

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 929 Session of 2011

INTRODUCED BY McILHINNEY, RAFFERTY, ERICKSON, GREENLEAF, BROWNE, FONTANA, WARD, M. WHITE, D. WHITE, PIPPY, BOSCOLA, MENSCH AND WASHINGTON, MAY 3, 2011

SENATOR WARD, AGING AND YOUTH, AS AMENDED, JUNE 12, 2012

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in children and youth,
4 providing for PURPOSE AND FOR county purchase of services. ←

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding a section to
9 read:

10 ~~Section 710. County Purchase of Services. (a) To comply ←~~
11 ~~with the statutory responsibility to provide an array of~~
12 ~~services, county children and youth offices may elect to~~
13 ~~purchase services from private providers. When a county elects~~
14 ~~to purchase prevention, in home, foster family care, group home~~
15 ~~or residential or institution services from a private agency~~
16 ~~through purchase of service, per diem or program funded~~
17 ~~agreements, the following provisions apply:~~

18 ~~(1) Contracted rates for purchased services must cover the~~

~~1 cost incurred in delivery of the services, provided that these
2 costs are deemed reasonable based on provider documentation.~~

~~3 (2) Purchase of service contracts must include contract
4 extension language to provide for continuation of service
5 provision and related payments at the last contracted rate until
6 a new contract agreement is signed. The new contracted rate must
7 be retroactive to the beginning of the contracting period.~~

~~8 (3) Purchase of service contracts must include a timely
9 payment provision, obligating counties to make payment to
10 private service providers within thirty days of receipt on an
11 accurate invoice for services rendered. Counties failing to make
12 timely payment for private agency delivered, nondisputed,
13 services shall pay an additional amount of one percent of the
14 outstanding balance due to the service provider for each month
15 or portion of each month during which an outstanding balance
16 remains due.~~

~~17 (b) There is hereby created a temporary rate methodology
18 task force appointed by the General Assembly to include
19 representatives from the department, county children and youth
20 and juvenile probation offices, private services providers and
21 other stakeholders. The task force shall develop a protocol to
22 determine calculation of cost for services purchased.~~

~~23 (c) County needs based plan and implementation budget
24 requests should reflect the actual and reasonable projected
25 costs of purchased services in submissions for requested
26 funding.~~

~~27 SECTION 701.1. PURPOSE.--(A) THE PURPOSE OF THIS ARTICLE
28 IS:~~

~~29 (1) TO PROTECT CHILDREN FROM ABUSE AND NEGLECT.~~

~~30 (2) TO PROVIDE FOR THE CARE, PROTECTION, SAFETY AND~~



1 WHOLESOME MENTAL AND PHYSICAL DEVELOPMENT OF CHILDREN COMING
2 WITHIN THE PROVISIONS OF 42 PA.C.S. CH. 63 (RELATING TO JUVENILE
3 MATTERS) FOR CHILDREN WHO ARE RECEIVING SERVICES ENUMERATED IN
4 THIS ARTICLE.

5 (3) TO PRESERVE THE UNITY OF THE FAMILY WHENEVER POSSIBLE OR
6 TO PROVIDE AN ALTERNATIVE PERMANENT FAMILY AS SOON AS POSSIBLE
7 WHEN THE UNITY OF THE FAMILY CANNOT BE MAINTAINED.

8 (4) CONSISTENT WITH THE PROTECTION OF THE PUBLIC INTEREST,
9 TO PROVIDE FOR CHILDREN COMMITTING DELINQUENT ACTS, PROGRAMS OF
10 SUPERVISION, CARE AND REHABILITATION WHICH PROVIDE BALANCED
11 ATTENTION TO THE PROTECTION OF THE COMMUNITY, THE IMPOSITION OF
12 ACCOUNTABILITY FOR OFFENSES COMMITTED AND THE DEVELOPMENT OF
13 COMPETENCIES TO ENABLE CHILDREN TO BECOME RESPONSIBLE AND
14 PRODUCTIVE MEMBERS OF THE COMMUNITY.

