AMENDMENTS TO HOUSE BILL NO. 1354

Sponsor: REPRESENTATIVE PHILLIPS-HILL

Printer's No. 1684

Amend Bill, page 1, line 3, by inserting after

"Commonwealth,""

in general powers and duties of the department, further providing for State participation in cooperative Federal programs;

Amend Bill, page 1, line 9, by striking out "and"

Amend Bill, page 1, line 9, by striking out "Medicaid" and

inserting

Medical Assistance

Amend Bill, page 1, line 10, by striking out the period after

"Director" and inserting

; and making an editorial change.

Amend Bill, page 1, lines 13 through 15, by striking out all

of said lines and inserting

Section 1. Article II heading and sections 201 and 441.7(a) of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, are amended to read:

ARTICLE II

GENERAL POWERS AND DUTIES

OF THE DEPARTMENT OF [PUBLIC WELFARE] <u>HUMAN SERVICES</u>

Section 201. State Participation in Cooperative Federal Programs.--The department<u>, including through the Office of Independent Medical Assistance Director,</u> shall have the power and its duties shall be:

(1) With the approval of the Governor, to act as the sole agency of the State when applying for, receiving and using Federal funds for the financing in whole or in part of programs in fields in which the department has responsibility.

(2) With the approval of the Governor, to develop and submit State plans or other proposals to the Federal [government,] <u>Government, except as where limited under paragraph (2.1),</u> to

promulgate regulations, establish and enforce standards and to take such other measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance. Notwithstanding anything to the contrary in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the department may omit notice of proposed rulemaking and promulgate regulations as final when a delay of thirty days or less in the final adoption of regulations will result in the loss of Federal funds or when a delay of thirty days or less in adoption would require the replacement of Federal funds with State funds.

(2.1) To develop and submit State plans or other proposals to the Federal Government for medical assistance through the Independent Office of Medical Assistance Director, to promulgate regulations, establish and enforce standards and take other measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance. Notwithstanding any provision to the contrary in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the department may omit notice of proposed rulemaking and promulgate regulations as final when a delay of thirty days or less in the final adoption of regulations will result in the loss of Federal funds or when a delay of thirty days or less in adoption would require the replacement of Federal funds with State funds.

(3) To make surveys and inventories of existing facilities and services as required in connection with such State plans, and to assess the need for construction, modernization or additional services and to determine priorities with respect thereto.

(4) To conduct investigations of activities related to fraud, misuse or theft of public assistance moneys[, medical assistance moneys or benefits,] or Federal food stamps, committed by any person who is or has been participating in or administering programs of the department, or by persons who aid or abet others in the commission of fraudulent acts affecting welfare programs.

(4.1) To conduct investigations of activities related to fraud, misuse or theft of medical assistance moneys or benefit through the Office of Independent Medical Assistance Director by a person who is or has been participating in or administering medical assistance programs or by a person who aids or abets others in the commission of fraudulent acts affecting medical assistance.

(5) To collect data on its programs and services, including efforts aimed at preventative health care, to provide [the General Assembly with adequate information] to the Office of Independent Medical Assistance Director, who will compile the data for use by the General Assembly to determine the most cost-effective allocation of resources in the medical assistance program.

(6) To submit on a [biannual] annual basis a report prepared by the Office of Independent Medical Assistance Director to the General Assembly regarding the medical assistance population, which shall include aggregate figures, delineated on a monthly basis, for the number of individuals to whom services were provided, the type and incidence of services provided by procedure and the cost per service as well as total expenditures by service.

Amend Bill, page 1, line 19, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 2, line 12, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 2, line 18, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 2, line 22, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 3, line 1, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 3, line 15, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 3, line 25, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 4, line 2, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 4, line 4, by striking out "Medicaid" and inserting

