

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1327 Session of
2013

INTRODUCED BY GIBBONS, CALTAGIRONE, V. BROWN, KORTZ, THOMAS,
KULA, COHEN, PAINTER AND GOODMAN, MAY 6, 2013

REFERRED TO COMMITTEE ON HUMAN SERVICES, MAY 6, 2013

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 unlicensed
4 residential habilitation waiver services and reimbursement.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding a section to
9 read:

10 Section 211.1. Unlicensed Residential Habilitation Waiver
11 Services.--Subject to Federal approval of such amendments as may
12 be necessary to the Commonwealth's approved Title XIX State
13 plan, the department shall do all of the following:

14 (1) Permit a relative or legal guardian of an individual
15 with an intellectual disability to provide unlicensed
16 residential habilitation waiver services to the individual in a
17 residential setting approved by the department. A residential
18 setting may include the private home of an individual with an
19 intellectual disability and the private home of a relative or

1 legal guardian of an individual with an intellectual disability.

2 (2) Promulgate regulations that establish the process and
3 criteria to be used to determine eligibility for a relative or
4 legal guardian of an individual with an intellectual disability
5 to provide unlicensed residential habilitation waiver services
6 to the individual in residential settings approved by the
7 department. The relative or legal guardian must meet the
8 qualifications criteria for providers of residential
9 habilitation waiver services set forth by the department as of
10 the effective date of this section.

11 (3) Establish reimbursement rates for eligible relatives or
12 legal guardians providing unlicensed residential habilitation
13 waiver services.

14 Section 2. Within 90 days of the effective date of this
15 section, the Department of Public Welfare shall submit to the
16 appropriate Federal agency a request for necessary waivers of
17 Federal law and regulations and for any other approvals by the
18 Federal Government necessary for the implementation of the
19 changes and additions made by the addition of section 211.1 of
20 the act. It is the obligation of the department to enter into
21 good faith negotiations with the appropriate Federal authorities
22 and to make every effort to obtain the necessary Federal waivers
23 and approvals.

24 Section 3. This act shall take effect immediately.