

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 261 Session of 2011

INTRODUCED BY J. EVANS, AUMENT, CALTAGIRONE, CAUSER, COHEN,
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PICKETT, RAPP, READSHAW, ROAE, ROSS, SAYLOR, SONNEY,
J. TAYLOR, VULAKOVICH AND WAGNER, MARCH 21, 2011

REFERRED TO COMMITTEE ON HEALTH, MARCH 21, 2011

AN ACT

1 Establishing the Community-Based Health Care Provider Assistance
2 Program in the Department of Health; setting criteria for
3 eligibility for and authorizing payments to community-based
4 health care providers to assist in providing medically
5 necessary care to Pennsylvanians; providing for powers and
6 duties of the Department of Health; and establishing the
7 Community-Based Health Care Provider Assistance Fund.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Community-
12 Based Health Care Provider Assistance Act.

13 Section 2. Findings.

14 The General Assembly finds that:

15 (1) There exists a great need for increased access to
16 community-based health care services throughout this
17 Commonwealth in order:

18 (i) to allow for individuals to establish medical

homes and obtain preventive care;

(ii) to reduce the inappropriate use of emergency health care services by providing effective alternatives to such services;

(iii) to reduce the burden of uncompensated care and the needs of the uninsured; and

(iv) to improve maternal and child health.

(2) The availability of such community-based health care services should be increased by the Commonwealth by assisting in the expansion of community-based health care providers through the provision of additional resources and generally promoting their use as a cost-effective supplement to other providers of health care services.

Section 3. Definitions.

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

"Community-based health care provider." Any of the following nonprofit health care centers that provide primary health care services:

(1) A federally qualified health center as defined in section 1905(1)(2)(B) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396d(1)(2)(B)).

(2) A rural health clinic as defined in section 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395x(aa)(2)), certified by Medicare.

(3) A freestanding hospital clinic that serves a federally designated:

(i) health care professional shortage area;

(ii) medically underserved area; or

1 (iii) medically underserved population.

2 (4) A free or partial-pay health clinic that provides
3 services by volunteer medical providers.

4 (5) An entity meeting the requirements of the Federal
5 Government to be recognized as a federally qualified health
6 center look-alike.

7 (6) A nurse-managed health clinic that serves a
8 federally designated:

9 (i) health care professional shortage area;

10 (ii) medically underserved area; or

11 (iii) medically underserved population.

12 "Department." The Department of Health of the Commonwealth.

13 "Fund." The Community-Based Health Care Provider Assistance
14 Fund established under this act.

15 "Health care provider." A health care facility or health
16 care practitioner as defined in the act of July 19, 1979
17 (P.L.130, No.48), known as the Health Care Facilities Act, a
18 group practice or a community-based health care provider.

19 "Medical assistance." A State program of medical assistance
20 established under Article IV(f) of the act of June 13, 1967
21 (P.L.31, No.21), known as the Public Welfare Code.

22 "Nurse-managed health clinic." A nurse practice arrangement,
23 managed by advanced practice nurses, that provides primary care
24 and is associated with a school, college or department of
25 nursing, federally qualified health center or an independent
26 nonprofit health or social services agency.

27 "Program." The Community-Based Health Care Provider
28 Assistance Program established under this act.

29 Section 4. Community-Based Health Care Provider Assistance
30 Program.

1 (a) Establishment.--The Community-Based Health Care Provider
2 Assistance Program is established within the department to
3 provide grants to community-based health care providers to:

4 (1) Improve the access to and quality of health care in
5 this Commonwealth.

6 (2) Assist in covering the reasonable costs of providing
7 health care services, outreach and care management
8 opportunities to persons eligible to receive health care
9 services from or through community-based health care
10 providers.

11 (3) Improve access to medically necessary preventive,
12 curative and palliative physical, dental and behavioral
13 health care services offered by and through community-based
14 health care providers, while reducing unnecessary or
15 duplicative services.

16 (4) Reduce the unnecessary utilization of emergency
17 health care services by supporting the development and
18 provision of effective alternatives offered by or through
19 community-based health care providers.

