
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1650 Session of
2017

INTRODUCED BY BENNINGHOFF, TURZAI, CHARLTON, GODSHALL, GREINER,
KINSEY, MARSHALL, D. MILLER, READSHAW, ROAE, SANTORA, SAYLOR,
WATSON AND WHEELAND, JULY 8, 2017

REFERRED TO COMMITTEE ON HEALTH, JULY 8, 2017

AN ACT

1 Providing for the closure of State facilities for individuals
2 with intellectual disabilities, for the transfer of
3 individuals with intellectual disabilities receiving care at
4 State facilities to a home and community-based support system
5 and for the disposition of State facility property;
6 establishing the Home and Community-Based Services Fund; and
7 making related repeals.

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 Home and
12 Community-Based Support for Individuals with Intellectual
13 Disabilities Act.

14 Section 2. Definitions.

15 As used in this section, the following words and phrases
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Department." The Department of Human Services.

19 "Fund." The Home and Community-Based Services Fund.

20 "Home and community-based support." An activity, service,

1 assistance or product provided to an individual with an
2 intellectual disability which is funded through a Federally
3 approved medical assistance waiver program or a State plan for
4 medical assistance.

5 "Medical assistance." Services rendered to eligible
6 individuals under Articles IV and V of the act of June 13, 1967
7 (P.L.31, No.21), known as the Human Services Code.

8 "Plan." The plan for the closure of State facilities for
9 individuals with intellectual disabilities as provided under
10 section 3.

11 "State facility." A facility operated by the Commonwealth
12 for individuals with intellectual disabilities in accordance
13 with the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6),
14 known as the Mental Health and Intellectual Disability Act of
15 1966.

16 "State facility property." The physical property and any
17 improvements on the physical property where a State facility is
18 located.

19 Section 3. Closure of State facilities.

20 All State facilities shall be closed and shall not provide
21 any services or supports to individuals with intellectual
22 disabilities on or after January 1, 2023.

23 Section 4. State facilities closure plan.

24 (a) Plan.--The department shall prepare a plan for the
25 closure of all State facilities and the transition of
26 individuals with intellectual disabilities receiving care in
27 State facilities to a home and community-based support system.
28 The plan shall include all of the following:

29 (1) An assessment of the State facilities, including all
30 of the following:

1 (i) A certified independent appraisal of each State
2 facility property.

3 (ii) A report on data of the State employees
4 employed at each State facility, both full time and part
5 time, including the total number of employees, the total
6 wages paid, the total benefits paid and the
7 organizational flow chart for the employees working at
8 each State facility.

9 (iii) A detailed report of the services provided at
10 each State facility by contracted third-party vendors.

11 (iv) An inventory of assets located at and
12 improvements on each State facility.

13 (v) A report of all electric, utility, water,
14 landscaping, snow removal and maintenance costs of each
15 State facility.

16 (vi) Geospatial images of each State facility.

17 (vii) A detailed description of the existence,
18 ownership rights and appraised value of any mineral
19 rights on the State facility property.

20 (viii) A historical report of the institutional
21 property, including the date it was acquired or
22 constructed, the dates of any improvements thereon, any
23 changes in property records such as subdivision of the
24 property, historical employment or complement levels, and
25 historical data.

26 (2) The timeline, specific to each State facility, for
27 the transition to a home and community-based support system
28 for all of the individuals with intellectual disabilities
29 living at each State facility. Information required under
30 this paragraph shall specify the critical milestones in the

1 closure process for each State facility and the department's
2 planned course of action to effectuate the closure of each
3 State facility, including available and necessary resources.

4 (3) The home and community-based support providers
5 available in the immediate geographic area surrounding each
6 State facility.

7 (4) The process the department will utilize at each
8 State facility to transition individuals with intellectual
9 disabilities supported at each State facility to a home and
10 community-based support system as provided under this
11 section.

12 (5) The process the department will utilize at each
13 State facility to close buildings and reassign staff when
14 individuals with intellectual disabilities are transitioning
15 from State facilities to a home and community-based support
16 system.

17 (6) Any other information deemed appropriate by the
18 department as part of the plan.

19 (b) Plan submission.--By July 1, 2018, the department shall
20 submit a draft of the plan under subsection (a) to all of the
21 following:

22 (1) The Governor.

23 (2) The Majority Leader of the Senate.

24 (3) The Minority Leader of the Senate.

25 (4) The Majority Leader of the House of Representatives.

26 (5) The Minority Leader of the House of Representatives.

27 (6) The chair and minority chair of the Appropriations
28 Committee of the Senate.

29 (7) The chair and minority chair of the Appropriations
30 Committee of the House of Representatives.

1 (8) The chair and minority chair of the Health and Human
2 Services Committee of the Senate.

3 (9) The chair and minority chair of the Human Services
4 Committee of the House of Representatives.

5 (c) Plan review.--The following apply:

6 (1) The department shall have a public comment period
7 until September 1, 2018, for the purpose of soliciting
8 comments regarding the draft of the plan under subsection
9 (a).

