

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 5

Session of 2013

INTRODUCED BY ERICKSON, SCARNATI, PILEGGI, EICHELBERGER, YAW, GREENLEAF, STACK, FONTANA, KITCHEN, MENSCH, TOMLINSON, VULAKOVICH, HUGHES, WASHINGTON, GORDNER, HUTCHINSON, BROWNE, WHITE, WARD, RAFFERTY, FOLMER, VANCE, WAUGH, ALLOWAY, COSTA, BAKER, BREWSTER, SMUCKER, ROBBINS, ARGALL, DINNIMAN, WOZNIAK, WILEY, SCHWANK, McILHINNEY AND VOGEL, JANUARY 18, 2013

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 22, 2013

AN ACT

1 Establishing the Community-Based Health Care Program in the
2 Department of Health; and providing for hospital health
3 clinics, for mobile prenatal and natal care demonstration <--
4 project and for limitations.

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

9 CHAPTER 1

10 HEALTH CARE ASSISTANCE

11 SUBCHAPTER A

12 PRELIMINARY PROVISIONS

13 Section 101. Short title.

14 This act shall be known and may be cited as the Community-
15 Based Health Care Act.

16 Section 102. Definitions.

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

20 ~~"Advanced practice registered nurse." A registered nurse who <--~~
21 ~~has been certified in this Commonwealth to practice as:~~

22 ~~(1) a certified clinical nurse specialist;~~

23 ~~(2) a certified registered nurse anesthetist;~~

24 ~~(3) a certified registered nurse practitioner; or~~

25 ~~(4) a certified nurse midwife.~~

26 "Chronic care and disease management." A model of care that
27 includes the following:

28 (1) The provision of effective health management through
29 support and information that also promotes patient self-care
30 for patients with chronic conditions.

1 (2) The use of evidence-based medicine to ensure
2 appropriate treatment decisions by health care providers.

3 (3) The coordination of care and use of reasonably
4 accessible and updated patient information that encourages
5 follow-up care as a standard procedure.

6 (4) The tracking of clinical information for individual
7 and general patient populations to guide treatment and
8 effectively anticipate community health care problems.

9 "Community-based health care clinic." A nonprofit health
10 care center located in this Commonwealth that provides
11 comprehensive health care services without regard for a
12 patient's ability to pay and that:

13 (1) meets either of the following criteria:

14 (i) serves a federally designated medically
15 underserved area, a medically underserved population or a
16 health professional shortage area; or

17 (ii) serves a patient population with a majority of
18 that population having an income less than 200% of the
19 Federal poverty income guidelines; and

20 (2) includes any of the following:

21 (i) A federally qualified health center as defined
22 in section 1905(1)(2)(B) of the Social Security Act (49
23 Stat. 620, 42 U.S.C. § 1396d(1)(2)(B)) or a federally
24 qualified health center look-alike and is a participating
25 provider with:

26 (A) the Department of Public Welfare under the
27 act of June 13, 1967 (P.L.31, No.21), known as the
28 Public Welfare Code; or

29 (B) the Children's Health Insurance Program
30 under:

1 (I) Title XXI of the Social Security Act (49
2 Stat. 620, 42 U.S.C. § 1397aa et seq.); and

3 (II) Article XXIII of the act of May 17,
4 1921 (P.L.682, No.284), known as The Insurance
5 Company Law of 1921, and the regulations
6 promulgated thereunder.

7 (ii) A rural health clinic as defined in section
8 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42
9 U.S.C. § 1395x(aa)(2)), certified by Medicare and is a
10 participating provider with:

11 (A) the Department of Public Welfare under the
12 Public Welfare Code; or

13 (B) the Children's Health Insurance Program
14 under:

15 (I) Title XXI of the Social Security Act;
16 and

17 (II) Article XXIII of The Insurance Company
18 Law of 1921 and the regulations promulgated
19 thereunder.

20 (iii) A hospital health clinic and is a
21 participating provider with:

22 (A) the Department of Public Welfare under the
23 Public Welfare Code; or

24 (B) the Children's Health Insurance Program
25 under:

26 (I) Title XXI of the Social Security Act;
27 and

28 (II) Article XXIII of The Insurance Company
29 Law of 1921 and the regulations promulgated
30 thereunder.

