AN ACT


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(1) Executive orders, proclamations or regulations issued, amended or rescinded under the COVID-19 disaster declaration as authorized by 35 Pa.C.S. § 7301(b) (relating to general authority of Governor).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, FEDERALLY QUALIFIED HEALTH CENTERS, RURAL HEALTH CLINICS, 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 AUGUST 29, 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 90-DAY 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.

"FEDERALLY QUALIFIED HEALTH CENTER." A HEALTH CENTER AS DEFINED IN SECTION 1861(AA)(4) OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1395X(AA)(4)).
"Health care facility." As defined in section 103 OR 802.1 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.

"RURAL HEALTH CLINIC." A CLINIC AS DEFINED IN SECTION 1861(AA)(2) OF THE SOCIAL SECURITY ACT.

Section 4. Administrative flexibilities.

(a) Authorization.--Administrative flexibilities provided to a health care facility, FEDERALLY QUALIFIED HEALTH CENTER, RURAL HEALTH CLINIC, 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 20200HB2779PN4382
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) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA HEALTH LAW PROJECT.

(13) AN INDIVIDUAL WITH A PHYSICAL DISABILITY WHO PROVIDES SUPPORT THROUGH THE CENTER FOR INDEPENDENT LIVING.

(14) A REPRESENTATIVE RECOMMENDED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION HEALTHCARE PENNSYLVANIA.

(15) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA ASSOCIATION OF STAFF NURSES AND ALLIED PROFESSIONALS.

(16) A REPRESENTATIVE RECOMMENDED BY THE NURSES OF PENNSYLVANIA.

(17) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA ASSOCIATION OF MANAGED CARE ORGANIZATIONS.

(18) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA
COALITION OF AFFILIATED HEALTHCARE AND LIVING COMMUNITIES.

(19) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA HOME CARE ASSOCIATION.

(20) A REPRESENTATIVE RECOMMENDED BY THE COALITION FOR THE COMMONWEALTH.

(21) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA MENTAL HEALTH CONSUMERS' ASSOCIATION.

(22) A REPRESENTATIVE RECOMMENDED BY A BEHAVIORAL HEALTH ADVOCATE ORGANIZATION.

(23) A REPRESENTATIVE RECOMMENDED BY THE NATIONAL ALLIANCE FOR MENTAL ILLNESS KEYSTONE PENNSYLVANIA.

(24) 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
Section 7. Limitations.

Nothing in this act shall require the Commonwealth to maintain administrative flexibilities that would violate Federal law or disqualify the Commonwealth from receiving Federal matching funds for Medicaid services.

Section 8. Construction.

Nothing in this act shall be construed to prohibit a State administrative agency from ending any waiver or suspension of regulations deemed to be no longer necessary during the period of the COVID-19 disaster declaration.

Section 9. Applicability.

The provisions of this act shall not apply to administrative flexibilities no longer in effect on the date the COVID-19 disaster declaration expires or is terminated by executive order, proclamation or operation of law. If a State administrative agency has submitted a public notice to the Legislation Reference Bureau for publication in the Pennsylvania Bulletin that provides for the expiration or termination date of an administrative flexibility before the expiration or termination of the COVID-19 disaster declaration, the administrative flexibility shall be deemed expired or terminated for purposes of this act before the end of the COVID-19 disaster declaration.

Section 10. Effective date.

This act shall take effect immediately.

20200HB2779PN4382 - 6 -