

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2350 Session of 2020

INTRODUCED BY KAUFER, GROVE, GAYDOS, OWLETT, SANKEY, THOMAS, JONES, MILLARD, BERNSTINE, RYAN, WHEELAND, SAYLOR, COX, MOUL, KEEFER, KLUNK, DUSH, B. MILLER, RADER AND NELSON, APRIL 3, 2020

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 2020

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in fraud and abuse
4 control, further providing for definitions, for restrictions
5 on provider charges and payments and for venue and
6 limitations on actions.

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

9 Section 1. The definitions of "provider" and "recipient" in
10 section 1401 of the act of June 13, 1967 (P.L.31, No.21), known
11 as the Human Services Code, are amended and the section is
12 amended by adding definitions to read:

13 Section 1401. Definitions.--The following words and phrases
14 when used in this article shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 "Claim" means a request for payment under the medical
17 assistance program.

18 * * *

1 "National Provider Identifier" or "NPI" means the national
2 unique health identifier issued to a health care provider under
3 45 CFR Pt. 162 Subpt. D (relating to standard unique health
4 identifier for health care providers).

5 "Person" means any individual, facility or entity.

6 * * *

7 "Provider" means any individual [or], medical facility or
8 entity which [signs an agreement with the department to
9 participate in the medical assistance program, including, but
10 not limited to, licensed practitioners, pharmacies, hospitals,
11 nursing homes, clinics, home health agencies and medical
12 purveyors.] ~~signs an agreement with the department to provide~~ <--
13 ~~goods or services reimbursable under the medical assistance~~
14 ~~program.~~ PROVIDES GOODS OR SERVICES REIMBURSABLE UNDER THE <--
15 MEDICAL ASSISTANCE PROGRAM.

16 * * *

17 "Recipient" means an [eligible person who receives medical
18 assistance from a participating provider.] individual who
19 receives goods or services from a provider reimbursable under
20 the medical assistance program.

21 "Record" means any of the following:

22 (1) Any document in written, electronic or any other format
23 retained by a provider under the medical assistance program,
24 including, but not limited to, medical, professional, financial
25 or business documents which relate to:

26 (i) the treatment or care of a recipient;

27 (ii) goods or services provided to a recipient; or

28 (iii) rates paid for goods or services provided to a
29 recipient.

30 (2) Any document in written, electronic or any other format

1 that is required by the rules or regulations of the department
2 to be retained by a provider under the medical assistance
3 program.

4 * * *

5 "State Provider Identifier" or "SPI" means a unique health
6 identifier issued to a provider by the department.

7 Section 2. Section 1406 of the act is amended by adding
8 subsections to read:

9 Section 1406. Restrictions on Provider Charges and
10 Payments.--* * *

11 (c) ~~A provider~~ AN INDIVIDUAL seeking to provide goods or <--
12 services reimbursable, in whole or in part, under the medical
13 assistance program who does not have a National Provider
14 Identifier shall register with the department and obtain a State
15 Provider Identifier prior to the provision of goods or services.
16 Each claim submitted to the department or an entity contracted
17 with the department under the medical assistance program must
18 include the NPI or SPI of the individual providing the goods or
19 services.

20 (d) The department shall create and implement a standardized
21 training program for individuals providing goods or services for
22 which a claim will be submitted using an SPI. An individual must
23 enroll in the standardized training at the time of application
24 for an SPI. The standardized training must be successfully
25 completed prior to the individual providing goods or services
26 reimbursable under the medical assistance program. The
27 standardized training shall:

28 (1) be specific to the type of goods or services to be
29 provided;

30 (2) focus on the required level of care to be provided;

1 (3) indicate the goods or services to be provided that may
2 be properly claimed for reimbursement;

3 (4) provide contact information for the agency which is the
4 local provider of protective services; and

5 (5) provide information on procedures for reporting
6 suspected fraud relating to the medical assistance program.

7 (e) (1) All claims submitted, whether to the department or
8 any entity contracted with the department under the medical
9 assistance program, must include the following:

10 (i) the NPI or SPI issued to the individual delivering the
11 goods or services to the recipient;

12 (ii) the Medicaid provider number for the provider;

13 (iii) each date goods or services were provided; and

14 (iv) the start and end time for each service provided.

15 (2) The requirements of paragraph (1)(i) and (iv) do not
16 apply to per diem claims.

17 Section 3. Section 1411 of the act is amended to read:

18 Section 1411. Venue and Limitations on Actions.--(a) Any
19 civil actions or criminal prosecutions brought pursuant to this
20 act for violations hereof shall be commenced within five years
21 [of] after the date the violation or violations occur. [In
22 addition, any such actions or prosecutions may be brought in any
23 county where the offender has an office or place of business or
24 where claims and payments are processed by the Commonwealth or
25 where authorized by the Rules of the Pennsylvania Supreme
26 Court.]

27 (b) A civil action or criminal prosecution brought under
28 this act may be brought in any of the following:

29 (1) A county where the alleged offender has an office or
30 place of business.

1 (2) A county where claims or payments are processed by the
2 Commonwealth or the Commonwealth's contractor or a
3 subcontractor.

4 (3) The county in which the records are submitted.

5 (4) The county where the goods or services are alleged to
6 have been provided.

7 (5) Any county authorized by the Pennsylvania Rules of
8 Criminal Procedures or other applicable rule of court for the
9 conduct of civil actions or criminal prosecutions.

10 Section 4. The department shall promulgate rules and
11 regulations necessary to implement the provisions of this act in
12 a manner which:

13 (1) Does not interrupt the provision of care to
14 recipients enrolled under the medical assistance program.

15 (2) Provides a reasonable amount of time for current
16 providers participating in the medical assistance program to
17 comply with the provisions of this act while still
18 participating in the program.

19 Section 5. This act shall take effect in 90 days.