20 (5) Improve the availability of quality health care
21 services offered by or through community-based health care
22 providers for women who are pregnant or who have recently
23 given birth and their children.

24 (6) Promote the use of chronic care and disease
25 management protocols offered by or through community-based
26 health care providers in an effort to optimize both
27 individual health outcomes and the use of health care
28 resources.

29 (b) Administration.--The program shall be administered by
30 the department and shall be funded by annual transfers as

1 provided under this act to the fund to support community-based
2 health care providers' provision of health care.

3 (c) Department responsibilities.--After sufficient moneys
4 have been transferred or deposited into the fund, the department
5 shall:

6 (1) Administer the program.

7 (2) Within 90 days of such moneys being so transferred
8 or deposited, develop and provide an application form
9 consistent with this act.

10 (3) Determine the eligibility of community-based health
11 care providers for the assistance provided under this act,
12 based upon its consideration of community health needs across
13 this Commonwealth, revenue and cost data and other
14 information provided by community-based health care providers
15 and such other information as the department determines to be
16 appropriate to ascertain the financial condition and needs of
17 such programs and this Commonwealth.

18 (4) Establish a process to allocate funding as provided
19 under this act, to determine the optimal use of funds and to
20 reallocate funds if acceptable requests for funding within a
21 particular category are not received.

22 (5) Calculate and make grants to qualified community-
23 based health care providers from the funds deposited in the
24 fund for the purposes established under this act pursuant to
25 this section and section 5.

26 (6) Provide an annual report to the chairman and
27 minority chairman of the Public Health and Welfare Committee
28 of the Senate and the chairman and minority chairman of the
29 Health and Human Services Committee of the House of
30 Representatives describing the operation of the program and

1 detailing grants made, the names and addresses of the
2 community-based health care providers receiving grants and
3 such other information as may be determined by the department
4 to be necessary or desirable.

5 (7) Audit grants awarded under this act to ensure that
6 funds have been used in accordance with this act and the
7 terms and standards adopted by the department.

8 (8) Provide ongoing assessment of the benefits and costs
9 of the assistance provided under this act.

10 (9) In consultation with the Department of Public
11 Welfare, seek Federal matching funds under medical
12 assistance, as well as grants and funding from other sources,
13 to supplement amounts made available under this act to the
14 extent permitted by law.

15 (d) Limitations on payments by department.--Payments to
16 community-based health care providers for assistance under this
17 act shall not exceed the amount of funds available in the fund
18 for the program and any payment under this act shall not
19 constitute an entitlement from the Commonwealth or a claim on
20 any other funds of the Commonwealth.

21 (e) Report.--A community-based health care provider that
22 receives a grant under this act shall report at least annually
23 to the department, which report shall include a description of:

24 (1) The community-based health care provider's efforts
25 to improve access to and the delivery and management of
26 health care services.

27 (2) The reduction of unnecessary and duplicative health
28 care services.

29 (3) Changes in overall health indicators and in
30 utilization of health care services among the communities and

1 individuals served by the community-based health care
2 providers, with particular emphasis on indicators including,
3 but not limited to:

4 (i) The creation and maintenance of relationships
5 between health care providers and individuals directed at
6 establishing a medical home for such individuals and the
7 provision of preventive and chronic care management
8 services.

9 (ii) Prenatal and postpartum care.

10 (iii) The care of newborns and infants.

11 (iv) Such other matters as may be specified by the
12 department.

13 (4) An accounting of the expenditure of funds from the
14 grant and all funds received from other sources.

15 Section 5. Grants to community-based health care providers.

16 (a) Allocation of funds.--The department shall provide
17 grants to community-based health care providers on the basis of
18 the process established under this section.

19 (b) Grant award methodology.--

20 (1) The department shall develop a methodology to
21 determine grant amounts to be awarded under this act based
22 upon an assessment by the department of community need for
23 the services to be supported by funding available to
24 community-based health care providers and the needs of
25 community-based health care providers applying for such
26 assistance.

