

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1237 Session of 2018

INTRODUCED BY BAKER, SCHWANK, GORDNER, MENSCH, ARGALL, EICHELBERGER, BLAKE, HUTCHINSON, BARTOLOTTA, YAW, STEFANO, WARD AND BROOKS, AUGUST 23, 2018

SENATOR BAKER, HEALTH AND HUMAN SERVICES, AS AMENDED, SEPTEMBER 26, 2018

AN ACT

1 Establishing the Pennsylvania Rural Health Redesign Center
2 Authority and the Pennsylvania Rural Health Redesign Center
3 Fund.

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

10 CHAPTER 1

11 PRELIMINARY PROVISIONS

12 Section 101. Short title.

13 This act shall be known and may be cited as the Pennsylvania
14 Rural Health Redesign Center Authority Act.

15 Section 102. Purpose.

16 It is the purpose of this act to protect and promote access
17 by the residents of this Commonwealth to high-quality health
18 care in rural communities by encouraging innovation in health
19 care delivery.

20 Section 103. Definitions.

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

24 "Acute care hospital." A facility that provides inpatient
25 and outpatient services, which may include an emergency
26 department or intensive care unit.

27 "Authority." The Pennsylvania Rural Health Redesign Center
28 Authority established in section 302.

29 "Board." The governing body of the authority.

30 "Conflict of interest." A situation in which a board member:

1 (1) has ~~a financial~~ AN interest in one or more parties <--
2 involved in an action under section 303; and

3 (2) may ~~have~~ GAIN access to competitively sensitive or <--
4 strategically relevant information about a participating
5 payer or participant rural hospital.

6 "Critical access hospital." As defined in section 1861(mm)
7 (1) of the Social Security Act (49 Stat. 620, 42 U.S.C. §
8 1395x(mm) (1)).

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

10 "Eligible hospital services." All inpatient and hospital-
11 based outpatient items and services. The term shall exclude all
12 other items and services, including the following:

13 (1) Postacute care.

14 (2) Professional services.

15 (3) Durable medical equipment.

16 (4) Dental services.

17 (5) Noninpatient or non-hospital-based outpatient
18 behavioral health services.

19 (6) Long-term care services, except for swing bed
20 services for critical access hospitals.

21 "Fund." The Pennsylvania Rural Health Redesign Center Fund
22 established in section 901.

23 "Global budget." The prospectively set annual budget that is
24 the basis for payment for each participant rural hospital for
25 eligible hospital services by participating payers.

26 "Global budget model." An innovative payment and service
27 delivery model that is intended to reduce health care costs
28 while maintaining access to care, improving the quality of care
29 in rural counties and meeting the health needs of participant
30 rural hospitals' local communities, and under which

1 participating payers pay participant rural hospitals using a
2 global budget methodology established by the authority.

3 "Government program." A health benefit plan offered or
4 administered by or on behalf of the United States or the
5 Commonwealth or an agency or instrumentality of either of them,
6 including:

7 (1) The medical assistance program established under the
8 act of June 13, 1967 (P.L.31, No.21), known as the Human
9 Services Code.

10 (2) The children's health insurance program established
11 under Article XXIII-A of the act of May 17, 1921 (P.L.682,
12 No.284), known as The Insurance Company Law of 1921.

13 (3) A health benefit plan offered or administered by or
14 on behalf of the Commonwealth or an agency or instrumentality
15 of the Commonwealth.

16 (4) Health care benefits administered under 10 U.S.C.
17 (relating to armed forces) or 38 U.S.C. (relating to
18 veterans' benefits).

19 (5) The Medicare program established under Title XVIII
20 of the Social Security Act (42 U.S.C. § 1395 et seq.).

21 "Insurer." A person, corporation or other entity licensed by
22 the Commonwealth with authority to offer, issue or renew an
23 insurance policy, subscriber contract or certificate providing
24 health care coverage, including:

25 (1) An insurance company, association or exchange
26 governed by The Insurance Company Law of 1921, including
27 section 630 and Article XXIV of The Insurance Company Law of
28 1921.

