
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of
2019

INTRODUCED BY YUDICHAK, BAKER, BROOKS, HUTCHINSON, PITTMAN,
GORDNER, J. WARD, BLAKE, STEFANO AND LEACH, OCTOBER 18, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 14, 2020

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,
2 No.6), entitled "An act relating to mental health and
3 intellectual disability; authorizing county programs and
4 amending, revising and changing the laws relating thereto and
5 making an appropriation," in preliminary provisions, further
6 providing for definitions; and, in responsibilities of the
7 State, providing for State center closure moratorium.

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

10 Section 1. The definitions of "department" and "secretary"
11 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
12 P.L.96, No.6), known as the Mental Health and Intellectual
13 Disability Act of 1966, are amended and the section is amended
14 by adding a definition to read:

15 Section 102. Definitions.--As used in this act:

16 * * *

17 "Department" means the Department of [Public Welfare] Human
18 Services.

1 * * *

2 "Secretary" means the Secretary of [Public Welfare] Human
3 Services.

4 * * *

5 "State center" means a State operated facility, licensed by
6 the department, to provide a level of care specially designed to
7 meet the needs of persons who have an intellectual disability or
8 persons with related conditions who require specialized health
9 and rehabilitative services.

10 Section 2. The act is amended by adding a section to read:

11 Section 202.1. State Center Closure Moratorium.--(a) No <--
12 State center shall close until all Medicaid waiver eligible
13 individuals in this Commonwealth are authorized to begin
14 receiving home and community based services furnished under a
15 waiver granted pursuant to section 1915(c)(1) of the Social
16 Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

17 (b) When all Medicaid waiver eligible individuals have
18 received authorization under subsection (a), the department
19 shall transmit notice of that fact to the Legislative Reference
20 Bureau for publication in the Pennsylvania Bulletin. Upon
21 publication of the notice, the Task Force on the Closure of
22 State Centers is established within the department. Within sixty
23 days of publication of the notice, the secretary shall convene
24 an initial meeting of the task force. The task force shall
25 perform a comprehensive evaluation of the State centers and
26 provide recommendations to the department prior to the closure
27 of one or more State centers. THE TASK FORCE ON THE CLOSURE OF <--
28 STATE CENTERS IS ESTABLISHED WITHIN THE DEPARTMENT. WITHIN SIXTY
29 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE SECRETARY SHALL
30 CONVENE AN INITIAL MEETING OF THE TASK FORCE. THE TASK FORCE

1 SHALL PERFORM A COMPREHENSIVE EVALUATION OF THE STATE CENTERS
2 AND PROVIDE RECOMMENDATIONS TO THE DEPARTMENT PRIOR TO THE
3 CLOSURE OF ONE OR MORE STATE CENTERS.

4 (B) NO STATE CENTER SHALL CLOSE UNTIL THE TASK FORCE
5 COMPLETES THE COMPREHENSIVE EVALUATION OF THE STATE CENTER AND
6 PROVIDES RECOMMENDATIONS TO THE DEPARTMENT UNDER SUBSECTION (A),
7 THE STATE CENTER IS DEEMED ELIGIBLE FOR CLOSURE AND THE PLAN
8 UNDER SUBSECTION (E) IS APPROVED BY WAY OF A MAJORITY VOTE OF
9 THE TASK FORCE AND FIVE YEARS HAVE ELAPSED SINCE THE EFFECTIVE
10 DATE OF THIS SECTION.

11 (c) The task force shall be comprised of the following
12 members:

13 (1) The secretary or a designee.

14 (2) One representative from each State center, which may
15 include, but is not limited to, direct care providers or
16 administrative staff members, to be appointed by each center
17 director.

18 (3) One representative from the Governor's office.

19 (4) The chair and the minority chair of the Health and Human
20 Services Committee of the Senate or their designees.

21 (5) The chair and the minority chair of the ~~Human Services~~ <--
22 HEALTH Committee of the House of Representatives or their <--
23 designees.

24 (6) Two family members of residents of State centers, to be
25 appointed by the secretary.

26 (7) One representative of a nonprofit organization which
27 serves as an advocate for those with intellectual disabilities,
28 to be appointed by the secretary.

29 (8) One physician, psychiatrist or psychologist with
30 experience providing services to individuals with intellectual

1 disabilities to be appointed by the secretary in consultation
2 with the representatives appointed under paragraph (2).

3 (d) The task force shall meet biweekly to evaluate the
4 impact of a closure in all of the following areas:

5 (1) Residents of the State center and their families.

6 (2) Employees, both union and nonunion.

7 (3) The local economy in which the State center is located.

8 (4) Readiness of provider agencies in each region to expand
9 the community-based residential infrastructure to support
10 residents leaving State centers.

11 (e) If a State center is deemed eligible for closure by way
12 of a majority vote taken by the task force, the department shall
13 prepare a plan for the closure of the State center and the
14 transition of individuals with intellectual disabilities
15 receiving care in the State center to a home or community-based
16 support system. UPON APPROVAL OF THE PLAN BY WAY OF A MAJORITY <--
17 VOTE OF THE TASK FORCE, THE DEPARTMENT SHALL MAKE THE PLAN
18 AVAILABLE TO THE PUBLIC AND TAKE ANY ACTION NECESSARY TO
19 COMMENCE THE PROCESS OF CLOSING THE STATE CENTER. The plan shall
20 include all of the following:

21 (1) An assessment of the State center, including:

22 (i) A certified independent appraisal of the State center
23 property.

24 (ii) A report of the State employees employed at the State
25 center, both full time and part time, including the total number
26 of employees, the cost of the total wages and total benefits paid
27 to the employees and an organizational flow chart of employees
28 working at the State center.

29 (iii) A detailed report of the services provided at the
30 State center by contracted third-party vendors.

1 (iv) An inventory of assets located at and improvements on
2 the State center.

3 (v) A report of all electric, utility, water, landscaping,
4 snow removal and maintenance costs of the State center.

5 (vi) Geospatial images of the State center.

6 (vii) A detailed description of the existence, ownership
7 rights and appraised value of any mineral rights on the State
8 center property.

9 (viii) A historical report of the institutional property,
10 including the date it was acquired or constructed, the dates of
11 any improvements on the property, any changes in property
12 records, such as subdivision of the property, historical
13 employment or complement levels and other historical data.

14 (2) The timeline, specific to each State center, for the
15 transition to a home and community-based support system for all
16 of the individuals with intellectual disabilities living at the
17 State center. Information required under this clause shall
18 specify the critical milestones in the closure process for the
19 State center and the department's planned course of action to
20 effectuate the closure of the State center, including available
21 and necessary resources.

22 (3) The home and community-based support providers available
23 in the immediate geographic area surrounding the State center.

24 (4) The process the department will utilize at each State
25 center to transition individuals with intellectual disabilities
26 supported at each State center to a home and community-based
27 support system as provided under this section.

28 (5) The process the department will utilize at the State
29 center to close buildings and reassign staff when individuals
30 with intellectual disabilities are transitioning from State

1 centers to a home and community-based support system.

2 (6) Any other information deemed appropriate by the
3 department as part of the plan.

4 (f) A State center subject to closure must continue to
5 operate with the level of staff necessary until all residents
6 have been transitioned into home or community-based services.

7 (g) As used in this section, the term "task force" means the
8 Task Force on the Closure of State Centers established in
9 accordance with subsection ~~(b)~~ (A). <--

10 Section 3. The addition of section 202.1 of the act shall
11 apply to closures made after October 1, 2019.

12 Section 4. This act shall take effect immediately.