15 (5) TO ACHIEVE THESE PURPOSES IN A FAMILY ENVIRONMENT
16 WHENEVER POSSIBLE, SEPARATING THE CHILD FROM PARENTS ONLY WHEN
17 NECESSARY FOR THE CHILD'S WELFARE, SAFETY OR HEALTH OR IN THE
18 INTERESTS OF PUBLIC SAFETY.

19 (B) IN ACCORDANCE WITH THE PURPOSES AND THE MANDATE OF 42
20 PA.C.S. CH. 63, THAT THE COURT, UPON FINDING A CHILD TO BE A
21 DEPENDENT CHILD, SHALL ENTER AN ORDER OF DISPOSITION THAT IS
22 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
23 MORAL WELFARE OF THE CHILD, THE DEPARTMENT SHALL SEEK TO
24 ACCOMPLISH THE FOLLOWING OBJECTIVES WITH RESPECT TO DEPENDENT
25 CHILDREN:

26 (1) TO INCREASE THE USE OF NONPLACEMENT SERVICES DESIGNED TO
27 PREVENT CHILD ABUSE AND NEGLECT AND TO STRENGTHEN FAMILIES SO
28 THAT CHILDREN'S SAFETY IS INCREASED AND THE RISK TO CHILDREN IS
29 MINIMIZED.

30 (2) WHEN PLACEMENT IS NECESSARY, TO USE KINSHIP CARE AS THE

1 FIRST PRIORITY. IF KINSHIP CARE IS NOT AVAILABLE OR APPROPRIATE,
2 TO USE FAMILY FOSTER CARE AS AN ALTERNATIVE.

3 (3) TO REDUCE THE USE OF CONGREGATE-LIVING AND INSTITUTIONAL
4 PLACEMENTS.

5 (4) TO IMPROVE PERMANENCY FOR CHILDREN AND TO REDUCE THE
6 DURATION OF OUT-OF-HOME PLACEMENT.

7 (C) IN ACCORDANCE WITH THE PURPOSES ENUMERATED IN SUBSECTION
8 (A), AND THE MANDATE OF 42 PA.C.S. CH. 63, THAT THE COURT, UPON
9 FINDING A CHILD TO BE A DELINQUENT CHILD, SHALL ENTER AN ORDER
10 OF DISPOSITION THAT IS DETERMINED TO BE CONSISTENT WITH THE
11 PROTECTION OF THE PUBLIC INTEREST AND BEST SUITED TO THE CHILD'S
12 TREATMENT, SUPERVISION, REHABILITATION AND WELFARE, AND WHICH
13 PROVIDES BALANCED ATTENTION TO THE PROTECTION OF THE COMMUNITY,
14 THE IMPOSITION OF ACCOUNTABILITY FOR OFFENSES COMMITTED AND THE
15 DEVELOPMENT OF COMPETENCIES TO ENABLE THE CHILD TO BECOME A
16 RESPONSIBLE AND PRODUCTIVE MEMBER OF THE COMMUNITY, THE
17 DEPARTMENT SHALL SEEK TO ACCOMPLISH THE FOLLOWING OBJECTIVES
18 WITH RESPECT TO DELINQUENT CHILDREN:

19 (1) TO INCREASE THE USE OF IN-HOME SERVICES WHEN CONSISTENT
20 WITH THE PROTECTION OF THE PUBLIC AND THE REHABILITATION NEEDS
21 OF DELINQUENT CHILDREN.

22 (2) WITH RESPECT TO THE PLACEMENT OF DELINQUENT CHILDREN:

23 (I) TO ENCOURAGE USE OF THE LEAST RESTRICTIVE PLACEMENTS
24 THAT ARE CONSISTENT WITH THE PROTECTION OF THE PUBLIC AND THE
25 TREATMENT, SUPERVISION AND REHABILITATION NEEDS OF DELINQUENT
26 CHILDREN.

27 (II) TO OPERATE AND ENCOURAGE THE DEVELOPMENT OF PLACEMENT
28 RESOURCES THAT PROVIDE FOR A DURATION OF PLACEMENT THAT IS
29 CONSISTENT WITH THE PROTECTION OF THE PUBLIC AND THE TREATMENT,
30 SUPERVISION AND REHABILITATION NEEDS OF DELINQUENT CHILDREN.