29 (2) A hospital plan corporation as defined in 40 Pa.C.S.
30 Ch. 61 (relating to hospital plan corporations).

1 (3) A professional health service corporation as defined
2 in 40 Pa.C.S. Ch. 63 (relating to professional health
3 services plan corporations).

4 (4) A health maintenance organization governed by the
5 act of December 29, 1972 (P.L.1701, No.364), known as the
6 Health Maintenance Organization Act.

7 "Medicaid managed care organization." An entity as defined
8 in section 1903(m)(1)(A) of the Social Security Act (42 U.S.C. §
9 1396b(m)(1)(A)) that is a party to an agreement with the
10 Department of Human Services, including a county Medicaid
11 managed care organization and a permitted assignee of an
12 agreement. The term does not include an assignor of an
13 agreement.

14 "Participant rural hospital." A rural hospital that has been
15 selected and signs an agreement to participate in the global
16 budget model.

17 "Participating payer." A payer that operates in rural
18 counties and, with respect to one or more specified products,
19 programs or payment arrangements, signs an agreement with the
20 authority to participate in the global budget model.

21 "Payer." An insurer, government program or Medicaid managed
22 care organization that pays or administers payment for health
23 care services under an insurance policy, subscriber contract,
24 certificate, administrative services arrangement or other
25 payment arrangement.

26 "Rural county." A county within this Commonwealth where the
27 population density is less than 284 persons per square mile as
28 defined by the Center for Rural Pennsylvania, established in
29 section 301 of the act of June 30, 1987 (P.L.163, No.16), known
30 as the Rural Pennsylvania Revitalization Act.

1 "Rural hospital." An acute care hospital or critical access
2 hospital located in a rural county.

3 "Rural hospital transformation plan." A description of the
4 health care delivery system transformation that a participant
5 rural hospital will undergo under the global budget model, AS <--
6 APPROVED BY THE BOARD AND THE FEDERAL GOVERNMENT.

7 "Secretary." The Secretary of Health of the Commonwealth.

8 "Swing bed." A hospital bed that has been approved by the
9 Medicare program established under Title XVIII of the Social
10 Security Act to provide posthospital skilled nursing facility
11 care when the rural hospital participates in the Medicare
12 program.

13 CHAPTER 3

14 PENNSYLVANIA RURAL HEALTH REDESIGN CENTER AUTHORITY

15 Section 301. Scope of chapter.

16 This chapter relates to the Pennsylvania Rural Health
17 Redesign Center Authority.

18 Section 302. Pennsylvania Rural Health Redesign Center
19 Authority.

20 (a) Establishment.--The Pennsylvania Rural Health Redesign
21 Center Authority is established as a body corporate and politic
22 constituting a public corporation and government
23 instrumentality. The powers and duties of the authority shall be
24 vested in and exercised by the board, which shall have the sole
25 power to employ staff, including an executive director, legal
26 counsel, consultants or any other staff deemed necessary by the
27 board to effectuate the purposes of this act. Individuals
28 employed by the board shall not be employees of the Commonwealth
29 for any purpose, including for purposes of compensation, pension
30 benefits or retirement.

1 (b) Composition.--The board shall consist of the following
2 members:

3 (1) The secretary or a designee, who shall be an
4 employee of the department designated in writing prior to
5 service.

6 (2) The Secretary of Human Services or a designee, who
7 shall be an employee of the Department of Human Services
8 designated in writing prior to service.

9 (3) The Insurance Commissioner or a designee, who shall
10 be an employee of the Insurance Department designated in
11 writing prior to service.

