
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 941 Session of
2007

INTRODUCED BY GODSHALL, BENNINGHOFF, CALTAGIRONE, CREIGHTON,
KIRKLAND, PICKETT, REICHLEY, YOUNGBLOOD AND SWANGER,
MARCH 29, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
MARCH 29, 2007

AN ACT

1 Exempting continuing care retirement communities from the
2 medical assistance bed approval process and allowing nursing
3 facilities operated by continuing care retirement communities
4 to obtain medical assistance certified beds under limited
5 terms and conditions.

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

8 Section 1. Definitions.

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

12 "CCRC." A continuing care retirement community licensed by
13 the Insurance Department.

14 "Department." The Department of Public Welfare of the
15 Commonwealth.

16 Section 2. Continuing care retirement community exemption.

17 A licensed nursing facility operated by a licensed CCRC shall
18 be exempt from the requirements under 55 Pa. Code §§ 1187.21(2)

(relating to nursing facility participation requirements) and
1187.21a (relating to nursing facility exception requests--
statement of policy) under the following conditions:

(1) The CCRC has admitted over 400 residents under a
continuing care agreement.

(2) The nursing facility is part of the CCRC campus.
Section 3. Certified and noncertified nursing facilities on
CCRC campus.

Where a licensed nursing facility is part of the continuum of
care of a CCRC and regardless of whether the nursing facility
currently has beds certified by the medical assistance program,
the nursing facility shall have a limited number of beds
certified by medical assistance through an application to the
department pursuant to the following requirements:

(1) One or more residents admitted under a continuing
care agreement spend down their resources, including any
funds which may be or may become available, as a full or
partial refund of any entrance fee payments, in order to
become eligible for medical assistance.

(2) The beds will be used to provide nursing care and to
maintain on the CCRC campus residents who have spent down
their resources in order to become eligible for medical
assistance.

(3) The number of beds certified by the medical
assistance program may not be greater than 15%, rounded to
the nearest whole number, of the current licensed beds of the
CCRC's nursing facility.

Section 4. Applications for nursing facility beds certified by
the medical assistance program.

(a) Required information.--The application for a bed

1 certified by the medical assistance program must include
2 documentation that the person for whom the bed is requested was
3 initially admitted to the CCRC under the terms of a continuing
4 care agreement.

5 (b) Limitation.--All applications for beds certified by the
6 medical assistance program which satisfy subsection (a) shall be
7 granted by the department subject to the spend-down medical
8 assistance bed limitation as specified in section 3(3) and the
9 notice requirements specified in section 6.

10 (c) Agreement.--The nursing facility of the CCRC shall sign
11 a limited enrollment provider agreement.

12 Section 5. Nursing facility medical assistance reimbursement.

13 The nursing facility of the CCRC shall be eligible for and
14 shall receive reimbursement under the medical assistance program
15 as a participating provider effective on the date the medical
16 assistance eligible resident meets medical assistance
17 eligibility requirements.

18 Section 6. Department notification.

19 The nursing facility of the CCRC must notify the department
20 within 30 days upon the death or permanent transfer or discharge
21 of the medical assistance eligible resident from the nursing
22 facility. Failure of the nursing facility to notify the
23 department of these events within 30 days may be used as a basis
24 to deny future applications for certified medical assistance
25 beds.

26 Section 7. Effective date.

27 This act shall take effect in 60 days.