27 (2) During each of the first three years of the program,
28 the department shall use its best efforts to make grants as
29 follows, subject to reallocation as provided under subsection

30 (f):

1 (i) (A) Fifty percent for expansion of current
2 community-based health care providers and development
3 of new community-based health care providers.

4 (B) Amounts provided under this subparagraph, in
5 addition to funds provided for the costs of expansion
6 and development, may be used by the department to
7 make planning grants to community-based health care
8 providers not to exceed more than \$25,000 for any
9 single community-based health care provider.

10 (C) In making grants under this subparagraph,
11 the department shall give first priority to
12 applications that seek to use grant proceeds for
13 machinery, equipment and reasonably necessary
14 renovation of existing facilities rather than new
15 construction. All reasonable actions should be taken
16 to optimize the use of the funding provided under
17 this act and avoid unnecessary construction costs.

18 (ii) Twenty-five percent for improvements in
19 prenatal, obstetric, postpartum and newborn care provided
20 by or through community-based health care providers,
21 which amount during the initial three-year period shall
22 include grants for at least one new mobile clinic serving
23 primarily rural areas and one new mobile clinic serving
24 primarily urban areas.

25 (iii) Twenty-five percent for services intended to
26 reduce unnecessary emergency room utilization and to
27 expand capacity and services offered by or through
28 existing community-based health care providers.

29 (c) Program adjustment.--

30 (1) The department shall provide a report to the

1 chairman and minority chairman of the Public Health and
2 Welfare Committee of the Senate and the chairman and minority
3 chairman of the Health Committee and the Human Services
4 Committee of the House of Representatives no later than July
5 1, 2014, that includes an assessment of the effectiveness of
6 the initial phase of the program and describes any changes in
7 the allocation of funds described in subsection (b) that the
8 department intends to make beginning in the fourth year of
9 the program.

10 (2) The Department shall develop the program changes
11 anticipated by this subsection and included in the report
12 required under paragraph (1) after consultation with and
13 receiving input from community-based health care providers,
14 consumers and others with an interest in the provision of
15 community-based health care.

16 (3) The department, after determining program changes,
17 shall make necessary revisions in program requirements and
18 procedures and provide notice to prospective applicants, such
19 that grants can be awarded on a timely basis beginning in the
20 fourth year of the program.

21 (d) Additional information.--In addition to the application,
22 an applicant must provide:

23 (1) A feasibility study of the proposed uses of funds to
24 be provided under the grant.

25 (2) A business or financial plan that describes the
26 long-term sustainability, financial cost to the applicant and
27 the proposed benefits of the work to be accomplished pursuant
28 to the grant.

29 (3) A strategic plan and schedule for the development
30 and implementation of the work to be accomplished pursuant to

1 the grant.

2 (e) Limitation.--The total amount of grants under the
3 program to any single community-based health care provider shall
4 not exceed \$2,000,000 and no grant shall be for a term in excess
5 of five years.

6 (f) Reallocation of funds.--The department shall reallocate
7 funds among the categories described in subsection (b) if
8 sufficient requests are not received by the department that
9 comply with this act or the requirements of the department.

10 Section 6. Community-Based Health Care Provider Assistance
11 Fund.

12 (a) Establishment.--The Community-Based Health Care Provider
13 Assistance Fund is established in the State Treasury.

14 (b) Funding sources.--The fund shall consist of:

15 (1) Transfers or appropriations to the fund.

16 (2) Money received from the Federal Government or other
17 sources.

18 (3) Money required to be deposited in the fund pursuant
19 to other provisions under this act or any other law.

20 (4) Investment earnings from the fund, net of investment
21 costs.

22 (c) Nonlapse.--The money in the fund is appropriated on a
23 continuing basis to the department for the purposes of this act
24 and shall not lapse at the end of any fiscal year.

25 Section 7. Funding contingency.

26 The powers and duties of the department under this act shall
27 be contingent on funds being appropriated or otherwise made
28 available to the department for the purposes of this act.

29 Section 8. Effective date.

30 This act shall take effect July 1, 2012, or immediately,

1 whichever is later.