12 ~~(4) One member selected collectively by each~~ <--
13 ~~participating payer that is an insurer, together with its~~
14 ~~parents, affiliates, subsidiaries, other associated entities~~
15 ~~and the successors of any of them, but excluding any~~
16 ~~affiliated, subsidiary or otherwise associated Medicaid~~
17 ~~managed care organizations.~~

18 ~~(5) One member selected by each participating payer that~~
19 ~~is a Medicaid managed care organization.~~

20 (4) EACH PARTICIPATING PAYER THAT IS AN INSURER SHALL <--
21 SELECT ONE MEMBER ON BEHALF OF THE PARTICIPATING PAYER AND
22 THE PARTICIPATING PAYER'S PARENTS, AFFILIATES, SUBSIDIARIES,
23 OTHER ASSOCIATED ENTITIES AND SUCCESSORS. THE SELECTION UNDER
24 THIS PARAGRAPH SHALL EXCLUDE ANY AFFILIATED, SUBSIDIARY OR
25 OTHERWISE ASSOCIATED MEDICAID MANAGED CARE ORGANIZATION.

26 (5) EACH PARTICIPATING PAYER THAT IS A MEDICAID MANAGED
27 CARE ORGANIZATION SHALL SELECT ONE MEMBER.

28 (6) One member selected by the organization representing
29 hospitals and health systems in this Commonwealth. This
30 member shall be considered a participant rural hospital

1 member on the board.

2 (7) Participant rural hospital members, the number of
3 which shall not exceed the number of participating payer
4 members. The participant rural hospital members shall
5 represent the participant rural hospitals and shall be
6 selected from different, GEOGRAPHICALLY DIVERSE participant <--
7 rural hospitals, and appointed as follows:

8 (i) The President pro tempore of the Senate, the
9 Minority Leader of the Senate, the Speaker of the House
10 of Representatives and the Minority Leader of the House
11 of the Representatives shall each appoint one member.

12 (ii) The Governor shall appoint the remaining
13 members.

14 (8) Two members who are nationally recognized experts in
15 RURAL HEALTH CARE DELIVERY OR IN developing and administering <--
16 global budgets AND who shall be appointed by the Governor. <--

17 (c) Terms.--The terms of the members of the board shall be
18 as follows:

19 (1) The terms of the members specified under subsection
20 (b) (1), (2) and (3) shall be concurrent with their holding of
21 public office.

22 (2) The board members specified in subsection (b) (4),
23 (5), (6), (7) and (8) shall serve for a term of four years
24 and shall not be eligible to serve more than two full
25 consecutive four-year terms. If a member leaves the board
26 prior to completing a four-year term due to change in
27 professional status, including, but not limited to,
28 retirement, changing jobs, FAILURE TO QUALIFY or similar <--
29 reasons, a new member shall be appointed or selected within
30 60 days of the seat becoming vacant.

1 (d) Quorum.--A majority of the ~~appointed~~ members of the
2 board shall constitute a quorum. Action may be taken by the
3 board at a meeting upon a vote of a quorum of its members
4 present in person or through electronic means. If a tie vote
5 occurs at any meeting, it shall be the duty of the chairperson
6 of the board to cast the deciding vote.

7 (e) Meetings.--The board shall meet at the call of the
8 chairperson or as may be provided in the bylaws of the board.
9 The board shall hold meetings at least quarterly, which shall be
10 subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to
11 open meetings).

12 (f) Chairperson.--The Governor shall appoint a chairperson
13 from among the board members.

14 (g) Formation.--The board shall be formed within 90 days of
15 the effective date of this section.

16 (h) Conflict of interest.--Board members shall recuse
17 themselves from discussions and actions where a conflict of
18 interest may occur. Board members may not receive confidential
19 information, data or material related to an entity where a
20 conflict of interest may occur.

21 Section 303. Powers and duties.

22 (a) General rule.--The board shall exercise all powers
23 necessary and appropriate to carry out its duties, including the
24 following:

25 (1) Adopt bylaws necessary to carry out the provisions
26 of this act. The bylaws must include a provision addressing
27 conflict of interest as well as a provision that restricts
28 board discussions and decisions to the administration of the
29 global budget model as provided under subsection (b).

30 (2) Make, execute and deliver contracts, grants and

1 other instruments necessary or convenient to exercise the
2 powers and duties of the board.

3 (3) Apply for, solicit, receive, establish priorities
4 for, allocate, disburse, contract or grant for, administer
5 and expend money in the fund and other money made available
6 to the authority from any other source consistent with the
7 purpose of this act. The authority shall be exempt from the
8 provisions of 62 Pa.C.S. Pts. I (relating to Commonwealth
9 Procurement Code) and II (relating to general procurement
10 provisions).

