

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 977 Session of 2013

INTRODUCED BY VANCE, WOZNIAK, BAKER, RAFFERTY, HUTCHINSON,
VULAKOVICH, SOLOBAY, ARGALL, WAUGH AND TARTAGLIONE,
MAY 30, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 30, 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," in general powers and
4 duties of the department of public welfare, further providing
5 for county human services consolidated planning and
6 reporting; in human services block grant pilot program,
7 further providing for definitions, for establishment of human
8 services block grant pilot program, for powers and duties of
9 the department, for powers and duties of counties, for
10 allocation and for use of block grant funds.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 205.1 of the act of June 13, 1967
14 (P.L.31, No.21), added June 30, 2012 (P.L.668, No.80), known as
15 the Public Welfare Code, is amended to read:

16 Section 205.1. County Human Services Consolidated Planning
17 and Reporting.--(a) The department shall develop a uniform,
18 consolidated process for counties to submit plans and reports
19 regarding all of the following:

20 (1) Funds allocated to counties under the act of October 5,
21 1994 (P.L.531, No.78), known as the Human Services Development

1 Fund Act.

2 (2) Funds allocated to counties for mental health and
3 intellectual disability services under the act of October 20,
4 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health
5 and Intellectual Disability Act of 1966.

6 (3) Funds allocated to counties for behavioral health
7 services.

8 (4) Funds allocated to counties for drug and alcohol
9 addiction treatment services under section 2334 of the act of
10 April 9, 1929 (P.L.177, No.175), known as The Administrative
11 Code of 1929.

12 (5) Funds allocated to counties for the provision of
13 services to the homeless.

14 (6) Funds allocated to county child welfare agencies as
15 additional grants under section 704.1(b).

16 (b) Counties shall submit plans and reports in a form,
17 containing such information, and by such deadline as the
18 department may prescribe. The plans and reports shall include at
19 least all of the following:

20 (1) Delivery of county-based human services by client
21 population served, including a detailed description of how each
22 county intends to use the funds identified in subsection (a) to
23 provide services to its residents in the least restrictive
24 setting appropriate to their needs.

25 (2) The distribution and projected expenditure level of the
26 funds identified in subsection (a), including block grant funds
27 for those counties participating in the Human Services Block
28 Grant [Pilot] Program pursuant to Article XIV-B.

29 (3) Public hearings by counties under 65 Pa.C.S. Ch. 7
30 (relating to open meetings), including the opportunity for

1 individuals and their families receiving human services to
2 testify about the county plan.

3 Section 2. The heading of Article XIV-B of the act, added
4 June 30, 2012 (P.L.668, No.80), is amended to read:

5 ARTICLE XIV-B

6 HUMAN SERVICES BLOCK GRANT [PILOT] PROGRAM

7 Section 3. Sections 1401-B, 1402-B, 1403-B, 1404-B, 1405-B
8 and 1406-B of the act, added June 30, 2012 (P.L.668, No.80), are
9 amended to read:

10 Section 1401-B. Definitions.

11 The following words and phrases when used in this article
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Block grant." The Human Services Block Grant [Pilot]
15 Program established in section 1402-B.

16 "County-based human services." Programs approved by the
17 Department of Public Welfare and provided by county governments
18 through direct or contracted services, supportive services and
19 service coordination. The term includes services designed to
20 meet service needs of the following:

21 (1) Individuals in need of behavioral health services.

22 (2) Individuals with intellectual disabilities.

23 (3) Individuals in need of drug and alcohol treatment
24 services.

25 (4) Individuals who are homeless or at immediate risk of
26 becoming homeless.

27 (5) Dependent and delinquent children as defined in 42
28 Pa.C.S. § 6302 (relating to definitions).

29 (6) Low-income adults eligible to receive services under
30 the act of October 5, 1994 (P.L.531, No.78), known as the

Human Services Development Fund Act.

(7) Older individuals as provided for under section 2206-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, and eligible to receive services under the Human Services Development Fund Act.

"Local collaborative arrangements." Two or more counties acting in concert to provide county-based human services through a single public or private entity.

Section 1402-B. Establishment of Human Services Block Grant [Pilot] Program.

The Human Services Block Grant [Pilot] Program is established for the purpose of allocating block grant funds to county governments to provide locally identified county-based human services that will meet the service needs of county residents. A county's request to participate in the block grant shall be on a form and contain such information as the department may prescribe. The department, in its discretion, may approve a county's request based on criteria determined by the department. [No more than 20 counties may participate in the block grant in any fiscal year.] A county's participation in the block grant is voluntary.

Section 1403-B. Powers and duties of the department.

(a) Distribution of funds.--Notwithstanding any other law, the department may distribute those funds that have been appropriated to the department for the programs set forth in section 1405-B(a)(1) as a block grant for county-based human services.