1 (iv) A free or partial-pay health clinic that
2 provides services by volunteer and nonvolunteer health
3 care providers.

4 (v) A nurse-managed health care clinic that is
5 managed by ~~advanced practice registered nurses and A~~ <--
6 CERTIFIED CLINICAL NURSE SPECIALIST, A CERTIFIED
7 REGISTERED NURSE ANESTHETIST, A CERTIFIED REGISTERED
8 NURSE PRACTITIONER OR A CERTIFIED NURSE MIDWIFE, is
9 associated with a nursing education program, a federally
10 qualified health center or an independent nonprofit
11 health or social services agency and is a participating
12 provider with:

13 (A) the Department of Public Welfare under the
14 Public Welfare Code; or

15 (B) the Children's Health Insurance Program
16 under:

17 (I) Title XXI of the Social Security Act;
18 and

19 (II) Article XXIII of The Insurance Company
20 Law of 1921 and the regulations promulgated
21 thereunder.

22 "Department." ~~Except as provided under section 113, the~~ THE <--
23 Department of Health of the Commonwealth.

24 "Health care provider." A health care provider licensed to
25 practice a component of the healing arts by a licensing board
26 within the Department of State who provides health care services
27 at a community-based health care clinic.

28 "Hospital." An entity located in this Commonwealth that is
29 licensed as a hospital under the act of July 19, 1979 (P.L.130,
30 No.48), known as the Health Care Facilities Act.

1 "Low-income patient." A patient whose household income is
2 below 200% of the Federal poverty income guidelines.

3 "Medical assistance." A State program of medical assistance
4 established under Article IV(f) of the act of June 13, 1967
5 (P.L.31, No.21), known as the Public Welfare Code.

6 "Patient." A natural person receiving health care from a
7 health care provider at a community-based health care clinic.

8 "Program." The Community-Based Health Care Program.

9 SUBCHAPTER B

10 COMMUNITY-BASED HEALTH CARE

11 Section 111. Community-Based Health Care Program.

12 (a) Establishment.--The Community-Based Health Care Program
13 is established within the department to provide grants to
14 community-based health care clinics to:

15 (1) Expand and improve health care access and services,
16 such as preventive care, chronic care and disease management,
17 prenatal, obstetric, postpartum and newborn care, dental
18 treatment, behavioral health and pharmacy services.

19 (2) Reduce unnecessary utilization of hospital emergency
20 services by providing an effective alternative health care
21 delivery system.

22 (3) Encourage collaborative relationships among
23 community-based health care clinics, hospitals and other
24 health care providers.

25 (b) Grant award methodology.--A methodology for the
26 allocation of grant awards shall be developed by the department
27 based on the following distribution:

28 (1) Not more than 50% for the expansion of an existing
29 or the development of a new community-based health care
30 clinic using criteria that include:

1 (i) The actual and projected number of total
2 patients, new patients and patient visits for all
3 patients served or to be served, specifically delineating
4 the number of low-income and uninsured patients, who fall
5 below 200% of the Federal poverty income guidelines.

6 (ii) The addition or expansion of ancillary health
7 care services, such as dental, behavioral health and
8 pharmacy.

9 (iii) The development or enhancement of preventive
10 and chronic care and disease management techniques.

11 (2) Not more than 25% for improvements in prenatal,
12 obstetric, postpartum and newborn care.

13 (3) Not more than 20% for improved access and services,
14 including patient transportation, intended to reduce
15 unnecessary emergency room utilization.

16 (4) Not more than 5% for the establishment of
17 collaborative relationships among community-based health care
18 clinics, hospitals and other health care providers.

19 (5) Not more than 15% of the funds made available for
20 the program authorized by this section may be awarded to
21 applicants within any one city, town, borough or township of
22 this Commonwealth.

23 (b.1) Limitation.--No more than 25% of the grants awarded
24 under subsection (b) may go to federally qualified health
25 centers as defined in section 1905(1)(2)(B) of the Social
26 Security Act (49 Stat. 620, 42 U.S.C. § 1396d(1)(2)(B)) or
27 federally qualified health center look-alikes.

28 (c) Distribution.--Funds shall be distributed in a manner
29 that improves access and expands services in all geographic
30 areas of this Commonwealth.