11 (4) Apply for, accept and administer grants and loans to
12 carry out the purposes of the authority.

13 (5) Accept money from both public and private sources,
14 consistent with Federal and State law.

15 (6) Take, hold, administer, assign, lend, encumber,
16 mortgage, invest or otherwise dispose of, at public or
17 private sale, on behalf of the authority and for any of the
18 authority's purposes, real property, personal property and
19 money or any interest therein, including any mortgage or loan
20 interest owned by the authority or under its control or in
21 its possession and the income therefrom either absolutely or
22 in trust. The following apply:

23 (i) The board may acquire property or money for such
24 purpose by purchase or lease and by the acceptance of
25 gifts, grants, bequests, devises or loans, but no
26 obligation of the authority shall be a debt of the
27 Commonwealth, and the authority shall have no power to
28 pledge the credit or taxing power of the Commonwealth nor
29 to make its debts payable out of any money except those
30 of the corporation. THIS SUBPARAGRAPH IS NOT INTENDED TO <--

1 MEAN THAT THE BOARD MAY ACQUIRE RURAL HOSPITALS OR
2 PARTICIPANT RURAL HOSPITALS.

3 (ii) All accrued and future earnings from money
4 invested by the board and such other accrued and future
5 nonappropriated funds, including, but not limited to,
6 those funds obtained from the Federal Government and
7 contributions, shall be available to the authority and
8 shall be deposited in the State Treasury and may be
9 utilized at the discretion of the board for carrying out
10 any of the corporate purposes of the authority. Any
11 placement of the funds by the State Treasurer in
12 depositories or investments shall be consistent with
13 guidelines approved by the board. For the purpose of
14 administration, the authority shall be subject to
15 sections 610, 613 and 614 of act of April 9, 1929
16 (P.L.177, No.175), known as The Administrative Code of
17 1929.

18 (7) Seek waivers from State agency requirements as
19 necessary to carry out the purposes of this act.

20 (8) Coordinate with the appropriate State agency to seek
21 waivers from Federal requirements as necessary to carry out
22 the purposes of this act.

23 (9) Establish advisory groups with a diverse membership
24 representing interested and affected groups and individuals
25 as the board finds necessary to carry out the purposes of
26 this act.

27 (10) Collaborate with all applicable State agencies for
28 purposes of implementing this act.

29 (11) Perform all other activities necessary to further
30 the purposes of this act.

1 (b) Global budget model.--The board is responsible for
2 administering the global budget model and shall:

3 (1) Evaluate and select rural hospitals for
4 participation in the global budget model as a participant
5 rural health hospital on the basis of diversity, vision and
6 commitment to health care delivery transformation.

7 (2) Provide technical assistance, training and education
8 to rural hospitals and participant rural hospitals.

9 (3) Collect and maintain data from rural hospitals and
10 participant rural hospitals, participating payers and others
11 as necessary to carry out the responsibilities of this act.

12 (4) Perform data analysis and quality assurance.

13 (5) Calculate, approve and administer global budgets.
14 The global budget may include payments for eligible hospital
15 services provided under a participant rural hospital's
16 employee health plan.

17 (6) Consistent with Federal and State law, review and
18 approve rural hospital transformation plans, advise and
19 approve changes to operational and payment mechanisms and
20 approve exceptions to agreed-upon payment rules through an
21 approved procedure set forth in the board's bylaws.

22 ~~(7) Review and approve any participant rural hospital~~ <--
23 ~~investments outside the global budget.~~

24 ~~(8)~~ (7) Assist rural hospitals and participant rural <--
25 hospitals in working with community-based organizations to
26 determine the targeted population health improvement goals.

27 ~~(9)~~ (8) Evaluate the progress of the implementation of <--
28 each participant rural hospital's global budget toward
29 population health improvement goals and the cost of achieving
30 health care goals.

1 ~~(10)~~ (9) Monitor global budgets and quality metrics for <--
2 participant rural hospitals.

