
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2325 Session of
2000

INTRODUCED BY DAILEY, BAKER, FEESE, FICHTER, GODSHALL, GRUCELA,
HENNESSEY, HERMAN, HERSHEY, MELIO, S. MILLER, NAILOR,
RAYMOND, SEYFERT, SHANER, S. H. SMITH, SOLOBAY, STEVENSON,
TIGUE, WASHINGTON, MUNDY, WILT AND CLARK, MARCH 14, 2000

REFERRED TO COMMITTEE ON AGING AND YOUTH, MARCH 14, 2000

AN ACT

1 Providing for a designated percentage of tobacco litigation
2 Master Settlement Agreement funds to be utilized for home-
3 based health care services.

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

6 Section 1. Definitions.

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

10 "Activities of daily living." Basic life activities
11 performed on a regular basis, such as, but not inclusive to,
12 bathing, dressing, feeding, using the telephone, shopping,
13 preparing food and housekeeping.

14 "Department." The Department of Aging of the Commonwealth.

15 "Federally funded home-based services and community-based
16 services." The packages of services which are federally funded,
17 in part, pursuant to a waiver of Title XIX of the Social

1 Security Act (42 U.S.C. § 1396 et seq.) and which are available
2 in designated numbers to individuals eligible for Pennsylvania
3 medical assistance who qualify for the nursing facility level of
4 care but who elect home-based and community-based services in
5 lieu of institutionalization in a nursing facility.

6 "Health-related services." Intermittent or part-time nursing
7 services or other therapeutic services furnished by a home
8 health agency lawfully permitted to do so.

9 "Home-based health services." A combination of supportive
10 services, personalized care and assistance services, and health-
11 related services designed to respond to the individual needs of
12 those who need assistance with activities of daily living. The
13 term includes publicly funded home-based services and community-
14 based services available through the medical assistance program
15 and the Federal Medicaid home-based and community-based waiver
16 program. The term also includes State-funded options for home-
17 based services and community-based services funded through the
18 Department of Aging. Furthermore, the term includes adult day-
19 care centers licensed by the Commonwealth.

20 "Personalized care and assistance services." Those services
21 that are necessary and unique to the individual as determined by
22 the local area agency on aging.

23 "State-funded home-based and community-based services."
24 State-funded options for home-based services or publicly funded
25 housing needed to avoid nursing facility placement.

26 "Supportive services." Those specialized services which
27 assist in maintaining an individual's ability to remain in home-
28 based health care. These services include, but are not limited
29 to, physical and occupational therapy, rehabilitation,
30 psychiatric services, speech-language pathology services,

1 medical social services and home health aides.

2 "Tobacco settlement agreement." The Master Settlement
3 Agreement relating to tobacco litigation entered into in 1998 by
4 the Commonwealth and leading United States tobacco product
5 manufacturers.

6 Section 2. Set-aside for home-based health care services.

7 (a) Annual appropriation.--Annually, 15% of all moneys
8 received by the Commonwealth under the tobacco settlement
9 agreement shall be set aside for appropriation by the General
10 Assembly for home-based health care services.

11 (b) Home-Based Health Care Fund.--All moneys received
12 through the tobacco settlement agreement shall be placed into
13 the Home-Based Health Care Fund, which is hereby established in
14 the Department of Aging, on a continuing basis for the purpose
15 of home-health care services, for adults who are disabled and
16 senior citizens.

17 Section 3. Use of money.

18 The department shall determine the needs and most appropriate
19 use of funds and shall allocate the money through the local area
20 agencies on aging.

21 Section 4. Requirements.

22 The following requirements shall apply to the use of the
23 funds:

24 (1) All funds must be used toward home-based health
25 services.

26 (2) The department shall determine eligibility
27 requirements.

28 Section 5. Effective date.

29 This act shall take effect immediately.