

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2472 Session of 2018

INTRODUCED BY BERNSTINE, BARRAR, BOBACK, MOUL, MURT, A. HARRIS, DIAMOND, HELM, GILLESPIE, CAUSER, MASSER, MILLARD, SANKEY, ROTHMAN, DeLUCA, PHILLIPS-HILL, CUTLER, RAPP AND DAY, JUNE 6, 2018

REFERRED TO COMMITTEE ON HEALTH, JUNE 6, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
 2 as amended, "An act providing for and reorganizing the
 3 conduct of the executive and administrative work of the
 4 Commonwealth by the Executive Department thereof and the
 5 administrative departments, boards, commissions, and officers
 6 thereof, including the boards of trustees of State Normal
 7 Schools, or Teachers Colleges; abolishing, creating,
 8 reorganizing or authorizing the reorganization of certain
 9 administrative departments, boards, and commissions; defining
 10 the powers and duties of the Governor and other executive and
 11 administrative officers, and of the several administrative
 12 departments, boards, commissions, and officers; fixing the
 13 salaries of the Governor, Lieutenant Governor, and certain
 14 other executive and administrative officers; providing for
 15 the appointment of certain administrative officers, and of
 16 all deputies and other assistants and employes in certain
 17 departments, boards, and commissions; providing for judicial
 18 administration; and prescribing the manner in which the
 19 number and compensation of the deputies and all other
 20 assistants and employes of certain departments, boards and
 21 commissions shall be determined," in powers and duties of the
 22 Department of Human Services and its departmental
 23 administrative and advisory boards and commissions, further
 24 providing for medical assistance payments and for admissions
 25 to drug and alcohol facilities.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. Article XXIII heading and sections 2334 and 2335

1 of the act of April 9, 1929 (P.L.177, No.175), known as The
2 Administrative Code of 1929, are amended to read:

3 ARTICLE XXIII

4 POWERS AND DUTIES OF THE DEPARTMENT OF

5 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

6 ADMINISTRATIVE AND ADVISORY BOARDS

7 AND COMMISSIONS

8 Section 2334. Medical Assistance Payments.--(a) It is the
9 general purpose of this section to provide for a continuum of
10 alcohol and drug detoxification and rehabilitation services to
11 persons eligible for medical assistance. Facilities serving as
12 appropriate treatment settings include hospital and nonhospital
13 drug detoxification and rehabilitation facilities, hospital and
14 nonhospital alcohol detoxification and rehabilitation
15 facilities, and hospital and nonhospital drug and alcohol
16 detoxification and rehabilitation facilities and outpatient
17 services licensed by the [Office] Department of Drug and Alcohol
18 Programs [of the Department of Health]. The General Assembly
19 recognizes that the fluctuating nature of alcohol and drug
20 dependency, in combination with the associated physical
21 complications often arising from long-term use of alcohol and
22 drugs, necessitates that a variety of treatment modalities and
23 settings be made available to persons eligible for medical
24 assistance. The availability of a new service in this area is in
25 no way intended to limit access to or funding of services
26 available currently.

27 (b) Consistent with section 2301, the Department of [Public
28 Welfare] Human Services shall:

29 (1) Provide, on behalf of persons eligible for medical
30 assistance, medical assistance coverage for detoxification,

1 treatment and care in a nonhospital alcohol detoxification
2 facility, nonhospital drug detoxification facility, nonhospital
3 alcohol and drug detoxification facility, or a nonhospital
4 treatment facility which can provide services for either drug or
5 alcohol detoxification or treatment or for both, provided that
6 the facility is licensed by the [Office] Department of Drug and
7 Alcohol Programs [in the Department of Health].

8 (2) Use criteria developed by the [Office] Department of
9 Drug and Alcohol Programs for governing the type, level and
10 length of care or treatment, including hospital detoxification,
11 as a basis for the development of standards for services
12 provided under clause (1).

