

AMENDMENTS TO SENATE BILL NO. 906

Sponsor: REPRESENTATIVE D. MILLER

Printer's No. 1435

1 Amend Bill, page 1, line 7, by striking out "moratorium" and
2 inserting
3 procedure

4 Amend Bill, page 2, lines 10 through 30; pages 3 and 4, lines
5 1 through 30; page 5, lines 1 through 21; by striking out all of
6 said lines on said pages and inserting

7 Section 202.1. State Center Closure Procedure.--(a) Upon
8 the department's decision to close a State center, or the
9 department's desire to explore the closure of a State center,
10 the following steps, at a minimum, shall occur in relation to
11 resident planning:

12 (1) The creation of a transition analysis for each resident,
13 or the review thereof, to include consultations with the
14 resident, the resident's medical decision maker, the resident's
15 family where applicable and related staff, to review the
16 resident's level of care and need and to discuss how and where
17 that level of care and need can be met in a community-based
18 system.

19 (2) The creation of a medical review board, which, upon
20 request of the resident, the resident's medical decision maker
21 or the director of the State center, shall convene to ensure
22 that the possible transition of the resident to a community-
23 based system would not have a negative impact on the resident's
24 health or to determine the steps that would be necessary and
25 reasonably accessible to ensure a positive outcome for the
26 resident. The following shall apply:

27 (i) The medical review board shall consist of the following:

28 (A) The Physician General or Secretary of Health, or a
29 designee of the Physician General or Secretary of Health.

30 (B) The supervising physician of the State center.

31 (C) A physician with expertise in the field, appointed by
32 the Pennsylvania Medical Society.

33 (ii) The resident may not be transferred under this section
34 without the approval of the majority of the members of the
35 medical review board.

1 (b) Upon the department's decision to close a State center,
2 or the department's desire to explore the closure of a State
3 center, the following steps, at a minimum, shall occur in
4 relation to employee and community assistance:

5 (1) Within ten days of the department's decision or
6 expressed desire, notice shall be provided to all employees of
7 the State center and their State and local union leaders, which
8 must include a proposed initial meeting date with the union to
9 occur on a business day within thirty days of the notice.

10 (2) Within ten days of the department's decision or
11 expressed desire, notice shall be provided to all the members of
12 the General Assembly who represent the location of the State
13 center.

14 (3) In accordance with the applicable collective bargaining
15 agreements, employment resources shall be made available to all
16 union and nonunion employees of the State center, including
17 continued employment opportunities with the department that
18 provide equivalent or similar duties, either in a facility or in
19 a community-based model, as well as the coordination of private-
20 based employment opportunities in an equivalent or similar
21 field.

22 (c) A State center shall remain open to provide services and
23 opportunities as required by law for any resident who is deemed
24 medically unable to transfer to a community-based system,
25 another State center or a similar residential facility.

26 (d) The department shall publish annually an assessment of
27 State centers and related community-based programs, to include,
28 at a minimum, staff wages and benefits, staff turnover rates,
29 unionization rate of non-exempt personnel, incidents and
30 allegations of abuse, community integration of residents,
31 vocational experiences of residents and the geographic
32 availability of community-based support providers.

33 (e) Unless required by law, or at the direction of the
34 resident or the resident's medical decision maker, a transfer of
35 the resident may only be made to a community-based program that
36 certifies to the department an employee turnover rate for the
37 program in the previous year of less than thirty percent.

38 (f) No later than six months after the effective date of
39 this subsection, the department shall provide a report to the
40 General Assembly that includes:

41 (1) An analysis of the fee structure related to payment to
42 community-based support program.

43 (2) Information on the wages, healthcare benefits and
44 retirement benefits of the employees providing daily care under
45 the community-based support program.

46 (3) A comparison of related data for this Commonwealth to
47 other states.

48 (4) A proposed three-year plan that considers compensation
49 increases and other professional enhancements that could
50 stabilize the workforce and improve care.