

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1535 Session of
2017

INTRODUCED BY WARD, BULLOCK, PICKETT, DEAN, SOLOMON, ZIMMERMAN,
MCGINNIS, RYAN, CHARLTON, CAUSER, BOBACK, KAUFER, PEIFER,
MILLARD, KINSEY, BOYLE, PHILLIPS-HILL, SAYLOR, LONGIETTI,
KAVULICH, GREINER, SANTORA, V. BROWN, WHEELAND, MOUL, WATSON,
ROZZI, HEFFLEY AND NELSON, JUNE 12, 2017

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 18, 2018

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 public assistance,
4 providing for PUBLIC NOTICE OF provider payment rates for <--
5 individuals with an intellectual disability or autism.

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

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

11 Section 443.12. PUBLIC NOTICE OF Provider Payment Rates for <--
12 Individuals with an Intellectual Disability or Autism.--The
13 following shall apply to home-based and community-based services
14 provided to individuals with an intellectual disability or
15 autism:

16 (1) The department shall maintain and publish in the <--
17 Pennsylvania Bulletin on or before December 31 of each fiscal

~~year a detailed description of the calculation of providers' payment rates for home based and community based services, including the data, inputs, assumptions, variables, calculations and precise methodologies relied on and the source of all data, variables and assumptions utilized in establishing the payment rates notwithstanding whether the payment rates are developed by the department or a third party. The information shall be made available by the department to each provider, family and consumer for inspection, examination and copying.~~

~~(2) A provider shall submit cost reports to the department, or the department's designee, on or before September 30 of each fiscal year that identify the costs incurred to render home based and community based services during the prior fiscal year. This paragraph shall expire October 1, 2020.~~

~~(1) THE DEPARTMENT SHALL PUBLISH IN THE PENNSYLVANIA BULLETIN ON OR BEFORE MARCH 31 OF EACH YEAR A PUBLIC NOTICE THAT CONTAINS THE PROPOSED PROVIDER PAYMENT RATES FOR THE NEXT FISCAL YEAR SUFFICIENT TO ENABLE INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR AUTISM, WHO ARE ENROLLED IN ANY OF THE DEPARTMENT'S FEDERALLY APPROVED MEDICAL ASSISTANCE FUNDED WAIVER PROGRAMS, TO ACCESS SERVICES WHICH MUST COMPLY WITH THE DEPARTMENT'S QUALITY OF CARE STANDARDS AND ARE NECESSARY TO MEET THE NEEDS OF INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR AUTISM, AS IDENTIFIED IN THE INDIVIDUALS' APPROVED INDIVIDUAL SUPPORT PLANS.~~

~~(2) THE NOTICE SHALL SOLICIT PUBLIC COMMENT ON AND CONTAIN A DETAILED DESCRIPTION OF THE PRECISE METHODOLOGIES UTILIZED TO CALCULATE THE PAYMENT RATES FOR HOME-BASED AND COMMUNITY-BASED SERVICES TO BE RENDERED UNDER THE WAIVER PROGRAMS, INCLUDING THE DATA, STUDIES, ASSUMPTIONS, VARIABLES, CALCULATIONS AND ANY~~

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1 OTHER INFORMATION RELIED UPON AND THE SOURCE OF ALL INFORMATION
2 UTILIZED IN ESTABLISHING THE PAYMENT RATES. THE INFORMATION
3 SHALL BE MADE AVAILABLE BY THE DEPARTMENT FOR INSPECTION,
4 EXAMINATION AND COPYING.

5 (3) WITHIN FORTY-FIVE DAYS OF THE PASSAGE OF THE GENERAL
6 APPROPRIATION ACT EACH YEAR, AND AFTER REVIEW AND CONSIDERATION
7 OF THE PUBLIC COMMENTS RECEIVED BY THE DEPARTMENT, THE
8 DEPARTMENT, BY NOTICE PUBLISHED IN THE PENNSYLVANIA BULLETIN,
9 SHALL ADOPT THE FINAL PROVIDER PAYMENT RATES FOR THE FISCAL YEAR
10 AND SHALL RESPOND IN DETAIL TO THE PUBLIC COMMENTS.

11 Section 2. This act shall take effect in 60 days.