3 ~~(11)~~ (10) Provide an annual assessment of each <--
4 participant rural hospital's compliance with its rural
5 hospital transformation plan and global budget targets.

6 ~~(12)~~ (11) Require a participant rural hospital to submit <--
7 a corrective action plan for failure to submit a rural
8 hospital transformation plan, comply with its rural hospital
9 transformation plan or meet its global budget targets.

10 ~~(13)~~ (12) Terminate a participant rural hospital from <--
11 the global budget model in accordance with the participant
12 rural hospital's participation agreement.

13 ~~(14)~~ (13) Contract with an independent evaluation group <--
14 to provide the board and executive director with an
15 evaluation of the global budget model's progress in the areas
16 of population health, quality of care and cost targets.

17 ~~(15)~~ (14) Review and update the definition of "eligible <--
18 hospital services" by publishing a notice in the Pennsylvania
19 Bulletin, subject to obtaining all necessary Federal
20 approvals. The board shall use data collected under paragraph
21 (3) in its review.

22 (c) Audit.--

23 (1) The accounts and books of the authority shall be
24 examined and audited annually by an independent certified
25 public accounting firm. The audit shall be public
26 information.

27 (2) The authority shall, by December 31 of each year,
28 file a copy of the audit of the preceding Commonwealth fiscal
29 year required under paragraph (1) with the Secretary of the
30 Senate and the Chief Clerk of the House of Representatives

1 and provide a copy to the department.

2 (d) Reports.--The authority shall:

3 (1) ~~Submit~~ ELECTRONICALLY SUBMIT an annual report on the <--
4 performance and compliance of each participant rural hospital
5 to the department and to other appropriate parties, including
6 associations, foundations, academic institutions and
7 community-based organizations, as determined by the board.

8 (2) ~~Submit~~ ELECTRONICALLY SUBMIT an annual report to the <--
9 Governor, the President pro tempore of the Senate and the
10 Speaker of the House of Representatives for distribution to
11 the Health and Human Services Committee of the Senate and the
12 Health Committee of the House of Representatives on the
13 activities of the authority for the year.

14 (3) Comply with applicable Federal reporting
15 requirements.

16 (e) Compensation and expenses.--The members of the board
17 shall not receive a salary or per diem allowance for serving as
18 members of the board but shall be reimbursed for actual and
19 necessary expenses incurred in the performance of their duties.
20 Reasonable expenses may include reimbursement of travel and
21 living expenses while engaged in board business. The expenses
22 shall be paid for by the fund.

23 (f) Publication.--The authority shall annually submit a
24 financial statement AND THE AUTHORITY'S AUDIT to the Legislative <--
25 Reference Bureau for publication in the Pennsylvania Bulletin.

26 CHAPTER 5

27 PARTICIPATION IN GLOBAL BUDGET MODEL

28 Section 501. Roles of participating payers.

29 (a) Letter of interest.--A payer may submit a letter of
30 interest to the authority to participate in the global budget

1 model.

2 (b) Agreement to participate.--As a condition of
3 participation, a participating payer shall sign an agreement
4 with the authority. The agreement must detail the terms and
5 conditions of participation in the global budget model.

6 (c) Termination.--A participating payer may terminate its
7 participation with a participant rural hospital according to the
8 terms and conditions of the agreement under subsection (b).

9 Section 502. Roles of participant rural hospitals.

10 (a) Letter of interest.--A rural hospital may submit a
11 letter of interest to the authority to participate in the global
12 budget model.

13 (b) Condition of participation.--As a condition of
14 participation, the following shall occur:

15 (1) A rural hospital shall submit an initial rural
16 hospital transformation plan in the manner and form
17 prescribed by the authority for review and approval.

18 (2) A participant rural hospital shall sign an agreement
19 with the authority. The agreement must detail the terms and
20 conditions of participation in the global budget model.

21 (3) A participant rural hospital shall submit annual
22 updates to its rural hospital transformation plan in the
23 manner and form prescribed by the authority for review and
24 approval.

