

KEVIN BLAUM, DEMOCRATIC CHAIRMAN
JUDICIARY COMMITTEE
RULES COMMITTEE



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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COPY

February 19, 2002

The Honorable Mike Fisher
Attorney General
Commonwealth of Pennsylvania
16th Floor, Strawberry Square
Harrisburg, PA 17120

Dear ~~Attorney General~~ *Mike* Fisher:

Thank you for your letter of February 13, 2002.

Great job. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Blaum".

KEVIN BLAUM, Democratic Chairman
Judiciary Committee

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RECEIVED OFFICE OF THE ATTORNEY GENERAL

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

MIKE FISHER
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 787-3391

February 13, 2002

Honorable Kevin Blaum
Democratic Chairman, Judiciary Committee
House of Representatives
Main Capitol Building
House Box 202020
Harrisburg, PA 17120-2020

Dear Representative Blaum:

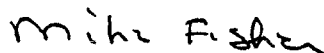
I am writing in response to your letter to me of January 30, 2002, regarding the review by this Office of Department of Aging regulations under the Older Adult Protective Services Act.

As you observe, the Department has deleted from the final-form regulations provisions included in the proposed-form regulations that reflect the prohibition in Section 503 of the Act against employment of certain criminal offenders in programs and facilities serving older and disabled adults. In the preamble to the final-form regulations, the Department cites as the reason for deleting those provisions the Commonwealth Court's decision in Nixon v. Commonwealth.

We agree with you that the Nixon decision does not require deletion of the provisions reflecting the ban on employment of criminal offenders. The Nixon decision applies only to the plaintiffs in that case, and is stayed even as to them following the appeal of the decision that my Office filed in the Pennsylvania Supreme Court. Accordingly, we have asked, and the Department has agreed, to restore the deleted provisions.

Section 503 is critical to the protection of our older and disabled citizens from abuse and neglect. Please be assured that we will defend it diligently both in litigation and regulation review.

Sincerely yours,



Mike Fisher
Attorney General

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OFFICE OF ATTORNEY GENERAL