

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 396

Session of  
1979

INTRODUCED BY MESSRS. TADDONIO, ZORD, DiCARLO, POTT, MRKONIC AND  
KNEPPER, FEBRUARY 20, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 8, 1979

## 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," providing for prior  
4 authorization for certain medical assistance services.

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

7 ~~Section 1. The act of June 13, 1967 (P.L.31, No.21), known~~ <—  
8 ~~as the "Public Welfare Code," is amended by adding a section to~~  
9 ~~read:~~

10 ~~Section 443.7. Prior Authorization. The department may~~  
11 ~~develop regulations requiring prior authorization of medical~~  
12 ~~equipment, prescription drugs, oxygen, supportive braces,~~  
13 ~~specific dental services and orthopedic shoes, but not limited~~  
14 ~~thereto. Such regulations may establish procedures for issuing~~  
15 ~~prior authorization at whatever administrative level the~~  
16 ~~department through the secretary deems appropriate.~~  
17 ~~Appropriateness shall be determined by the secretary after~~  
18 ~~hearings have been held and public input is received.~~

SECTION 1. SUBSECTION (E) OF SECTION 443.6, ACT OF JUNE 13, 1967 (P.L.31, NO.21) KNOWN AS THE "PUBLIC WELFARE CODE," ADDED SEPTEMBER 26, 1978 (P.L.769, NO.146), IS AMENDED TO READ:

SECTION 443.6. REIMBURSEMENT FOR CERTAIN MEDICAL ASSISTANCE ITEMS AND SERVICES.--

\* \* \*

(E) THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO IMPLEMENT THIS SECTION AND SHALL ESTABLISH A PROCEDURE FOR PRIOR AUTHORIZATION. SUCH REGULATIONS MAY ESTABLISH PROCEDURES FOR ISSUING PRIOR AUTHORIZATION AT WHATEVER ADMINISTRATIVE LEVEL THE DEPARTMENT THROUGH THE SECRETARY DEEMS APPROPRIATE. APPROPRIATENESS SHALL BE DETERMINED BY THE SECRETARY AFTER HEARINGS HAVE BEEN HELD AND PUBLIC INPUT IS RECEIVED. PROCEDURES ADOPTED IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE AUTHORIZATION WHEN APPROPRIATE, WITHOUT UNDUE DELAY. WHEN NO DECISION IS MADE ON A REQUEST TO THE DEPARTMENT FOR COVERED SERVICES WITHIN TWENTY-ONE DAYS OF THE DATE THAT THE REQUEST IS RECEIVED BY THE DEPARTMENT, THE AUTHORIZATION SHALL BE DEEMED APPROVED. THE DEPARTMENT SHALL KEEP A RECORD OF THOSE CASES IN WHICH NO DECISION IS MADE WITHIN TWENTY-ONE DAYS.

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