10 (2) The department shall hold no less than three public
11 hearings regarding the draft of the plan under subsection (a)
12 during the public comment period under paragraph (1).

13 (d) Final plan submission.--The department shall submit the
14 final plan under subsection (a) by January 1, 2019, to the
15 Governor and each member of the General Assembly. Upon
16 submission under this subsection, the final plan shall be made
17 available on the department's publicly accessible Internet
18 website.

19 Section 5. Public hearings on closure of State facilities.

20 (a) Action on plan.--Upon submission of the plan under
21 section 4(d), the department shall proceed with the closure of
22 each State facility in accordance with the plan.

23 (b) Public hearing.--The following apply:

24 (1) The department shall conduct at least one hearing on
25 the closure of a State facility within one year before
26 closure of the State facility. The hearing shall be conducted
27 at a public site in close vicinity to the State facility. The
28 department shall advertise each hearing in accordance with 45
29 Pa.C.S. Ch. 3 (relating to legal advertising).

30 (2) The hearing shall allow testimony from all of the

1 following:

2 (i) Individuals with intellectual disabilities who
3 reside at the State facility.

4 (ii) Family members of individuals with intellectual
5 disabilities who reside at the State facility.

6 (iii) Employees of the State facility.

7 (iv) Contracted vendors of the State facility.

8 (v) Home and community-based support system
9 providers in the immediate geographic area of the State
10 facility.

11 (vi) Elected officials.

12 (vii) Community leaders.

13 (3) The department shall ensure that there is enough
14 time allotted for all testimony to be taken during the
15 hearing and shall schedule additional public hearings as
16 necessary.

17 (c) Hearing notice.--In addition to the notice required
18 under subsection (b) (1), the department shall post a notice of
19 scheduled hearing under subsection (b) on the department's
20 publicly accessible Internet website and shall provide
21 sufficient notice to all of the following:

22 (1) Individuals with intellectual disabilities who
23 reside at the State facility.

24 (2) Family members of individuals with intellectual
25 disabilities who reside at the State facility.

26 (3) Employees of the State facility.

27 (4) Contracted vendors of the State facility.

28 (5) Home and community-based support system providers in
29 the immediate geographic area of the State facility.

30 (6) Elected officials.

1 (7) Community leaders.

2 Section 6. Transition to home and community-based support
3 system.

4 (a) Transition.--The department shall ensure that an
5 individual with intellectual disabilities receiving care in a
6 State facility be transitioned into a home and community-based
7 support system in a manner which coincides with the choices,
8 needs, desires and goals of the individual and the individual's
9 family if permission is granted by the individual.

10 (b) Advisory committee.--The department shall establish an
11 advisory committee which shall advise the department in the
12 administration of this act. The advisory committee shall include
13 representation by all of the following:

14 (1) Individuals with intellectual disabilities.

15 (2) Families of individuals with intellectual
16 disabilities.

17 (3) Support coordinators.

18 (4) Providers of home and community-based support
19 systems.

20 (5) State, county and local government officials.

21 (6) Advocates for individuals with intellectual
22 disabilities.

23 (c) Hotline.--The department shall establish a toll-free
24 hotline for inquiries regarding the provisions of this act.

25 (d) Information distribution.--The department may use any
26 other means necessary to disseminate information regarding the
27 provisions of this act to individuals with intellectual
28 disabilities.

29 Section 7. Disposition of State facility property.

30 (a) Requirements.--Except as provided under this section, a

1 State facility property shall be subject to the requirements
2 under Article XXIV-A of the act of April 9, 1929 (P.L.177,
3 No.175), known as The Administrative Code of 1929, upon closure
4 of the State facility property.

5 (b) Process.--Notwithstanding section 2404-A(d) of Article
6 XXIV-A of The Administrative Code of 1929, the General Assembly
7 may, by concurrent resolution, disapprove of the disposition of
8 State facility property as specified in a plan submitted under
9 section 4(d) within 15 days of the submission of the plan.

10 (c) Mineral rights.--Section 2405-A(6) of The Administrative
11 Code of 1929 shall not apply to the deed of conveyance of a
12 State facility.

13 Section 8. Home and Community-Based Services Fund.

14 (a) Establishment.--The Home and Community-Based Services
15 Fund is established in the State Treasury.

16 (b) Money in fund.--Notwithstanding section 2406-A of the
17 act of April 9, 1929 (P.L.177, No.175), known as The
18 Administrative Code of 1929, the following shall be deposited
19 into the fund for purposes of administering this act:

20 (1) Money generated from the sale of State facility real
21 estate.

22 (2) Money generated from fiscal savings as a result of
23 the sale of State facilities.

24 (c) Annual report.--The department shall annually submit a
25 report to the Governor and the General Assembly which includes
26 an itemized list of any fiscal savings as a result of the sale
27 of State facilities.

28 Section 9. Repeals.

29 All acts or parts of acts are repealed insofar as they are
30 inconsistent with this act.

1 Section 10. Effective date.

2 This act shall take effect immediately.