1 (III) TO ENCOURAGE USE OF COMMUNITY-BASED RESIDENTIAL
2 RESOURCES AS ALTERNATIVES TO INSTITUTIONAL PLACEMENTS WHEN
3 CONSISTENT WITH THE PROTECTION OF THE PUBLIC AND THE TREATMENT,
4 SUPERVISION AND REHABILITATION NEEDS OF DELINQUENT CHILDREN.

5 (IV) TO ENCOURAGE THE DEVELOPMENT OF SERVICES AND
6 PROGRAMMING TO FACILITATE THE SUCCESSFUL TRANSITION OF
7 DELINQUENT CHILDREN TO THEIR COMMUNITIES FROM PERIODS OF
8 RESIDENTIAL PLACEMENT.

9 SECTION 2. SECTION 704.1(A)(2) OF THE ACT, AMENDED AUGUST 5,
10 1991 (P.L.315, NO.30), IS AMENDED TO READ:

11 SECTION 704.1. PAYMENTS TO COUNTIES FOR SERVICES TO
12 CHILDREN.--(A) THE DEPARTMENT SHALL REIMBURSE COUNTY
13 INSTITUTION DISTRICTS OR THEIR SUCCESSORS FOR EXPENDITURES
14 INCURRED BY THEM IN THE PERFORMANCE OF THEIR OBLIGATION PURSUANT
15 TO THIS ACT AND THE ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333),
16 KNOWN AS THE "JUVENILE ACT," IN THE FOLLOWING PERCENTAGES:

17 * * *

18 (2) NO LESS THAN SEVENTY-FIVE PERCENT AND NO MORE THAN
19 NINETY PERCENT OF THE REASONABLE COST INCLUDING STAFF COSTS OF
20 CHILD WELFARE SERVICES, INFORMAL ADJUSTMENT SERVICES PROVIDED
21 PURSUANT TO SECTION 8 OF THE ACT OF DECEMBER 6, 1972 (P.L.1464,
22 NO.333), KNOWN AS THE "JUVENILE ACT," AND SUCH SERVICES APPROVED
23 BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO, FOSTER HOME
24 CARE, GROUP HOME CARE, SHELTER CARE, COMMUNITY RESIDENTIAL CARE,
25 YOUTH SERVICE BUREAUS, DAY TREATMENT CENTERS AND SERVICE TO
26 CHILDREN IN THEIR OWN HOME AND ANY OTHER ALTERNATIVE TREATMENT
27 PROGRAMS APPROVED BY THE DEPARTMENT, INCLUDING NONBASIC
28 EDUCATION PROGRAMS PROVIDING INTENSIFIED EDUCATIONAL
29 OPPORTUNITIES AND SERVICES TO DEPENDENT AND DELINQUENT YOUTH WHO
30 ARE UNDER THE CARE OF THE JUVENILE COURT, AND WHO PARTICIPATE IN

1 PROGRAMS INTENDED TO ENABLE YOUTH TO CATCH UP TO EXPECTED GRADE
2 LEVEL OR PROVIDE CAREER AND TECHNICAL TRAINING OPPORTUNITIES NOT
3 OTHERWISE AVAILABLE TO DEPENDENT AND DELINQUENT YOUTH THROUGH
4 BASIC EDUCATION PROGRAMS. EDUCATIONAL PROGRAMS AND SERVICES OF
5 THIS NATURE SHALL BE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES
6 UNDER LAW.

7 * * *

8 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

9 SECTION 710. COUNTY PURCHASE OF SERVICES.--(A) TO COMPLY
10 WITH THE STATUTORY RESPONSIBILITY TO PROVIDE AN ARRAY OF
11 SERVICES, COUNTY CHILDREN AND YOUTH OFFICES MAY ELECT TO
12 PURCHASE SERVICES FROM PRIVATE PROVIDERS. WHEN A COUNTY ELECTS
13 TO PURCHASE PREVENTION, IN HOME, FOSTER FAMILY CARE, GROUP HOME
14 OR RESIDENTIAL OR INSTITUTION SERVICES FROM A PRIVATE AGENCY
15 THROUGH PURCHASE OF SERVICE, PER DIEM OR PROGRAM-FUNDED
16 AGREEMENTS, THE FOLLOWING SHALL APPLY:

17 (1) CONTRACTED RATES FOR PURCHASED SERVICES SHALL COVER THE
18 COST INCURRED IN DELIVERY OF THE SERVICES, PROVIDED THAT THESE
19 COSTS ARE DEEMED REASONABLE BASED ON PROVIDER DOCUMENTATION.

