

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of 2019

INTRODUCED BY YUDICHAK, BAKER, BROOKS, HUTCHINSON, PITTMAN, GORDNER, J. WARD, TARTAGLIONE, BLAKE AND STEFANO, OCTOBER 18, 2019

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 28, 2019

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,
2 No.6), entitled "An act relating to mental health and
3 intellectual disability; authorizing county programs and
4 amending, revising and changing the laws relating thereto and
5 making an appropriation," in preliminary provisions, further
6 providing for definitions; and, in responsibilities of the
7 State, providing for State facility CENTER closure <--
8 moratorium.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definitions of "department" and "secretary"
12 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
13 P.L.96, No.6), known as the Mental Health and Intellectual
14 Disability Act of 1966, are amended AND THE SECTION IS AMENDED <--
15 BY ADDING A DEFINITION to read:

16 Section 102. Definitions.--As used in this act:

17 * * *

18 "Department" means the Department of [Public Welfare] Human
19 Services.

20 * * *

1 "Secretary" means the Secretary of [Public Welfare] Human
2 Services.

3 * * *

4 "STATE CENTER" MEANS A STATE OPERATED FACILITY, LICENSED BY <--
5 THE DEPARTMENT, TO PROVIDE A LEVEL OF CARE SPECIALLY DESIGNED TO
6 MEET THE NEEDS OF PERSONS WHO HAVE AN INTELLECTUAL DISABILITY OR
7 PERSONS WITH RELATED CONDITIONS WHO REQUIRE SPECIALIZED HEALTH
8 AND REHABILITATIVE SERVICES.

9 Section 2. The act is amended by adding a section to read:

10 Section 202.1. State Facility CENTER Closure Moratorium.-- <--

11 (a) No State facility CENTER shall close until all Medicaid <--
12 waiver-eligible individuals in this Commonwealth are authorized
13 to begin receiving home and community-based services furnished
14 under a waiver granted pursuant to section 1915(c)(1) of the
15 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

16 (b) When all Medicaid waiver-eligible individuals have
17 received authorization under subsection (a), the department
18 shall transmit notice of that fact to the Legislative Reference
19 Bureau for publication in the Pennsylvania Bulletin. Upon
20 publication of the notice, the Task Force on the Closure of
21 State Centers is established within the department. Within sixty
22 days of publication of the notice, the secretary shall convene
23 an initial meeting of the task force. The task force shall
24 perform a comprehensive evaluation of the State facilities <--
25 CENTERS and provide recommendations to the department prior to <--
26 the closure of one or more State facilities CENTERS. <--

27 (c) The task force shall be comprised of the following
28 members:

29 (1) The secretary or a designee.

30 (2) One representative from each State facility CENTER, <--

1 which may include, but is not limited to, direct care providers
2 or administrative staff members, to be appointed by each
3 facility CENTER director. <--

4 (3) One representative from the Governor's office.

5 (4) The chair and the minority chair of the Health and Human
6 Services Committee of the Senate or their designees.

7 (5) The chair and the minority chair of the Human Services
8 Committee of the House of Representatives or their designees.

9 (6) Two family members of residents of State facilities <--
10 CENTERS, to be appointed by the secretary. <--

11 (7) One representative of a nonprofit organization which
12 serves as an advocate for those with intellectual disabilities,
13 to be appointed by the secretary.

14 (8) One physician, psychiatrist or psychologist with
15 experience providing services to individuals with intellectual
16 disabilities to be appointed by the secretary in consultation
17 with the representatives appointed under paragraph (2).

18 (d) The task force shall meet biweekly to evaluate the
19 impact of a closure in all of the following areas:

20 (1) Residents of the State facility CENTER and their <--
21 families.

22 (2) Employees, both union and nonunion.

23 (3) The local economy in which the State facility CENTER is <--
24 located.

25 (4) Readiness of provider agencies in each region to expand
26 the community-based residential infrastructure to support
27 residents leaving State facilities CENTERS. <--

28 (e) If a State facility CENTER is deemed eligible for <--
29 closure by way of a majority vote taken by the task force, the
30 department shall prepare a plan for the closure of the State

1 facility CENTER and the transition of individuals with <--
2 intellectual disabilities receiving care in the State facility <--
3 CENTER to a home or community-based support system. The plan
4 shall include all of the following:

5 (1) An assessment of the State facility CENTER, including: <--
6 (i) A certified independent appraisal of the State facility <--
7 CENTER property.

8 (ii) A report of the State employes employed at the State
9 facility CENTER, both full time and part time, including the <--
10 total number of employes, the cost of the total wages and total
11 benefits paid to the employes and an organizational flow chart
12 of employes working at the State facility CENTER. <--
13 (iii) A detailed report of the services provided at the
14 State facility CENTER by contracted third-party vendors. <--
15 (iv) An inventory of assets located at and improvements on
16 the State facility CENTER. <--
17 (v) A report of all electric, utility, water, landscaping,
18 snow removal and maintenance costs of the State facility CENTER. <--
19 (vi) Geospatial images of the State facility CENTER. <--
20 (vii) A detailed description of the existence, ownership
21 rights and appraised value of any mineral rights on the State
22 facility CENTER property. <--
23 (viii) A historical report of the institutional property,
24 including the date it was acquired or constructed, the dates of
25 any improvements on the property, any changes in property
26 records, such as subdivision of the property, historical
27 employment or complement levels and other historical data.

28 (2) The timeline, specific to each State facility CENTER, <--
29 for the transition to a home and community-based support system
30 for all of the individuals with intellectual disabilities living

1 at the State ~~facility~~ CENTER. Information required under this <--
2 clause shall specify the critical milestones in the closure
3 process for the State ~~facility~~ CENTER and the department's <--
4 planned course of action to effectuate the closure of the State
5 ~~facility~~ CENTER, including available and necessary resources. <--

6 (3) The home and community-based support providers available
7 in the immediate geographic area surrounding the State ~~facility~~ <--
8 CENTER.

9 (4) The process the department will utilize at each State
10 ~~facility~~ CENTER to transition individuals with intellectual <--
11 disabilities supported at each State ~~facility~~ CENTER to a home <--
12 and community-based support system as provided under this
13 section.

14 (5) The process the department will utilize at the State
15 ~~facility~~ CENTER to close buildings and reassign staff when <--
16 individuals with intellectual disabilities are transitioning
17 from State ~~facilities~~ CENTERS to a home and community-based <--
18 support system.

19 (6) Any other information deemed appropriate by the
20 department as part of the plan.

21 (f) A State ~~facility~~ CENTER subject to closure must continue <--
22 to operate with the level of staff necessary until all residents
23 have been transitioned into home or community-based services.

24 (g) As used in this section, the term "task force" means the
25 Task Force on the Closure of State Centers established in
26 accordance with subsection (b).

27 Section 3. The addition of section 202.1 of the act shall
28 apply to closures made after October 1, 2019.

29 Section 4. This act shall take effect immediately.