INTRODUCED BY MULLERY, TOOHIL, JAMES, LONGIETTI, METCALFE, OWLETT, KOSIEROWSKI, T. DAVIS, MIZGORSKI, SAINATO, OBERLANDER, MILLARD, HEFFLEY, MURT, KAUFER, READSHAW, WENTLING, BURNS, HARKINS, DIGIROLAMO, PASHINSKI, CAUSER, JONES, NESBIT, KINSEY, HILL-EVANS, BIZZARRO, STRUZZI, McNEILL, RAPP, SCHWEYER, ULLMAN, BROWN, MADDEN AND MUSTELLO, OCTOBER 15, 2019

REferred TO COMMITTEE ON HEALTH, OCTOBER 15, 2019

AN ACT

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

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

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

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

* * *

"Department" means the Department of Human Services.

* * *
"Secretary" means the Secretary of Public Welfare.

* * *

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

Section 202.1. State Facility Closure Moratorium.--(a) No State facility shall close until all Medicaid waiver-eligible individuals in this Commonwealth are authorized to begin receiving home and community-based services furnished under a waiver granted pursuant to section 1915(c)(1) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

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

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

(1) The secretary.

(2) One representative from each State facility, which may include, but is not limited to, direct care providers or administrative staff members, to be appointed by each facility director.

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

(4) The chair and the minority chair of the Health and Human
Services Committee of the Senate.

(5) The chair and the minority chair of the Human Services Committee of the House of Representatives.

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

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

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

(1) Residents of the State facility and their families.

(2) Employees, both union and nonunion.

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

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

(e) If a State facility is deemed eligible for closure by way of a majority vote taken by the task force, the department shall prepare a plan for the closure of the State facility and the transition of individuals with intellectual disabilities receiving care in the State facility to a home or community-based support system. The plan shall include all of the following:

(1) An assessment of the State facility, including:

(i) A certified independent appraisal of the State facility property.

(ii) A report of the State employees employed at the State facility, both full time and part time, including the total number of employees, the cost of the total wages and total
benefits paid to the employees and an organizational flow chart of employees working at the State facility.

(iii) A detailed report of the services provided at the State facility by contracted third-party vendors.

(iv) An inventory of assets located at and improvements on the State facility.

(v) A report of all electric, utility, water, landscaping, snow removal and maintenance costs of the State facility.

(vi) Geospatial images of the State facility.

(vii) A detailed description of the existence, ownership rights and appraised value of any mineral rights on the State facility property.

(viii) A historical report of the institutional property, including the date it was acquired or constructed, the dates of any improvements on the property, any changes in property records, such as subdivision of the property, historical employment or complement levels and other historical data.

(2) The timeline, specific to each State facility, for the transition to a home and community-based support system for all of the individuals with intellectual disabilities living at the State facility. Information required under this clause shall specify the critical milestones in the closure process for the State facility and the department's planned course of action to effectuate the closure of the State facility, including available and necessary resources.

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

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

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

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

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

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

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

Section 4. This act shall take effect immediately.