1 (d) Reallocation.--The department shall reallocate funds
2 among the categories described in ~~subsection (b)~~ SUBSECTIONS (B) <--
3 AND (B.1) if sufficient qualified grant requests are not
4 received to use all the funds available in a specific category.

5 (e) Amount of grants.--A grant under this subsection shall
6 require a matching commitment of 25% of the grant, which can be
7 in the form of cash or equivalent in-kind services.

8 (f) Federal funds.--The department shall seek any available
9 Federal funds, as well as any available grants and funding from
10 other sources, to supplement amounts made available under this
11 subchapter to the extent permitted by law.

12 Section 112. Powers and duties of department.

13 The department shall have the following powers and duties:

14 (1) To administer the program.

15 (2) To develop an allocation methodology pursuant to
16 section 111(b).

17 (3) Within 90 days of the effective date of this
18 section, to develop and provide a grant application form
19 consistent with this act. The department shall provide
20 applications for grants under this section to all known
21 community-based health care clinics. A grant under this
22 section may be extended over two State fiscal years at the
23 request of the community-based health care clinic.

24 (4) To calculate and make grants to qualified community-
25 based health care clinics.

26 (5) To provide an annual report no later than November
27 30 to the chair and minority chair of the Public Health and
28 Welfare Committee of the Senate and the chair and minority
29 chair of the Health Committee of the House of
30 Representatives. The report shall include all of the

1 following:

2 (i) The total dollar amount for each grant awarded,
3 listing the type of community-based health care clinic
4 and the name of the grantee.

5 (ii) The use of the grant by each grantee.

6 (iii) How each grant expanded access and services
7 in accordance with the criteria set forth in section
8 111(a) and (b), including specific documentation of low-
9 income and uninsured patients served, and the total
10 amount of funds allocated in each distribution category
11 under section 111(b).

12 (iv) The impact of the grant on improving the
13 delivery and quality of health care in the community.

14 (v) The benefits of the assistance provided under
15 this subchapter and any recommendations for changes to
16 the program.

17 The report shall be made available for public inspection and
18 posted on the department's publicly accessible Internet
19 website.

20 (6) To audit grants awarded under this subchapter to
21 ensure that funds have been used in accordance with this
22 subchapter and the terms and standards adopted by the
23 department.

24 (7) To establish and maintain an online database of
25 community-based health care clinics.

26 (8) To establish a toll-free telephone number for
27 individuals to obtain information about community-based
28 health care clinics.

29 Section 113. Hospital health clinics.

30 (a) Program.--The Department of Public Welfare shall, in

1 cooperation with the department, be responsible for
2 administering the program as it relates to hospital health
3 clinics in accordance with the requirements of this act and
4 shall have the following additional duties:

5 (1) To develop an application and collect such data and
6 information as may be necessary to determine the eligibility
7 of hospital health clinics for payments under this section
8 using the criteria set forth in section 111(a) and (b).

9 (2) To review an application and make a final
10 determination regarding a hospital health clinic's
11 eligibility for funding within 90 days of receipt.

12 (3) To make payments to hospital health clinics in
13 accordance with the payment calculation set forth in
14 subsection (e).

15 (b) Submission of application.--In order to qualify for
16 funding under this section, a hospital health clinic shall
17 submit the required application to the Department of Public
18 Welfare no later than 90 days after the effective date of this
19 act.

20 (c) Funding.--

21 (1) For each fiscal year, upon Federal approval of an
22 amendment to the Medicaid State plan, the Department of
23 Public Welfare shall annually distribute any available funds
24 obtained under this act for hospital health clinics through
25 disproportionate share payments to hospitals to provide
26 financial assistance that will assure readily available and
27 coordinated comprehensive health care to the citizens of this
28 Commonwealth.

29 (2) The Secretary of Public Welfare shall determine the
30 funds available and make appropriate adjustments based on the

1 number of qualifying hospitals with hospital health clinics.

2 (d) Maximization.--The Department of Public Welfare shall
3 seek to maximize any Federal funds, including funds obtained
4 under Title XIX of the Social Security Act (49 Stat. 620, 42
5 U.S.C. § 1396 et seq.).