(b) Administration of [pilot] program.--The department shall have the power and duty to:

(1) Monitor county governments' administration of the

1 block grant to ensure compliance with applicable Federal and
2 State requirements.

3 (2) Allocate and disburse block grant funds to counties
4 on a quarterly basis in accordance with section 1405-B.

5 (3) Provide technical support and assistance to
6 counties.

7 (4) Require counties to submit reports containing such
8 information pursuant to the implementation of this article
9 and in the form and by the deadline prescribed by the
10 department.

11 (5) Monitor, inspect or audit the financial, operating
12 and accounting records of any county agency or contracted
13 entity that receives any block grant funds if deemed
14 necessary by the department.

15 (6) Withhold, recover or reduce any block grant funds of
16 a county agency or contracted entity determined to have been
17 spent or disbursed in violation of Federal or State
18 requirements.

19 (7) Establish procedures for the annual submission,
20 review and approval process of county block grant plans for
21 the expenditure of block grant funds and the delivery of
22 county-based human services submitted under section 1404-
23 B(5). The department shall not approve a county plan which
24 proposes the elimination of any of the following county-based
25 human services:

26 (i) Community-based mental health services.

27 (ii) Intellectual disability services.

28 (iii) Child welfare services.

29 (iv) Drug and alcohol treatment and prevention
30 services.

1 (v) Homeless assistance services.

2 (vi) Behavioral health services.

3 (8) Prepare and submit by January 1, 2014, and by
4 November 30 each year thereafter, a report to the chairman
5 and minority chairman of the Public Health and Welfare
6 Committee of the Senate, the chairman and minority chairman
7 of the Appropriations Committee of the Senate, the chairman
8 and minority chairman of the Health Committee of the House of
9 Representatives, the chairman and minority chairman of the
10 Human Services Committee of the House of Representatives and
11 the chairman and minority chairman of the Appropriations
12 Committee of the House of Representatives of the expenditures
13 of block grant funds by county governments to include:

14 (i) The allocation levels.

15 (ii) The expenditure levels.

16 (iii) The number of individuals served by the human
17 services provided.

18 (iv) Any other information deemed necessary by the
19 department, including any information which would
20 determine the effectiveness of the block grant.

21 (9) The annual report under paragraph (8) shall be made
22 available for public inspection and posted on the
23 department's publicly accessible Internet website.

24 (10) Promulgate regulations as may be necessary to carry
25 out this article.

26 Section 1404-B. Powers and duties of counties.

27 The local county officials of each county government
28 participating in the block grant shall have the power and duty
29 to:

30 (1) Administer and disburse block grant funds for the

1 provision of county-based human services in accordance with
2 this article and regulations promulgated under section 1403-
3 B(10) and Federal requirements.

4 (2) Establish or maintain, in agreement with another
5 county or counties, local collaborative arrangements for the
6 delivery of any county-based human service. Counties may
7 establish new local collaborative arrangements under this
8 paragraph for the provision of a specific county-based human
9 service or county-based human services, subject to approval
10 by the secretary.

11 (3) Determine and redetermine, when necessary, whether a
12 person is eligible to participate in a county-based human
13 service, subject to appeal under 2 Pa.C.S. Ch. 5 Subch. B
14 (relating to practice and procedures of local agencies).

15 (4) Submit required reports under section 1403-B(b) (4).

16 (5) [Submit] Opt into the block grant by submitting to
17 the department an annual Human Services Block Grant [Pilot]
18 Plan to include the intended delivery of county-based human
19 services by client population to be served, including a
20 detailed description of how the county intends to serve its
21 residents in the least restrictive setting appropriate to
22 their needs and the distribution and the projected
23 expenditure level of block grant funds by county-based human
24 services allocated under this article in such form and
25 containing such information as the department may require.
26 Prior to submitting the annual Human Services Block Grant
27 [Pilot] Plan to the department, the county shall hold at
28 least two public hearings on the plan under 65 Pa.C.S. Ch. 7
29 (relating to open meetings), which shall include an
30 opportunity for individuals and families who receive services

1 to testify about the plan.

2 (6) Submit to the department a written notice if a
3 county intends to opt out of the block grant. Such opt out
4 shall take effect at the beginning of the next State fiscal
5 year.

6 Section 1405-B. Allocation.

7 (a) Allocation.--The department shall allocate State block
8 grant funds to counties as follows:

9 (1) The department shall allocate State block grant
10 funds according to each county's proportional share of the
11 aggregate amount of the following State funds allocated for
12 fiscal year 2011-2012:

13 (i) Funds allocated to counties under the act of
14 October 5, 1994 (P.L.531, No.78), known as the Human
15 Services Development Fund Act.

16 (ii) Funds allocated to counties for mental health
17 and intellectual disability services under the act of
18 October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as
19 the Mental Health and Intellectual Disability Act of
20 1966.

21 (iii) Funds allocated to counties for behavioral
22 health services.

