
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 967 Session of
2007

INTRODUCED BY O'NEILL, DENLINGER, BAKER, BEAR, BELFANTI,
BENNINGHOFF, CAPPELLI, CLYMER, CREIGHTON, GEIST, GINGRICH,
GODSHALL, HARHART, HENNESSEY, HESS, KIRKLAND, KORTZ, KOTIK,
MURT, PICKETT, QUINN, RAPP, REICHLEY, ROSS, SAYLOR, SCAVELLO,
SIPTROTH AND SOLOBAY, MARCH 29, 2007

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

AN ACT

1 Allowing nursing facilities to obtain medical assistance
2 certified beds under limited terms and conditions; and
3 providing for functions of the Department of Public Welfare.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Medical
8 Assistance Bed Transfer Act.

9 Section 2. Definitions.

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

13 "Certified bed." A facility bed which is certified by the
14 department to receive medical assistance reimbursements.

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

1 "Facility." A nursing facility licensed by the Department of
2 Health.

3 "Medical assistance." The program under Article IV(f) of the
4 act of June 13, 1967 (P.L.31, No.21), known as the Public
5 Welfare Code.

6 "Program." The Medical Assistance Bed Transfer Program
7 established in section 4.

8 Section 3. Administration.

9 The department has the following powers and duties:

10 (1) To transfer certified beds from one facility to
11 another facility under section 4.

12 (2) To reduce the total number of certified beds.

13 (3) To promulgate regulations governing the program.

14 Section 4. Medical Assistance Bed Transfer Program.

15 (a) Request.--A facility may request that the department
16 transfer a certified bed to it.

17 (b) Price determination.--If the department receives a
18 request under subsection (a), the department shall determine a
19 fair and reasonable price, not in excess of \$10,000, for the
20 transfer of each certified bed.

21 (c) Advertisement and responses.--

22 (1) The department shall advertise to facilities in this
23 Commonwealth that the department is looking for unused or
24 unwanted certified beds for the requested transfer,
25 indicating the price that will be paid for returning those
26 certified beds to the department.

27 (2) The department shall catalog the responses to the
28 advertisement of the transfer request and shall make public
29 the number of certified beds which facilities are willing to
30 surrender to the department.

1 (d) Implementation.--

2 (1) The department shall offer to the requesting
3 facility a number of certified beds not to exceed the number
4 requested by the facility under subsection (a) nor half of
5 the number of certified beds offered under subsection (c)(2).
6 If more certified beds are offered than needed, the
7 department shall decide which facilities will surrender
8 offered certified beds.

9 (2) The requesting facility shall pay the department for
10 two times the number of certified beds which are offered
11 under paragraph (1) at the price set under subsection (b).

12 (3) The department shall do all of the following:

13 (i) Pay the surrendering facility an amount equal to
14 the product of:

15 (A) the number of certified beds being
16 surrendered; and

17 (B) the price set in subsection (a).

18 (ii) Transfer to the requesting facility the number
19 of certified beds determined under paragraph (1).

20 (iii) Reduce the number of certified beds by an
21 amount equal to the amount transferred to the requesting
22 facility.

23 Section 5. Facility reimbursement.

24 (a) Medical assistance utilization.--There is no requirement
25 for a facility which receives a certified bed under the program
26 to place the certified bed in service for the exclusive use of
27 medical assistance-eligible residents.

28 (b) Medical assistance eligibility.--

29 (1) A facility which receives a certified bed under the
30 program shall be eligible under medical assistance as a

1 participating provider effective on the date the resident
2 utilizing the certified bed meets medical assistance
3 eligibility requirements.

4 (2) If a certified bed is not being utilized by an
5 eligible resident under paragraph (1), the facility shall
6 notify the department to ensure no reimbursements are issued
7 for noneligibility residents.

8 (3) Certified beds transferred under the program shall
9 be reimbursed in the same manner as they were prior to the
10 transfer.

11 Section 20. Effective date.

12 This act shall take effect in 60 days.