 - (e) The Secretary of Education or designee;

- (f) The Secretary of Corrections or designee;
- (g) The Chairman of the Pennsylvania Commission on Crime and Delinquency or designee;
- (h) The Commissioner of the Pennsylvania State Police or designee;
- (i) The Adjutant General of Pennsylvania or designee;
- (j) The Victim Advocate or designee;
- (k) The Executive Director of the Juvenile Court Judges Commission.

e. Council Operations.

- (1) The Governor may appoint other members of the Council to serve in leadership positions as needed. Any leadership appointees shall serve in the appointed positions at the pleasure of the Governor.
- (2) The Council may establish committees, rules, and procedures necessary to effectively fulfill its obligations.
- (3) A majority of the members of the Council shall constitute a quorum.
- (4) Members of the Council may attend Council meetings in person or virtually by telephone, Skype, or other electronic communications method approved by the Council. Virtual attendance shall be considered attendance for purposes of constituting a quorum.

f. Compensation. Members of the Council shall not receive compensation for their service on the Council, except that members may be entitled to receive reimbursement for reasonable travel costs and expenditures incurred while performing Council business in accordance with the Commonwealth's travel and subsistence policies. The Departments of Aging, Health, Drug and Alcohol Programs, Pennsylvania Commission on Crime and Delinquency, and Human Services shall each pay one-fifth of the approved travel and subsistence expenses of the Council members.

g. Support.

- (1) The Department of Human Services Director of Intergovernmental Affairs shall serve as the Executive Director for the Council.

- (2) The Commonwealth agencies represented by ex officio membership on the Council shall provide administrative and other support to assist the Council in carrying out its responsibilities and duties.

5. **Responsibilities of Commonwealth Agencies.** Commonwealth agencies and other entities referenced herein shall undertake the following:

- a. Agencies shall review and update plan of correction processes for licensed providers. The processes shall be revised to provide standardized time periods, as appropriate, in establishing a plan of correction following the identification of a violation. The processes shall include verification of timely compliance with and implementation of a plan of correction and commencement of a licensure action against a provider who does not timely comply with a plan of correction.
- b. The Department of Human Services shall issue a procurement for a state-of-the-art licensing information technology system to be shared by the Departments of Human Services, Health, Aging, and Drug and Alcohol Programs with the goals of managing licensing applications, renewals, and activities related to licensing inspections and surveys; increasing collaboration and communication between and within Commonwealth agencies; streamlining business processes; and improving communication and services between Commonwealth agencies and licensed providers.
- c. Commonwealth agencies responsible for licensed residential facilities serving vulnerable populations shall develop methodologies and processes to assist in the identification of a facility that is at high risk of incurring an adverse event. Agencies that jointly license identified facilities shall collaborate to avoid adverse events and improve services.
- d. Commonwealth agencies shall set targets to transition to home- and community-based services in conjunction with targets to reduce placements in child residential treatment facilities, nursing homes, child congregate care settings.
- e. The Department of Human Services shall issue a procurement for a statewide electronic child welfare case management information system.
- f. The Department of Aging shall update and disseminate Older Adult Protective Services Mandatory Reporting training to mandatory reporters.
- g. In coordination with the Governor's Office of Performance through Excellence, the Office shall offer assistance in Lean process improvement to county child welfare agencies to identify opportunities for administrative efficiencies at the county level and inform statutory and/or regulatory reforms to support increased efficiency.
- h. The Office shall conduct a study on the financial impact to Pennsylvania because of financial exploitation of older adults.

- i. The Office shall facilitate an examination of sustainable housing and long-term services and supports for individuals exiting the corrections system with nursing facility level of care needs who have physical, intellectual, and behavioral dual diagnoses.
6. **Implementation.** All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent agencies are also strongly encouraged to implement this Executive Order.
7. **General Provisions.** This Executive Order shall be implemented consistent with applicable law. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
8. **Effective Date.** This Executive Order shall take effect immediately.
9. **Termination Date.** This Executive Order shall remain in effect unless rescinded or amended by the Governor.