
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 299 Session of 2015

INTRODUCED BY BIZZARRO, COHEN, KOTIK, SCHLOSSBERG, O'BRIEN,
McNEILL, FREEMAN, GODSHALL, DAVIDSON, YOUNGBLOOD, MATZIE,
DEASY, KORTZ, SNYDER, MURT, PETRI, MULLERY, THOMAS, WATSON,
ROZZI, KINSEY, FLYNN, BISHOP, QUINN, D. COSTA, HARKINS, KIM,
SONNEY, BROWNLEE, DAVIS, BLOOM, MAHONEY, FABRIZIO AND
McCARTER, FEBRUARY 2, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2015

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in powers of attorney,
3 further providing for general provisions and for durable
4 powers of attorney.

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

7 Section 1. Sections 5601(d) and 5604(d) of Title 20 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 5601. General provisions.

10 * * *

11 (d) Acknowledgment executed by agent.--An agent shall have
12 no authority to act as agent under the power of attorney unless
13 the agent has first executed and affixed to the power of
14 attorney an acknowledgment in substantially the following form:

15 I, _____, have read the attached power of
16 attorney and am the person identified as the agent for
17 the principal. I understand that if any intentional act

1 (ii) the agency can demonstrate that the older adult
2 principal has denied or directed the agent to deny access
3 to the records because of incompetence, coercion,
4 extortion or justifiable fear of future abuse, neglect,
5 exploitation or abandonment[.]; or

6 (iii) the agency has a good faith belief that a
7 crime has been committed and alleges that the principal
8 lacks the capacity to provide consent to the release of
9 confidential records.

10 (2) This petition may be filed in the county wherein the
11 agent resides or has his principal place of business or, if a
12 nonresident, in the county wherein the older adult principal
13 resides. The court, after reasonable notice to the agent and
14 to the older adult principal, may conduct a hearing on the
15 petition.

16 (3) Upon the failure of the agent to provide the
17 requested information, the court may make and enforce such
18 further orders.

19 (4) A determination to grant or deny an order, whether
20 in whole or in part, shall not be considered a finding
21 regarding the competence, capacity or impairment of the older
22 adult principal, nor shall the granting or denial of an order
23 preclude the availability of other remedies involving
24 protection of the person or estate of the older adult
25 principal or the rights and duties of the agent.

26 * * *

27 Section 2. This act shall take effect in 60 days.