

2019D01713AJB:BTW

No. \_\_\_\_\_

**LEGISLATIVE REFERENCE BUREAU**

**AN ACT**

Amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in boards and offices, providing for Department of Health and Human Services and transferring specific powers and duties from the Department of Health and the Department of Human Services to the Department of Health and Human Services.

**INTRODUCED** \_\_\_\_\_ **20** \_\_\_\_\_

By \_\_\_\_\_ **District NO.** \_\_\_\_\_

By \_\_\_\_\_ **District NO.** \_\_\_\_\_

By \_\_\_\_\_ **District NO.** \_\_\_\_\_

By \_\_\_\_\_ **District NO.** \_\_\_\_\_

**See next page for additional co-sponsors.**

**Prior Session** \_\_\_\_\_

<b>Referred to Committee on</b>	
<b>Date</b> _____	<b>20</b> _____
<b>Reported</b> _____	<b>20</b> _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
 2 Consolidated Statutes, in boards and offices, providing for  
 3 Department of Health and Human Services and transferring  
 4 specific powers and duties from the Department of Health and  
 5 the Department of Human Services to the Department of Health  
 6 and Human Services.

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

9 Section 1. Part V of Title 71 of the Pennsylvania  
 10 Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 49

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subchapter

A. General Provisions

B. Departmental Administration

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

4901. Scope of chapter.

1 4902. Definitions.

2 § 4901. Scope of chapter.

3 This chapter relates to the Department of Health and Human  
4 Services.

5 § 4902. Definitions.

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

9 "Continuous improvement process system." A management  
10 methodology system that combines tools to improve process speed  
11 and reduce waste with data-driven project analysis to provide  
12 products and services with improved quality at a lower cost. The  
13 term may involve any of the following strategies:

14 (1) Developing a process map that describes the lean  
15 government principles or another widely accepted business  
16 process improvement system by which an executive agency  
17 engages in specific activities that have the purpose of  
18 increasing efficiency and eliminating waste in the processes  
19 used to deliver goods and services to taxpayers and customers  
20 of this Commonwealth. This strategy includes the measurement  
21 of the outcomes regarding increased efficiency and the  
22 elimination of waste and procedures by which the executive  
23 agency produces goods or serves its customers.

24 (2) Engaging in specific activities to rapidly improve  
25 an executive agency's processes that will increase value or  
26 decrease staff time, inventory, defects, overproduction,  
27 complexity, delays or excessive movement.

28 (3) Involving executive agency employees at all levels  
29 to map the executive agency's processes and recommend  
30 improvements, with specific importance placed on the

1 involvement of executive agency employees closest to the  
2 customer or end user of the State government product or  
3 service.

4 (4) Providing the means to measure each process in order  
5 to demonstrate the effectiveness of each process or process  
6 improvement.

7 (5) Training executive agency employees to mentor and  
8 train other executive agency employees in continuous  
9 improvement process systems.

10 "Department." The Department of Health and Human Services  
11 established under section 4911 (relating to establishment of  
12 department).

13 "Secretary." The Secretary of Health and Human Services.

14 SUBCHAPTER B

15 DEPARTMENTAL ADMINISTRATION

16 Sec.

17 4911. Establishment of department.

18 4912. Organization of department.

19 4913. General duties of department and transfer provisions.

20 4914. Redesignation.

21 4915. (Reserved).

22 4916. Secretary.

23 4917. Strategic plan.

24 § 4911. Establishment of department.

25 The Department of Health and Human Services is established as  
26 an administrative department within the executive branch of the  
27 government of this Commonwealth.

28 § 4912. Organization of department.

29 (a) Division of responsibilities.--The department shall be  
30 divided into the following:

- 1           (1) The Bureau of Child Development.
- 2           (2) The Bureau of Children, Youth and Families.
- 3           (3) The Bureau of Developmental Programs.
- 4           (4) The Bureau of Eligibility and Self-Sustainability.
- 5           (5) The Bureau of Health Care Quality and Licensure.
- 6           (6) The Bureau of Public Health.
- 7           (7) The Bureau of Medical Programs and Pharmacy

8           Services.

9           (b) Supervision.--

10           (1) Each bureau of the department shall be headed by a  
11           deputy secretary appointed by the secretary.

12           (2) Each deputy secretary shall be under the supervision  
13           of the secretary.

14   § 4913. General duties of department and transfer provisions.

15           (a) Authority.--The department shall exercise the authority  
16           and perform the duties of the following as specified in this  
17           chapter:

18           (1) The Department of Health.