6 (e) Payment calculation.--

7 (1) Thirty percent of the total amount available shall
8 be allocated to eligible hospital health clinics of hospitals
9 located in counties of the first and second class. The total
10 amount available for each hospital health clinic at a
11 hospital in these counties shall be allocated on the basis of
12 each hospital's percentage of medical assistance and low-
13 income hospital health clinic visits compared to the total
14 number of medical assistance and low-income hospital health
15 clinic visits for all hospitals in the first and second class
16 counties.

17 (2) Fifty percent of the total amount available shall be
18 allocated to eligible hospital health clinics of hospitals
19 located in counties of the third, fourth and fifth class. The
20 total amount available for each hospital health clinic at a
21 hospital in these counties shall be allocated on the basis of
22 each hospital's percentage of medical assistance and low-
23 income hospital health clinic visits compared to the total
24 number of medical assistance and low-income hospital health
25 clinic visits for all hospitals in the third, fourth and
26 fifth class counties.

27 (3) Twenty percent of the total amount available shall
28 be allocated to eligible hospital health clinics of hospitals
29 located in counties of the sixth, seventh and eighth class.
30 The total amount available for each hospital health clinic at

1 a hospital in these counties shall be allocated on the basis
2 of each hospital's percentage of medical assistance and low-
3 income hospital health clinic visits compared to the total
4 number of medical assistance and low-income hospital health
5 clinic visits for all hospitals in the sixth, seventh and
6 eighth class counties.

7 (4) Any hospital that has reached its disproportionate
8 share limit under Title XIX of the Social Security Act shall
9 receive its share of the State funds available under this
10 act.

11 ~~SUBCHAPTER C~~ <--

12 ~~MOBILE PRENATAL AND~~

13 ~~NATAL CARE DEMONSTRATION PROJECT~~

14 ~~Section 121. Establishment.~~

15 ~~There is established within the department a program to be~~
16 ~~known as the Mobile Prenatal and Natal Care Demonstration~~
17 ~~Project. The program shall provide prenatal, obstetric,~~
18 ~~postpartum and newborn care to individuals on a mobile basis.~~

19 ~~Section 122. Applications for planning grants.~~

20 ~~A hospital or health care provider may submit an application~~
21 ~~to the department requesting a grant for costs associated with~~
22 ~~establishing a mobile unit to provide prenatal, obstetric,~~
23 ~~postpartum and newborn care. The application shall be on the~~
24 ~~form required by the department and shall include all of the~~
25 ~~following:~~

26 ~~(1) The applicant's name and address.~~

27 ~~(2) The geographic region where the unit will operate.~~

28 ~~(3) A statement of the services to be provided.~~

29 ~~(4) An estimate of the cost of the mobile unit.~~

30 ~~(5) Proof of participation in the medical assistance~~

1 ~~program.~~

2 ~~(6) Any other information required by the department.~~

3 ~~Section 123. Review and approval of grant applications.~~

4 ~~(a) Review. The department shall review the applications.~~

5 ~~Preference shall be given to applicants in communities where~~

6 ~~prenatal, obstetric, postpartum and newborn care is limited.~~

7 ~~Upon being satisfied that all requirements have been met, the~~

8 ~~department may approve four applications and award grants. The~~

9 ~~following grants shall be awarded:~~

10 ~~(1) One to an applicant which seeks to provide services~~
11 ~~in an urban setting.~~

12 ~~(2) One to an applicant which seeks to provide services~~
13 ~~in a suburban setting.~~

14 ~~(3) One to an applicant which seeks to provide services~~
15 ~~in a rural setting.~~

16 ~~(4) One to an underserved area which is most likely to~~
17 ~~benefit from a mobile clinic.~~

18 ~~(b) Limit. Grants awarded may not be more than \$100,000.~~

19 ~~Section 124. Report.~~

20 ~~By May 1, 2016, the department shall file a report with the~~

21 ~~chairman and minority chairman of the Public Health and Welfare~~

22 ~~Committee of the Senate, the chairman and minority chairman of~~

23 ~~the Health Committee of the House of Representatives and the~~

24 ~~chairman and minority chairman of the Human Services Committee~~

25 ~~of the House of Representatives. The report shall additionally~~

26 ~~be posted on the department's publicly accessible Internet~~

27 ~~website and shall include all of the following for each grant~~

28 ~~made in the prior calendar year:~~

29 ~~(1) The name of each grantee.~~

30 ~~(2) The amount of each grant awarded.~~

