
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1704 Session of
2019

INTRODUCED BY BERNSTINE, DeLISSIO, SCHLOSSBERG, RYAN, ROTHMAN,
GALLOWAY, McCLINTON, CALTAGIRONE, LONGIETTI, HILL-EVANS,
OTTEN AND FRANKEL, JULY 8, 2019

REFERRED TO COMMITTEE ON HUMAN SERVICES, JULY 8, 2019

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 medical assistance,
4 providing for medical assistance deemed eligibility program
5 for in-patient behavioral health services.

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 449.1. Medical Assistance Deemed Eligibility Program
12 for In-Patient Behavioral Health Services.--(a) The department
13 shall establish a deemed eligibility program for in-patient
14 behavioral health services for the purposes specified under
15 subsection (b).

16 (b) The department shall implement the program for the
17 following purposes:

18 (1) Preventing harm to an individual with an immediate need
19 for in-patient behavioral health services as a result of a

1 health crisis or emergency based upon prior hospitalizations for
2 a chronic behavioral health condition.

3 (2) Providing an individual with an immediate need for in-
4 patient behavioral health services with access to an emergency
5 room, a freestanding private psychiatric hospital, a law
6 enforcement facility or a health crisis center if necessary to
7 protect the individual's physical or mental health.

8 (3) Providing medical assistance eligibility for in-patient
9 behavioral health services during the period of hospitalization
10 and after discharge from hospitalization.

11 (4) Authorizing a qualified entity to submit an application
12 to the department on behalf of an individual to determine the
13 individual's eligibility to receive medical assistance for in-
14 patient behavioral health services.

15 (5) Permitting an individual who is applying for medical
16 assistance or a qualified entity on behalf of the individual
17 under paragraph (4) to declare income and assets on an
18 application form and attest to the accuracy of the income and
19 assets provided on the application form.

20 (6) Authorizing a qualified entity to determine if an
21 individual is deemed eligible to receive medical assistance for
22 in-patient behavioral health services.

23 (c) The following apply:

24 (1) If a qualified entity determines that an individual
25 is deemed eligible to receive medical assistance under
26 subsection (b)(6), the individual may begin receiving in-patient
27 behavioral health services from the qualified entity.

28 (2) Except as provided under paragraph (3), if a qualified
29 entity determines that an individual is deemed eligible to
30 receive medical assistance under subsection (b)(6) and the

1 individual is subsequently determined to be ineligible for
2 medical assistance by the department under subsection (d), the
3 qualified entity shall not be reimbursed by the Commonwealth for
4 the cost of in-patient behavioral health services provided
5 during the period of presumed eligibility.

6 (3) If an individual provided fraudulent information to a
7 qualified entity making a determination under subsection (b)(6),
8 the qualified entity may seek reimbursement from the individual
9 for the cost of in-patient behavioral health services provided
10 during the period of presumed eligibility.

11 (4) Upon request, the department shall provide information
12 to a qualified entity about Commonwealth policies and procedures
13 on how to determine whether an individual is deemed eligible for
14 medical assistance under subsection (b)(6).

15 (d) The following apply:

16 (1) Within sixty days of the submission of an application
17 under subsection (b)(4), the department shall verify the
18 information on the application and make a final determination of
19 medical assistance eligibility. The department may request
20 additional information from an applicant for the purpose of
21 completing the verification process under this paragraph.

22 (2) If the department determines that an individual is
23 eligible under paragraph (1), the department shall authorize
24 medical assistance payments for in-patient behavioral health
25 services during the period of presumed eligibility beginning on
26 the date when the qualified individual was deemed eligible under
27 subsection (b)(6).

28 (e) The department shall issue a medical assistance bulletin
29 which contains the Commonwealth policies and procedures
30 necessary to implement this section.

1 (f) The department shall apply for any necessary Federal
2 waivers and maximize the use of Federal money for the purpose of
3 implementing the program.

4 (g) The department shall issue any revisions to the State
5 medical assistance plan as required under Title XIX of the
6 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.)
7 before implementing the program.

8 (h) On or before July 1 of each year, the department shall
9 issue a report to the General Assembly with the following
10 information:

11 (1) The number of individuals participating in the program.

12 (2) The average cost per individual in the program.

13 (3) The number of qualified entities in the program.

14 (4) The administrative cost of the program.

15 (5) The estimated savings from the program.

16 (i) The following words and phrases when used in this
17 section shall have the meaning given to them in this subsection:

18 "Freestanding private psychiatric hospital" means a hospital
19 licensed by the department and enrolled in the medical
20 assistance program as a provider type 01-011.

21 "In-patient behavioral health services" means medically
22 necessary treatment and related services provided in a
23 psychiatric unit of a licensed acute care hospital or a
24 freestanding private psychiatric hospital and covered under the
25 medical assistance program.

26 "Program" means the deemed eligibility program for in-patient
27 behavioral health services established by the department under
28 subsection (a).

29 "Psychiatric unit of a licensed acute care hospital" means a
30 hospital which is licensed by the department or the Department

1 of Health and enrolled in the medical assistance program as a
2 provider type 01-022.

3 "Qualified entity" means a psychiatric unit of a licensed
4 acute care hospital or a freestanding private psychiatric
5 hospital authorized by the department to participate in the
6 program.

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