25 CHAPTER 7

26 DATA COLLECTION AND CONFIDENTIALITY PROVISIONS

27 Section 701. Data collection and retention.

28 (a) Authority.--The authority may collect and analyze data
29 from participating payers, rural hospitals, participant rural
30 hospitals and the Department of Human Services necessary to

1 carry out the authority's responsibilities under this act,
 2 ~~including the data needed to develop global budgets, create~~
 3 ~~rural hospital transformation plans and submit reports regarding~~
 4 ~~monitoring and oversight of the global budget model.~~ Data
 5 collected by the authority shall only be used for administering
 6 the global budget model. The authority must obtain the written
 7 approval of a participating payer, rural hospital, participant
 8 rural hospital or the Department of Human Services before the
 9 authority can use the entity's data for any other purpose. The
 10 authority shall retain the data for no more than seven years.

11 (b) Participant rural hospital.--A participant rural
 12 hospital may authorize its insurer or administrator to provide
 13 data to the authority regarding payments for eligible hospital
 14 services provided under the hospital's employee health plan.

15 (c) Release of data.--Unless specifically provided for in
 16 this act, the authority may not release and no data source,
 17 person, member of the public or other user of any data of the
 18 authority may gain access to:

19 (1) Raw data which could reasonably be expected to
 20 reveal the identity of an individual patient.

21 (2) Raw data disclosing discounts or allowances between
 22 participating payers and participant rural hospitals which is
 23 prejudicial to an individual participating payer or
 24 participant rural hospital.

25 (3) Data which the Department of Human Services provides
 26 to the authority, unless the Secretary of Human Services or
 27 the designee of the Secretary of Human Services specifically
 28 authorizes the release or access.

29 (4) Any data where a conflict of interest occurs.

30 Section 702. Confidentiality of data, contracts and agreements.

1 (a) Right-to-Know Law inapplicable.--Any contract or
2 agreement between participating payers and participant rural
3 hospitals or any data, INCLUDING PATIENT DATA, provided by a <--
4 participating payer, a participant rural hospital, including a
5 participant rural hospital's insurer or administrator, a rural
6 hospital or the Department of Human Services to the authority
7 and maintained by the authority for the purposes of carrying out
8 the requirements of this act shall be confidential and shall not
9 be subject to the act of February 14, 2008 (P.L.6, No.3), known
10 as the Right-to-Know Law, or discoverable or admissible as
11 evidence in any civil, criminal or administrative action or
12 proceeding.

13 (b) Authority access to data.--Nothing in this section shall
14 prohibit the authority from accessing the data to carry out its
15 responsibilities in accordance with law.

16 (c) Release of data.--Data provided to the Centers for
17 Medicare and Medicaid Services, or any other entity, by the
18 authority shall be provided consistent with applicable laws and
19 regulations, including the Health Insurance Portability and
20 Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936),
21 the Health Information Technology for Economic and Clinical
22 Health Act (Public Law 111-5, 123 Stat. 226-279 and 467-496) and
23 implementing regulations, to the extent allowed by law and
24 written agreements between the authority and each participating
25 payer and participant rural hospital.

26 CHAPTER 9

27 PENNSYLVANIA RURAL HEALTH REDESIGN CENTER FUND

28 Section 901. Establishment of fund.

29 The Pennsylvania Rural Health Redesign Center Fund is
30 established as a separate fund in the State Treasury. The fund

1 shall be administered by the authority.

2 Section 902. Money in fund.

3 All money deposited into the fund shall be held for the

4 purposes of the authority and may not be considered a part of

5 the General Fund but shall be used only to effectuate the

6 purposes of this act as determined by the authority. All

7 interest earned from the investment or deposit of money

8 accumulated in the fund shall be deposited in the fund for the

9 same use. ANY MONEY THAT IS REQUIRED TO BE RETURNED TO THE <--

10 AUTHORITY FOR ANY REASON BY ANY PARTY SHALL BE DEPOSITED IN THE

11 FUND FOR THE SAME USE.

12

CHAPTER 21

13

MISCELLANEOUS PROVISIONS

14 Section 2101. Effective date.

15 This act shall take effect in 180 days.