

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of 2019

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

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 17, 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 center closure moratorium.

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

10 Section 1. The definitions of "department" and "secretary"
11 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
12 P.L.96, No.6), known as the Mental Health and Intellectual
13 Disability Act of 1966, are amended and the section is amended
14 by adding a definition to read:

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

16 \* \* \*

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

19 \* \* \*

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 Center Closure Moratorium.--(a) No  
11 State center shall close until all Medicaid waiver-eligible  
12 individuals in this Commonwealth are authorized to begin  
13 receiving home and community-based services furnished under a  
14 waiver granted pursuant to section 1915(c)(1) of the Social  
15 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 centers and  
25 provide recommendations to the department prior to the closure  
26 of one or more State 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 center, which may

1 include, but is not limited to, direct care providers or  
2 administrative staff members, to be appointed by each center  
3 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 HEALTH Committee of the House of Representatives or their <--  
9 designees.

10 (6) Two family members of residents of State centers, to be  
11 appointed by the secretary.

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

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

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

21 (1) Residents of the State center and their families.

22 (2) Employees, both union and nonunion.

23 (3) The local economy in which the State center is located.

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

27 (e) If a State center is deemed eligible for closure by way  
28 of a majority vote taken by the task force, the department shall  
29 prepare a plan for the closure of the State center and the  
30 transition of individuals with intellectual disabilities

1 receiving care in the State center to a home or community-based  
2 support system. The plan shall include all of the following:  
3 (1) An assessment of the State center, including:  
4 (i) A certified independent appraisal of the State center  
5 property.  
6 (ii) A report of the State employes employed at the State  
7 center, both full time and part time, including the total number  
8 of employes, the cost of the total wages and total benefits paid  
9 to the employes and an organizational flow chart of employes  
10 working at the State center.  
11 (iii) A detailed report of the services provided at the  
12 State center by contracted third-party vendors.  
13 (iv) An inventory of assets located at and improvements on  
14 the State center.  
15 (v) A report of all electric, utility, water, landscaping,  
16 snow removal and maintenance costs of the State center.  
17 (vi) Geospatial images of the State center.  
18 (vii) A detailed description of the existence, ownership  
19 rights and appraised value of any mineral rights on the State  
20 center property.  
21 (viii) A historical report of the institutional property,  
22 including the date it was acquired or constructed, the dates of  
23 any improvements on the property, any changes in property  
24 records, such as subdivision of the property, historical  
25 employment or complement levels and other historical data.  
26 (2) The timeline, specific to each State center, for the  
27 transition to a home and community-based support system for all  
28 of the individuals with intellectual disabilities living at the  
29 State center. Information required under this clause shall  
30 specify the critical milestones in the closure process for the

1 State center and the department's planned course of action to  
2 effectuate the closure of the State center, including available  
3 and necessary resources.

4 (3) The home and community-based support providers available  
5 in the immediate geographic area surrounding the State center.

6 (4) The process the department will utilize at each State  
7 center to transition individuals with intellectual disabilities  
8 supported at each State center to a home and community-based  
9 support system as provided under this section.

10 (5) The process the department will utilize at the State  
11 center to close buildings and reassign staff when individuals  
12 with intellectual disabilities are transitioning from State  
13 centers to a home and community-based support system.

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

16 (f) A State center subject to closure must continue to  
17 operate with the level of staff necessary until all residents  
18 have been transitioned into home or community-based services.

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

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

24 Section 4. This act shall take effect immediately.