

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1162 Session of
2007

INTRODUCED BY WANSACZ, SHIMKUS, GIBBONS, PAYTON, CREIGHTON,
CAPPELLI, FABRIZIO, GEORGE, GINGRICH, GOODMAN, GRUCELA,
HARRIS, HENNESSEY, HORNAMAN, KIRKLAND, KORTZ, PYLE, SCAVELLO,
SOLOBAY, SURRA, YUDICHAK AND BROOKS, APRIL 25, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 25, 2007

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," further providing for
4 medical assistance payments for institutional care.

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

7 Section 1. Section 443.1(5) of the act of June 13, 1967
8 (P.L.31, No.21), known as the Public Welfare Code, amended July
9 7, 2005 (P.L.177, No.42), is amended to read:

10 Section 443.1. Medical Assistance Payments for Institutional
11 Care.--The following medical assistance payments shall be made
12 in behalf of eligible persons whose institutional care is
13 prescribed by physicians:

14 * * *

15 (5) On or after July 1, 2004, and until such time as
16 regulations are adopted pursuant to subclause (iii), payments to
17 county and nonpublic nursing facilities certified to participate

1 as providers under Title XIX of the Social Security Act for
2 nursing facility services shall be calculated and made as
3 specified in the department's regulations in effect on July 1,
4 2003, except as may be otherwise required by:

5 (i) the Commonwealth's approved Title XIX Plan for nursing
6 facility services;

7 (ii) regulations promulgated by the department pursuant to
8 section 454; and

9 (iii) regulations promulgated by the department pursuant to
10 section 204(1)(iv) of the act of July 31, 1968 (P.L.769,
11 No.240), referred to as the Commonwealth Documents Law,
12 specifying the methods and standards which the department will
13 use to set rates and make payments for nursing facility services
14 effective July 1, 2006. [Notwithstanding any other provision of
15 law, including section 814-A, the promulgation of regulations
16 under this subsection shall, until June 30, 2006, be exempt from
17 the following:

18 (A) Section 205 of the Commonwealth Documents Law.

19 (B) Section 204(b) of the act of October 15, 1980 (P.L.950,
20 No.164), known as the "Commonwealth Attorneys Act."

21 (C) The act of June 25, 1982 (P.L.633, No.181), known as the
22 "Regulatory Review Act."]

23 * * *

24 Section 2. If the amendment of section 443.1(5) of the act
25 takes effect after July 1, 2007, that amendment shall apply
26 retroactively to July 1, 2007.

27 Section 3. This act shall take effect immediately.