

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 349 Session of 2009

INTRODUCED BY GREENLEAF, WASHINGTON, ERICKSON, O'PAKE, EARLL,
BROWNE AND WONDERLING, FEBRUARY 20, 2009

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 20, 2009

AN ACT

1 Exempting continuing care retirement communities from the
2 medical assistance bed approval process and allowing nursing
3 facilities operated by continuing care retirement communities
4 to obtain medical assistance certified beds under limited
5 terms and conditions.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Continuing
10 Care Retirement Community Act.

11 Section 2. Definitions.

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

15 "CCRC." A continuing care retirement community licensed by
16 the Insurance Department.

17 "Department." The Department of Public Welfare of the
18 Commonwealth.

19 Section 3. Continuing care retirement community exemption.

1 A licensed nursing facility operated by a licensed CCRC shall
2 be exempt from the requirements under 55 Pa. Code §§ 1187.21(2)
3 (relating to nursing facility participation requirements) and
4 1187.21a (relating to nursing facility exception requests--
5 statement of policy) under the following conditions:

6 (1) The CCRC has admitted more than 400 residents under
7 a continuing care agreement.

8 (2) The nursing facility is part of the CCRC campus.
9 Section 4. Certified and noncertified nursing facilities on
10 CCRC campus.

11 Where a licensed nursing facility is part of the continuum of
12 care of a CCRC and regardless of whether the nursing facility
13 currently has beds certified by the medical assistance program,
14 the nursing facility shall have a limited number of beds
15 certified by medical assistance through an application to the
16 department pursuant to the following requirements:

17 (1) One or more residents admitted under a continuing
18 care agreement spend down their resources, including any
19 funds which may be or may become available, as a full or
20 partial refund of any entrance fee payments, in order to
21 become eligible for medical assistance.

22 (2) The beds will be used to provide nursing care and to
23 maintain on the CCRC campus residents who have spent down
24 their resources in order to become eligible for medical
25 assistance.

26 (3) The number of beds certified by the medical
27 assistance program may not be greater than 15%, rounded to
28 the nearest whole number, of the current licensed beds of the
29 CCRC's nursing facility.

30 Section 5. Applications for nursing facility beds certified by

1 the medical assistance program.

2 (a) Required information.--The application for a bed
3 certified by the medical assistance program must include
4 documentation that the person for whom the bed is requested was
5 initially admitted to the CCRC under the terms of a continuing
6 care agreement.

7 (b) Limitation.--All applications for beds certified by the
8 medical assistance program which satisfy subsection (a) shall be
9 granted by the department subject to the spend-down medical
10 assistance bed limitation as specified in section 4(3) and the
11 notice requirements specified in section 7.

12 (c) Agreement.--The nursing facility of the CCRC shall sign
13 a limited enrollment provider agreement.

14 Section 6. Nursing facility medical assistance reimbursement.

15 The nursing facility of the CCRC shall be eligible for and
16 shall receive reimbursement under the medical assistance program
17 as a participating provider effective on the date the medical
18 assistance eligible resident meets medical assistance
19 eligibility requirements.

20 Section 7. Department notification.

21 The nursing facility of the CCRC must notify the department
22 within 30 days upon the death or permanent transfer or discharge
23 of the medical assistance eligible resident from the nursing
24 facility. Failure of the nursing facility to notify the
25 department of these events within 30 days may be used as a basis
26 to deny future applications for certified medical assistance
27 beds.

28 Section 8. Effective date.

29 This act shall take effect in 60 days.