

AMENDMENTS TO HOUSE BILL NO. 1354

Sponsor: REPRESENTATIVE PHILLIPS-HILL

Printer's No. 1684

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

2 "Commonwealth,"

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

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

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

9 Medical Assistance

10 Amend Bill, page 1, line 10, by striking out the period after
11 "Director" and inserting
12 ; and making an editorial change.

13 Amend Bill, page 1, lines 13 through 15, by striking out all
14 of said lines and inserting

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

18 ARTICLE II

19 GENERAL POWERS AND DUTIES

20 OF THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES

21 Section 201. State Participation in Cooperative Federal
22 Programs.--The department, including through the Office of
23 Independent Medical Assistance Director, shall have the power
24 and its duties shall be:

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

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

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

12 (2.1) To develop and submit State plans or other proposals
13 to the Federal Government for medical assistance through the
14 Independent Office of Medical Assistance Director, to promulgate
15 regulations, establish and enforce standards and take other
16 measures as may be necessary to render the Commonwealth eligible
17 for available Federal funds or other assistance. Notwithstanding
18 any provision to the contrary in the act of July 31, 1968
19 (P.L.769, No.240), referred to as the Commonwealth Documents
20 Law, the department may omit notice of proposed rulemaking and
21 promulgate regulations as final when a delay of thirty days or
22 less in the final adoption of regulations will result in the
23 loss of Federal funds or when a delay of thirty days or less in
24 adoption would require the replacement of Federal funds with
25 State funds.

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

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

38 (4.1) To conduct investigations of activities related to
39 fraud, misuse or theft of medical assistance moneys or benefit
40 through the Office of Independent Medical Assistance Director by
41 a person who is or has been participating in or administering
42 medical assistance programs or by a person who aids or abets
43 others in the commission of fraudulent acts affecting medical
44 assistance.

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

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

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

11 Medical Assistance

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

14 Medical Assistance

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

17 Medical Assistance

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

20 Medical Assistance

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

23 Medical Assistance

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

26 Medical Assistance

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

29 Medical Assistance

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

32 Medical Assistance

33 Amend Bill, page 4, line 4, by striking out "Medicaid" and
34 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

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

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

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

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

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

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

13 Medical Assistance

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

17 director

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

20 six

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

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

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

27 until such time as the General Assembly has reconvened

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

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

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

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

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

1 inserting
2 medical assistance
3 Amend Bill, page 29, line 23, by striking out "Medicaid" and
4 inserting
5 medical assistance
6 Amend Bill, page 29, line 25, by striking out "Medicaid" and
7 inserting
8 Medical Assistance
9 Amend Bill, page 29, line 27, by striking out "Medicaid" and
10 inserting
11 medical assistance
12 Amend Bill, page 30, line 3, by striking out "Medicaid" and
13 inserting
14 medical assistance
15 Amend Bill, page 30, line 9, by striking out "Performance
16 incentives for exceeding outcomes." and inserting
17 The development of medical homes.
18 Amend Bill, page 30, by inserting between lines 12 and 13
19 (viii) Recommendations for identifying cost savings
20 within medical assistance programs.
21 Amend Bill, page 30, line 14, by striking out "Medicaid" and
22 inserting
23 medical assistance
24 Amend Bill, page 30, line 16, by striking out "Medicaid" and
25 inserting
26 medical assistance
27 Amend Bill, page 30, line 20, by striking out "Medicaid" and
28 inserting
29 medical assistance
30 Amend Bill, page 30, line 22, by striking out "Medicaid" and
31 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

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

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

7 (b)

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

10 medical assistance

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

13 medical assistance

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

16 (c)

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

19 medical assistance

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

22 medical assistance

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

25 medical assistance

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

28 medical assistance

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

31 medical assistance

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

1 inserting
2 medical assistance
3 Amend Bill, page 32, line 26, by striking out "(c)" and
4 inserting
5 (d)
6 Amend Bill, page 32, line 27, by striking out "Medicaid" and
7 inserting
8 medical assistance
9 Amend Bill, page 32, line 29, by striking out "Medicaid" and
10 inserting
11 Medical Assistance
12 Amend Bill, page 33, line 6, by striking out "Medicaid" and
13 inserting
14 Medical Assistance
15 Amend Bill, page 33, by inserting between lines 22 and 23
16 Section 410-A. Regulations.
17 The Office of Independent Medical Assistance Director shall
18 promulgate regulations.
19 Amend Bill, page 33, line 23, by striking out "410-A" and
20 inserting
21 411-A
22 Amend Bill, page 33, line 24, by striking out "shall" and
23 inserting
24 may