23 (iv) Funds allocated to counties for drug and
24 alcohol services under section 2334 of the act of April
25 9, 1929 (P.L.177, No.175), known as The Administrative
26 Code of 1929.

27 (v) Funds allocated to counties for the provision of
28 services to the homeless.

29 (vi) Funds allocated to county child welfare
30 agencies as certain additional grants under section

704.1(b) .

(2) The department shall allocate Federal block grant funds to counties according to each county's fiscal year 2011-2012 proportional share of each Federal appropriation associated with the funds identified in paragraph (1).

(3) Funds identified in paragraphs (1) and (2) that were allocated to county local collaborative arrangements shall be allocated to individual counties based on the individual county population.

(4) The department may revise the allocation of Federal funds identified in paragraph (2) as necessary to comply with applicable Federal requirements.

(a.1) Adjustment of allocation.--The department may adjust grants under this article to a county participating in the block grant based on the county's need for funds to meet the human services needs of its residents for a fiscal year. Such adjustment shall not be considered in the county's allocation under subsection (a) for any subsequent fiscal year.

(b) Expenditure.--Each county participating in the block grant shall expend its allocated block grant funds as follows:

(1) For State fiscal year 2012-2013, each county shall expend on each of the following county-based human services at least 80% of the amount the county is allocated under the funds identified in subsection (a)(1) for that county-based human service:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

1 (v) Homeless assistance services.

2 (vi) Behavioral health services.

3 (2) For State fiscal year 2013-2014, each county shall
4 expend on each of the following county-based human services
5 at least 75% of the amount the county was allocated under the
6 funds identified in subsection (a)(1) for that county-based
7 human service:

8 (i) Community-based mental health services.

9 (ii) Intellectual disability services.

10 (iii) Child welfare services.

11 (iv) Drug and alcohol treatment and prevention
12 services.

13 (v) Homeless assistance services.

14 (vi) Behavioral health services.

15 (3) For State fiscal year 2014-2015, each county shall
16 expend on each of the following county-based human services
17 at least 50% of the amount the county is allocated under the
18 funds identified in subsection (a)(1) for that county-based
19 human service:

20 (i) Community-based mental health services.

21 (ii) Intellectual disability services.

22 (iii) Child welfare services.

23 (iv) Drug and alcohol treatment and prevention
24 services.

25 (v) Homeless assistance services.

26 (vi) Behavioral health services.

27 (4) For State fiscal year 2015-2016, each county shall
28 expend on each of the following county-based human services
29 at least 25% of the amount the county is allocated under the
30 funds identified in subsection (a)(1), for that county-based

human service:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

(v) Homeless assistance services.

(vi) Behavioral health services.

(5) For State fiscal year 2016-2017 and thereafter, counties may expend block grant funds on county-based human services as determined by local need.

(c) Waiver.--A county may request in writing that the department waive the requirements of subsection (b). The department may, in its discretion, grant the request upon good cause shown by the county.

(d) Use of remaining funds.--Except as provided in subsection (b), counties may expend the remaining block grant funds on county-based human services needs as determined by county officials.

(e) Contribution to local collaborative arrangement.--Each county that is part of a local collaborative arrangement in accordance with section 1404-B(2) shall contribute at a minimum the percentage of funds specified in subsection (b) to the local collaborative arrangement for the provision of the county-based human services delivered by the local collaborative arrangement.

Section 1406-B. Use of block grant funds.

(a) General rule.--Block grant funds received by counties under this article shall be used solely for the provision of county-based human services.

(b) Reinvestment.--A county participating in the block grant

1 may submit to the department a written plan to reinvest up to 3%
2 of its block grant allocation for any State fiscal year to be
3 expended on county-based human services in the next State fiscal
4 year. The 3% limitation may be waived by the department upon
5 good cause shown by the county.

6 (c) Eligibility.--No county shall be required to expend
7 block grant funds under this article on behalf of an individual
8 until the individual has exhausted eligibility and receipt of
9 benefits under all other existing Federal, State, local or
10 private programs.

11 (d) Allocation.--For State fiscal year 2012-2013, each
12 county in expending block grant funds shall provide local
13 matching funds for block grant funds allocated to it in the same
14 percentage as that county's aggregate local match percentage for
15 the State funds identified in section 1405-B(a)(1) in State
16 fiscal year 2010-2011. For each State fiscal year thereafter,
17 each county in expending block grant funds shall provide local
18 matching funds for State block grant funds allocated to it in
19 the same percentage as that county's aggregate local match
20 percentage for the State funds identified in section 1405-B(a)
21 (1) in State fiscal year 2011-2012.

22 (e) County obligation.--Except as provided in subsection
23 (d), counties shall have no financial obligation to provide
24 human services under this article in excess of their allocation
25 of block grant funds for any fiscal year.

26 Section 4. This act shall take effect immediately.