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

Section 1. Short title.

This act shall be known and may be cited as the Retaining Health Care Innovations Act.

Section 2. Purposes.

This act provides legal authority for administrative flexibilities to continue despite the termination or expiration of the COVID-19 disaster declaration and requires the development of recommendations to retain innovations adopted during the COVID-19 pandemic.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Administrative flexibilities." As follows:

(1) Executive orders, proclamations or regulations
issued, amended or rescinded under the COVID-19 disaster
declaration as authorized by 35 Pa.C.S. § 7301(b) (relating
to general authority of Governor).

(2) The term includes changes to policies, procedures
and practices adopted by State administrative agencies to
assist health care facilities, health care practitioners and
health care providers in responding to the COVID-19 pandemic.


"COVID-19." The coronavirus disease 2019, an infectious
disease caused by severe acute respiratory syndrome coronavirus
2 that was first identified during December 2019 in Wuhan,
China.

"COVID-19 disaster declaration." The proclamation of
disaster emergency issued by the Governor on March 6, 2020,
published at 50 Pa.B. 1644 (March 21, 2020), and renewed on June
3, 2020, and any renewal of the state of disaster emergency, to
address COVID-19, in accordance with 35 Pa.C.S. § 7301(c).

"Extension period." The one-year period from the date of the
termination or expiration of the COVID-19 disaster declaration
during which administrative flexibilities provided to health
care facilities and health care practitioners remain in force.

"Health care facility." As defined in section 103 of the act
of July 19, 1979 (P.L.130, No.48), known as the Health Care
Facilities Act.

"Health care practitioner." As defined in section 103 of the
Health Care Facilities Act.

"Health care provider." As defined in section 103 of the
Health Care Facilities Act.

Section 4. Administrative flexibilities.

(a) Authorization.--Administrative flexibilities provided to a health care facility, health care practitioner or a health care provider and adopted under the authority of the COVID-19 disaster declaration shall be extended through the extension period or until the Joint State Government Commission issues a report in accordance with section 6, whichever is later.

(b) Emergency operations plan.--A health care facility may take advantage of administrative flexibilities during the extension period even if the emergency operations plan of the health care facility is closed.

Section 5. Advisory committee.

In developing the report under section 6, the commission shall establish an advisory committee comprised of, but not limited to, the following individuals:

(1) A representative recommended by the Department of Health.

(2) A representative recommended by the Department of Human Services.

(3) A representative recommended by the Bureau of Professional and Occupational Affairs of the Department of State.

(4) A representative recommended by the Hospital and Healthsystem Association of Pennsylvania.

(5) A representative recommended by the Pennsylvania Medical Society.

(6) A representative recommended by the Rehabilitation and Community Providers Association.

(7) A representative recommended by the Pennsylvania
State Nurses Association.

(8) A representative recommended by LeadingAge PA.
(9) A representative recommended by the Pennsylvania Health Care Association.
(10) A representative recommended by the Pennsylvania Association of Community Health Centers.
(11) A representative recommended by the Pennsylvania Psychiatric Society.
(12) Any other representatives from other organizations that are deemed appropriate by the commission.


(a) Duty of commission.--The commission shall perform an analysis of the administrative flexibilities described in section 4 and issue a report to the General Assembly at least 180 days prior to the expiration of the extension period.

(b) Contents of report.--The report under this section shall, at a minimum:

(1) Describe the administrative flexibilities granted under the COVID-19 disaster declaration.
(2) Describe the impact of each administrative flexibility on patient access and quality of care.
(3) Describe the financial impact of each administrative flexibility on both the Commonwealth and the health care facilities, health care practitioners and health care providers affected by the waivers.
(4) Include recommendations to the General Assembly on whether the administrative flexibilities should be maintained.

Section 7. Limitations.

Nothing in this act shall require the Commonwealth to
1 maintain administrative flexibilities that would violate Federal
2 law or disqualify the Commonwealth from receiving Federal
3 matching funds for Medicaid services.
4 Section 8. Effective date.
5 This act shall take effect immediately.