1 Medical Assistance
2 Amend Bill, page 6, line 6, by striking out "Medicaid" and
3 inserting
4 Medical Assistance
5 Amend Bill, page 6, line 15, by striking out "Medicaid" and
6 inserting
7 Medical Assistance
8 Amend Bill, page 6, line 21, by striking out "Medicaid" and
9 inserting
10 Medical Assistance
11 Amend Bill, page 7, line 3, by striking out "Medicaid" and
12 inserting
13 Medical Assistance
14 Amend Bill, page 7, line 12, by striking out "Medicaid" and
15 inserting
16 Medical Assistance
17 Amend Bill, page 7, line 18, by striking out "Medicaid" and
18 inserting
19 Medical Assistance
20 Amend Bill, page 7, line 20, by striking out "Medicaid" and
21 inserting
22 Medical Assistance
23 Amend Bill, page 7, line 26, by striking out "Medicaid" and
24 inserting
25 Medical Assistance
26 Amend Bill, page 9, line 22, by striking out "Medicaid" and
27 inserting
28 Medical Assistance
29 Amend Bill, page 10, line 21, by striking out "Medicaid" and
30 inserting
31 Medical Assistance

Amend Bill, page 10, line 25, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 10, line 28, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 11, line 9, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 11, line 11, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 11, line 14, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 12, line 10, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 12, line 24, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 12, line 28, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 13, line 16, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 13, line 21, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 14, line 7, by striking out "Medicaid" and

inserting

Medical Assistance

Amend Bill, page 15, line 18, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 16, line 4, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 16, line 7, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 16, line 13, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 16, line 17, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 16, line 21, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 17, line 14, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 18, line 6, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 20, line 24, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 21, line 4, by striking out "Medicaid" and inserting

1 Medical Assistance
2 Amend Bill, page 21, line 8, by striking out "Medicaid" and
3 inserting
4 Medical Assistance
5 Amend Bill, page 21, line 19, by striking out "Medicaid" and
6 inserting
7 Medical Assistance
8 Amend Bill, page 21, line 21, by striking out "Medicaid" and
9 inserting
10 Medical Assistance
11 Amend Bill, page 21, line 28, by striking out "Medicaid" and
12 inserting
13 Medical Assistance
14 Amend Bill, page 22, line 7, by striking out "Medicaid" and
15 inserting
16 Medical Assistance
17 Amend Bill, page 22, line 19, by striking out "Medicaid" and
18 inserting
19 Medical Assistance
20 Amend Bill, page 22, line 23, by striking out "Medicaid" and
21 inserting
22 Medical Assistance
23 Amend Bill, page 22, line 27, by striking out "Medicaid" and
24 inserting
25 Medical Assistance
26 Amend Bill, page 22, line 28, by striking out "Medicaid" and
27 inserting
28 Medical Assistance
29 Amend Bill, page 23, line 4, by striking out "Medicaid" and
30 inserting
31 Medical Assistance

Amend Bill, page 24, line 5, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 24, line 9, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 24, line 14, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 24, line 17, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 24, line 21, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 25, line 8, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 25, line 19, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 25, line 24, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 25, line 29, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 26, line 3, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 26, line 8, by striking out "Medicaid" and

1 inserting

2 Medical Assistance

3 Amend Bill, page 26, line 16, by striking out "MEDICAID" and

4 inserting

5 MEDICAL ASSISTANCE

6 Amend Bill, page 26, line 20, by striking out "Medicaid" and

7 inserting

8 medical assistance

9 Amend Bill, page 27, by inserting between lines 4 and 5

10 "Commonwealth agency." A State agency, department, board,
11 office, bureau, division, committee or council.

12 Amend Bill, page 27, line 6, by striking out "Medicaid" and

13 inserting

14 Medical Assistance

15 Amend Bill, page 27, lines 7 through 10, by striking out all

16 of said lines

17 Amend Bill, page 27, line 11, by striking out "Medicaid" and

18 inserting

19 Medical Assistance

20 Amend Bill, page 27, line 12, by inserting before "The"

21 (a) Establishment.--

22 Amend Bill, page 27, line 12, by striking out "Medicaid" and

23 inserting

24 Medical Assistance

25 Amend Bill, page 27, by inserting between lines 13 and 14

26 (b) Employees.--Employees of any Commonwealth agency who
27 operate and administer medical assistance programs prior to the
28 effective date of this section shall be transferred to the
29 Office of Independent Medical Assistance Director at the
30 discretion of the director. The funds that pay for the salaries
31 of the employees transferred under this section shall be paid
32 out of the encumbered funds of the agency from which the
33 employee was transferred.
34 (c) Funding.--All funding from any Federal or State sources

regarding the operation of the Commonwealth's medical assistance programs shall be transferred into a restricted account in the General Fund in accordance with the following:

(1) Money from the restricted account may be transferred only upon the approval of the director or the director's designee, as prescribed under this article.