13 [(3) Notwithstanding clause (1), provide by regulation for
14 gradual implementation of medical assistance coverage under this
15 subsection to client populations which shall be identified in
16 cooperation with the Department of Health. The regulations shall
17 provide for full implementation of clause (1) to all medical
18 assistance eligibles in phases over a period of time not to
19 exceed five years from the effective date of the regulations.
20 The program phases shall be structured so as to allow for
21 independent evaluation of each phase on an ongoing basis.
22 Initial regulations adopted pursuant to this subsection shall
23 not be subject to review pursuant to the act of June 25, 1982
24 (P.L.633, No.181), known as the "Regulatory Review Act," except
25 that the regulations may be reviewed under section 5(h) of that
26 act.

27 (c) The Department of Public Welfare, the Department of
28 Health and the Office of Drug and Alcohol Programs shall jointly
29 provide for an independent evaluation of the program authorized
30 by this section in accordance with specific evaluation criteria,

1 which shall include, but not be limited to: (i) comparison of
2 medical costs before and after program implementation; (ii)
3 employment history; and (iii) involvement with other programs of
4 the Department of Health, the Department of Public Welfare, the
5 Department of Corrections and any other appropriate agencies.
6 The evaluation shall be conducted in compliance with all
7 applicable Federal and State confidentiality requirements.]

8 (4) Include as an access standard in the agreement that each
9 medical assistance behavioral health managed care organization
10 administering a provider network for treatment of substance use
11 disorders shall maintain a provider network that is
12 geographically accessible to members. Subject to Federal
13 approval, the access standard for ambulatory substance use
14 disorder treatment to which a member travels shall be at least
15 two providers within:

16 (i) thirty minutes travel time in urban areas; and
17 (ii) thirty minutes travel time in rural areas if there are
18 licensed substance use disorder treatment providers located in
19 the geographic area that meet the managed care organization's
20 credentialing requirements, otherwise within sixty minutes'
21 travel time.

22 (5) If a third substance use disorder treatment provider is
23 accessible within the travel times under clause (3), the access
24 standard for ambulatory substance use disorder treatment shall
25 be three providers.

26 (d) As used in this section, the following words and phrases
27 shall have the meanings given to them in this subsection unless
28 the context clearly indicates otherwise:

29 "Ambulatory substance use disorder treatment." Treatment
30 provided by a facility approved by the Department of Human

1 Services to participate in the medical assistance program and
2 which is fully or provisionally licensed by the Department of
3 Drug and Alcohol Programs to provide outpatient services for the
4 diagnosis and treatment of drug and alcohol abuse and dependence
5 to eligible medical assistance outpatient beneficiaries who are
6 not residents of a treatment institution.

7 "Rural areas." Territory, persons and housing units in
8 places which are designated as having less than two thousand
9 five hundred persons as defined by the United States Census
10 Bureau.

11 "Urban areas." Territory, persons and housing units in
12 places which are designated as having two thousand five hundred
13 persons or more as defined by the United States Census Bureau
14 and which places are in close geographic proximity to one
15 another.

16 Section 2335. Admissions to Drug and Alcohol Facilities.--

17 (a) Drug or alcohol abusers and drug or alcohol dependent
18 persons shall be admitted to and treated in all facilities
19 licensed by the Department [of Health and Office] of Drug and
20 Alcohol Programs, at reasonable rates on the basis of medical or
21 psychotherapeutic need, and shall not be discriminated against
22 on the basis of medical assistance eligibility.

23 (b) As part of its licensure process, the [Office]
24 Department of Drug and Alcohol Programs shall review each
25 facility's admission policies for compliance and shall
26 investigate complaints.

27 (c) The [Office] Department of Drug and Alcohol Programs may
28 suspend or revoke the license of any facility which fails to
29 maintain an admission policy consistent with the requirements of
30 this section and may impose a fine not to exceed one thousand

1 dollars (\$1,000) for each violation.

2 (d) Nothing in this section shall require any facility to
3 accept medical assistance eligible patients for whom payment is
4 not available pursuant to regulations adopted under former
5 section 2334(b) (3).

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