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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 396

Session of  
1979

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INTRODUCED BY MESSRS. TADDONIO, ZORD, DiCARLO, POTT, MRKONIC AND  
KNEPPER, FEBRUARY 20, 1979

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SENATOR COPPERSMITH, PUBLIC HEALTH AND WELFARE, IN SENATE,  
AS AMENDED, JUNE 27, 1979

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AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," providing for prior  
4 authorization for certain medical assistance services.

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

7 Section 1. Subsection (e) of section 443.6, act of June 13,  
8 1967 (P.L.31, No.21) known as the "Public Welfare Code," added  
9 September 26, 1978 (P.L.769, No.146), is amended to read:

10 Section 443.6. Reimbursement for Certain Medical Assistance  
11 Items and Services.--

12 \* \* \*

13 (e) The department shall promulgate regulations to implement  
14 this section and shall establish a procedure for prior  
15 authorization. Such regulations may establish procedures for  
16 issuing prior authorization at whatever administrative level the  
17 department through the secretary deems appropriate.  
18 Appropriateness shall be determined by the secretary after

1 hearings have been held and public input is received. Procedures  
2 adopted in accordance with this section shall provide  
3 authorization when appropriate, without undue delay. When no  
4 decision is made on a request to the department for covered  
5 services within twenty-one days of the date that the request is  
6 received by the department, the authorization shall be deemed  
7 approved. The department shall keep a record of those cases in  
8 which no decision is made within twenty-one days.

9 SECTION 2. THE ACT OF MARCH 31, 1949 (P.L.372, NO.34), KNOWN <—  
10 AS "THE GENERAL STATE AUTHORITY ACT OF ONE THOUSAND NINE HUNDRED  
11 FORTY-NINE," IS REPEALED TO THE EXTENT SAID ACT IS INCONSISTENT  
12 WITH THE INTENT AND PURPOSE OF THIS SECTION. THE BLOSSBURG STATE  
13 HOSPITAL AND THE SCRANTON STATE HOSPITAL ARE HEREBY AUTHORIZED  
14 TO BE LEASED OR SUBLEASED BY THE COMMONWEALTH, PROVIDED THAT  
15 THERE SHALL BE NO ABATEMENT OF RENTALS UNDER PROJECT LEASES. THE  
16 GENERAL ASSEMBLY HEREBY AUTHORIZES THE COMMONWEALTH TO LEASE OR  
17 SUBLEASE SAID HOSPITALS TO COMMUNITY BASED NON-PROFIT HOSPITAL  
18 CORPORATIONS UPON THE APPROVAL OF THE GOVERNOR AND THE SECRETARY  
19 OF PUBLIC WELFARE. SUCH LEASES OR SUBLEASES SHALL BE EXECUTED IN  
20 THE NAME OF THE COMMONWEALTH BY THE SECRETARY OF GENERAL  
21 SERVICES UPON APPROVAL AS TO LEGALITY BY THE DEPARTMENT OF  
22 JUSTICE. UNDER SUCH LEASES OR SUBLEASES RENTALS RESERVED AND  
23 PAID SHALL BE APPLIED TO THE PAYMENTS OF RENTALS DUE UNDER  
24 PROJECT LEASES.

25 Section ~~2~~ 3. This act shall take effect ~~in 60 days.~~ <—  
26 IMMEDIATELY. <—