(2) The director shall coordinate payments from the Commonwealth's medical assistance programs with the State Treasurer to optimize the Commonwealth's cash flow within the General Fund and total operating budget.

Amend Bill, page 27, line 14, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 27, lines 16 and 17, by striking out "Director of the Office of Independent Medicaid Director" and inserting

director

Amend Bill, page 27, line 23, by striking out "four" and inserting

six

Amend Bill, page 27, line 24, by inserting after "confirmation."

A director may serve more than one term if selected by the Selection and Organization Committee.

Amend Bill, page 29, line 16, by striking out "to serve the remainder of the unexpired term" and inserting

until such time as the General Assembly has reconvened

Amend Bill, page 29, lines 17 and 18, by striking out "without confirmation by the Senate"

Amend Bill, page 29, by inserting between lines 18 and 19

(3) If no director has been approved within 3 months of a vacancy, a new director shall be appointed in accordance with paragraph (1).

(e) Removal.--The Governor may remove the director only if the director has committed a breach of public trust or violated the laws of this Commonwealth.

Amend Bill, page 29, line 21, by striking out "Medicaid" and

inserting

medical assistance

Amend Bill, page 29, line 23, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 29, line 25, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 29, line 27, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 30, line 3, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 30, line 9, by striking out "Performance incentives for exceeding outcomes." and inserting

The development of medical homes.

Amend Bill, page 30, by inserting between lines 12 and 13

(viii) Recommendations for identifying cost savings within medical assistance programs.

Amend Bill, page 30, line 14, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 30, line 16, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 30, line 20, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 30, line 22, by striking out "Medicaid" and inserting

1 medical assistance
2 Amend Bill, page 30, line 24, by striking out "and" and
3 inserting a comma
4 Amend Bill, page 30, line 25, by inserting after
5 "Representatives"
6 and the Independent Fiscal Office
7 Amend Bill, page 30, line 27, by striking out "Medicaid" and
8 inserting
9 medical assistance
10 Amend Bill, page 31, line 8, by striking out "Medicaid" and
11 inserting
12 Medical Assistance
13 Amend Bill, page 31, line 10, by striking out "Medicaid" and
14 inserting
15 medical assistance
16 Amend Bill, page 31, line 11, by striking out "Medicaid" and
17 inserting
18 medical assistance
19 Amend Bill, page 31, line 23, by striking out "Medicaid" and
20 inserting
21 medical assistance
22 Amend Bill, page 31, line 24, by inserting after "Making"
23 annual
24 Amend Bill, page 31, line 27, by inserting after "taxpayers"
25 who reside within this Commonwealth
26 Amend Bill, page 32, line 6, by striking out "Medicaid" and
27 inserting
28 medical assistance
29 Amend Bill, page 32, by inserting between lines 6 and 7
30 (a) Authority.--The director shall have the sole authority
31 to manage all medical assistance programs in the Commonwealth,
32 including, but not limited to, being the sole authority for

submitting an amendment to the State's plan under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) to the Centers for Medicare and Medicaid services offered under any of the Commonwealth's medical assistance programs.

Amend Bill, page 32, line 7, by striking out "(a)" and inserting

(b)

Amend Bill, page 32, line 8, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 9, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 11, by striking out "(b)" and inserting

(c)

Amend Bill, page 32, line 11, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 15, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 17, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 20, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 22, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 25, by striking out "Medicaid" and

inserting

medical assistance

Amend Bill, page 32, line 26, by striking out "(c)" and inserting

(d)

Amend Bill, page 32, line 27, by striking out "Medicaid" and inserting

medical assistance

Amend Bill, page 32, line 29, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 33, line 6, by striking out "Medicaid" and inserting

Medical Assistance

Amend Bill, page 33, by inserting between lines 22 and 23

Section 410-A. Regulations.

The Office of Independent Medical Assistance Director shall promulgate regulations.

Amend Bill, page 33, line 23, by striking out "410-A" and inserting

411-A

Amend Bill, page 33, line 24, by striking out "shall" and inserting

may