20 (2) PURCHASE-OF-SERVICE CONTRACTS SHALL INCLUDE CONTRACT
21 EXTENSION LANGUAGE TO PROVIDE FOR CONTINUATION OF SERVICE
22 PROVISION AND RELATED PAYMENTS AT THE LAST CONTRACTED RATE UNTIL
23 A NEW CONTRACT AGREEMENT IS SIGNED. THE NEW CONTRACTED RATE
24 SHALL BE RETROACTIVE TO THE BEGINNING OF THE CONTRACTING PERIOD.

25 (3) PURCHASE-OF-SERVICE CONTRACTS SHALL INCLUDE A TIMELY
26 PAYMENT PROVISION THAT REQUIRES COUNTIES TO MAKE PAYMENT TO
27 PRIVATE SERVICE PROVIDERS WITHIN THIRTY DAYS OF RECEIPT ON AN
28 ACCURATE INVOICE FOR SERVICES RENDERED.

29 (B) THE DEPARTMENT SHALL CONVENE A RATE METHODOLOGY TASK
30 FORCE TO INCLUDE, AT A MINIMUM, REPRESENTATIVES FROM:

1 (1) THE DEPARTMENT INCLUDING THE DEPUTY SECRETARY FOR THE
2 OFFICE OF CHILDREN, YOUTH AND FAMILIES OR A DESIGNEE OF THE
3 DEPUTY SECRETARY.

4 (2) PROGRAM AND FISCAL BUREAUS OF THE OFFICE OF CHILDREN,
5 YOUTH AND FAMILIES.

6 (3) TWO COUNTY CHILDREN AND YOUTH OFFICES.

7 (4) TWO COUNTY JUVENILE PROBATION OFFICES.

8 (5) COUNTY COMMISSIONERS ASSOCIATION OR A COUNTY
9 COMMISSIONER OR EXECUTIVE.

10 (6) NO FEWER THAN FIVE PRIVATE SERVICE PROVIDER AGENCIES
11 REPRESENTING THE DIVERSITY OF PURCHASED SERVICES.

12 (7) PENNSYLVANIA COUNCIL OF CHILDREN, YOUTH AND FAMILY
13 SERVICES.

14 (8) OTHER STAKEHOLDERS AS IDENTIFIED, INCLUDING, BUT NOT
15 LIMITED TO, MANAGED CARE, EDUCATION, BEHAVIORAL HEALTH OR OTHER
16 FISCAL CONSULTANTS.

17 (9) JUVENILE COURT JUDGES' COMMISSION.

18 (C) THE TASK FORCE ESTABLISHED BY SUBSECTION (B) SHALL
19 DEVELOP GUIDELINES FOR A PROCESS TO DETERMINE CALCULATION OF THE
20 ACTUAL COST OF SERVICES PURCHASED. THE TASK FORCE SHALL BE
21 CONVENED WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS
22 SECTION AND SHALL PROVIDE THEIR RECOMMENDATIONS TO DETERMINE
23 CALCULATION OF COST FOR SERVICES PURCHASED TO THE GENERAL
24 ASSEMBLY WITHIN NINE MONTHS OF BEING CONVENED.

25 (D) COUNTY NEEDS-BASED PLAN AND IMPLEMENTATION BUDGET
26 REQUESTS SHALL REFLECT THE ACTUAL AND REASONABLE PROJECTED COSTS
27 OF PURCHASED SERVICES IN SUBMISSIONS FOR REQUESTED FUNDING.

28 Section 2 4. This act shall take effect in 60 days.