19           (2) The Department of Human Services.

20           (b) Transfer of powers and duties.--

21           (1) The powers and duties vested in the Secretary of  
22           Health and the Secretary of Human Services are transferred to  
23           the secretary, who shall exercise the powers and perform the  
24           duties that those secretaries exercised or performed prior to  
25           the effective date of this section. Any reference to the  
26           Secretary of Health or the Secretary of Human Services shall  
27           be a reference to the secretary on or after the effective  
28           date of this section.

29           (2) The following are transferred to the department:

30           (i) All bureaus, organizations and divisions in the

1 Department of Health and the Department of Human Services  
2 responsible for the functions specified in this chapter.

3 (ii) All personnel, allocations, appropriations,  
4 equipment, files, records, contracts, agreements,  
5 obligations and other materials which are used, employed  
6 or expended by the Department of Health or the Department  
7 of Human Services in connection with the functions  
8 transferred by this chapter to the department in the  
9 first instance and as if these contracts, agreements and  
10 obligations had been incurred or entered into by the  
11 department.

12 (c) Apportionment.--The personnel, appropriations, equipment  
13 and other items and material transferred to the department by  
14 this section shall include an appropriate portion of the general  
15 administrative, overhead and supporting personnel,  
16 appropriations, equipment and other material of the Department  
17 of Health or the Department of Human Services and shall also  
18 include, where applicable, Federal grants and funds and other  
19 benefits from any Federal program.

20 (d) Status of employees.--All personnel transferred under  
21 this chapter shall retain any civil service employment status  
22 assigned to the personnel.

23 § 4914. Resignation.

24 (a) Department of Health.--

25 (1) The Department of Health shall be known as the  
26 Bureau of Health under the department.

27 (2) A reference to the Department of Health in a statute  
28 or regulation shall be deemed a reference to the department.

29 (3) To provide an efficient and cost-minimizing  
30 transition, licenses, contracts, deeds and other official

1 actions of the department or any bureau specified in this  
2 subsection shall not be affected by the use of the  
3 designation as Bureau of Health. The Department of Health may  
4 continue to use the name "Department of Health" on badges,  
5 licenses, contracts, deeds, stationery and other official  
6 documents until existing supplies are exhausted. The  
7 department may substitute the title "Department of Health and  
8 Human Services" for "Department of Health" on its documents  
9 and materials on a schedule that is deemed appropriate.

10 (4) The department shall not replace existing signage at  
11 its locations with the redesignated name until the signs are  
12 worn and in need of replacement. This transition shall be  
13 coordinated with changes in administration.

14 (5) The department shall continue to use the name  
15 "Department of Health" on its computer systems until the time  
16 of routine upgrades in each computer system in the  
17 department. The change in name shall be made at the time of  
18 the routine upgrade to the computer systems.

19 (b) Department of Human Services.--

20 (1) The Department of Human Services shall be known as  
21 the Bureau of Human Services under the department.

22 (2) A reference to the Department of Human Services in a  
23 statute or regulation shall be deemed a reference to the  
24 department.

25 (3) To provide an efficient and cost-minimizing  
26 transition, licenses, contracts, deeds and other official  
27 actions of the department or any bureau specified in this  
28 subsection shall not be affected by the use of the  
29 designation as Bureau of Human Services. The department may  
30 continue to use the name "Department of Human Services" on

1 badges, licenses, contracts, deeds, stationery and other  
2 official documents until existing supplies are exhausted. The  
3 department may substitute the title "Department of Health and  
4 Human Services" for "Department of Human Services" on its  
5 documents and materials on a schedule that is deemed  
6 appropriate.

7 (4) The department shall not replace existing signage at  
8 its locations with the redesignated name until the signs are  
9 worn and in need of replacement. This transition shall be  
10 coordinated with changes in administration.

11 (5) The department shall continue to use the name  
12 "Department of Human Services" on its computer systems until  
13 the time of routine upgrades in each computer system in the  
14 department. The change in name shall be made at the time of  
15 the routine upgrade to the computer systems.

16 § 4915. (Reserved).

17 § 4916. Secretary.

18 (a) Nomination.--No later than 30 days after the effective  
19 date of this section, the Governor shall nominate an individual  
20 to serve as acting secretary until the individual or another  
21 individual is confirmed as secretary by the Senate under section  
22 8 of Article IV of the Constitution of Pennsylvania. The acting  
23 secretary shall have the same authority as the secretary.

24 (b) Appointments.--The secretary shall appoint the deputy  
25 secretaries. Each deputy secretary shall possess appropriate  
26 qualifications to serve in that capacity.

27 § 4917. Strategic plan.

28 (a) Development.--Subject to subsection (b), within 120 days  
29 of the effective date of this section, the Governor shall  
30 contract with a qualified third party to develop a strategic



1 plan under this section.

2 (b) Third-party contract.--The Governor may enter into a  
3 contract with a qualified third-party organization under this  
4 section if the organization:

5 (1) has experience with large corporate mergers of a  
6 company which has more than 500 employees;

7 (2) has experience assisting in the merging of  
8 government agencies in other states; and

9 (3) utilizes continuous improvement process systems to  
10 strengthen the efficiency and delivery of service of agencies  
11 or corporations undergoing a merger.

12 (c) Parameters.--The strategic plan under this section shall  
13 detail the merger of the Department of Health and the Department  
14 of Human Services, in accordance with the provisions of this  
15 chapter, and shall provide for:

16 (1) A 20% reduction in administrative costs.

17 (2) A 20% reduction in regulations promulgated by the  
18 Department of Health and the Department of Human Services.

19 (3) Establishment of a Regulatory Advisory Committee  
20 consisting of members of the regulated communities for  
21 activities regulated or overseen by the department.

22 (4) Establishment of a Statewide and uniform  
23 interpretation of regulations and laws from inspectors used  
24 by the department.

25 (5) Establishment of an independent office separate from  
26 the department to oversee any medical assistance program  
27 operated by the Commonwealth.

28 (6) Improvement of agency services to residents of this  
29 Commonwealth at a lower cost to taxpayers.

30 (7) Consolidation of redundant rules and regulations

1 promulgated by the Department of Health and the Department of  
2 Human Services.

3 (8) Development of expected outcomes to improve the  
4 health and well-being of residents of this Commonwealth.

5 (9) Value-based purchasing for agency programs.

6 (10) Use of evidence-based programs.

7 (11) A proposal for the development of medical homes.

8 (12) Development of a plan to establish a uniform  
9 coordinated delivery of services.

10 (13) Recommendations to maximize the amount of Federal  
11 funds received by the Commonwealth.

12 (14) A detailed analysis of Federal funding for the  
13 department, including, but not limited to, long-term costs to  
14 the Commonwealth required for maintenance of effort  
15 agreements.

16 (15) Apportionment of personnel, appropriations,  
17 equipment and other items and material transferred to the  
18 department under section 4913 (relating to general duties of  
19 department and transfer provisions).

20 (d) Submittal.--No later than 240 days after the effective  
21 date of this section, the strategic plan under this section  
22 shall be submitted to the General Assembly for review and any  
23 hearings deemed necessary.

24 Section 2. All other acts or parts of acts are repealed  
25 insofar as they are inconsistent with this act.

26 Section 3. Except as otherwise provided in 71 Pa.C.S. Ch.  
27 49, all activities regarding the powers and duties under 71  
28 Pa.C.S. Ch. 49 which were initiated under the Department of  
29 Health or the Department of Human Services shall continue and  
30 remain in full force and effect and may be completed under 71

1 Pa.C.S. Ch. 49. Orders, regulations, rules and decisions which  
2 were made under the authority of the Department of Health or the  
3 Department of Human Services regarding the powers and duties  
4 under 71 Pa.C.S. Ch. 49 and which are in effect on the effective  
5 date of 71 Pa.C.S. Ch. 49 shall remain in full force and effect  
6 until revoked, vacated or modified under 71 Pa.C.S. Ch. 49.  
7 Contracts, obligations and collective bargaining agreements  
8 entered into under the authority of the Department of Health or  
9 the Department of Human Services are not affected nor impaired  
10 by the transfer of powers and duties under 71 Pa.C.S. Ch. 49.

11 Section 4. Any expenditures needed to implement this act  
12 shall be paid using encumbered funds of the respective executive  
13 agency.

14 Section 5. Within 10 days of the nomination under 71 Pa.C.S.  
15 § 4916(a), the Secretary of the Commonwealth shall provide  
16 notice of the nomination to the Legislative Reference Bureau,  
17 which shall publish the notice in the Pennsylvania Bulletin.

18 Section 6. This act shall take effect as follows:

19 (1) The following shall take effect immediately:

20 (i) This section and section 5 of this act.

21 (ii) The addition of 71 Pa.C.S. §§ 4901, 4902, 4916  
22 and 4917.

23 (2) The remainder of this act shall take effect 30 days  
24 after publication in the Pennsylvania Bulletin of the notice  
25 under section 5 of this act.