

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1918 Session of 2019

INTRODUCED BY MULLERY, TOOHIL, JAMES, LONGIETTI, METCALFE, OWLETT, KOSIEROWSKI, T. DAVIS, MIZGORSKI, SAINATO, OBERLANDER, MILLARD, HEFFLEY, MURT, KAUFER, READSHAW, WENTLING, BURNS, HARKINS, DIGIROLAMO, PASHINSKI, CAUSER, JONES, NESBIT, KINSEY, HILL-EVANS, BIZZARRO, STRUZZI, McNEILL, RAPP, SCHWEYER, ULLMAN, BROWN, MADDEN, MUSTELLO, BOBACK, SANKEY, MENTZER, FLYNN, GLEIM, MULLINS, DeLUCA AND FRITZ, OCTOBER 15, 2019

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2019

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,
2 No.6), entitled "An act relating to mental health and
3 intellectual disability; authorizing county programs and
4 amending, revising and changing the laws relating thereto and
5 making an appropriation," in preliminary provisions, further
6 providing for definitions; and, in responsibilities of the
7 State, providing for State facility CENTER closure <--
8 moratorium.

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

11 Section 1. The definitions of "department" and "secretary"
12 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
13 P.L.96, No.6), known as the Mental Health and Intellectual
14 Disability Act of 1966, are amended AND THE SECTION IS AMENDED <--
15 BY ADDING A DEFINITION to read:

16 Section 102. Definitions.--As used in this act:

17 * * *

1 "Department" means the Department of [Public Welfare] Human
2 Services.

3 * * *

4 "Secretary" means the Secretary of [Public Welfare] Human
5 Services.

6 * * *

7 "STATE CENTER" MEANS A RESIDENTIAL MENTAL HEALTH <--
8 ESTABLISHMENT THAT PROVIDES HOUSING IN ADDITION TO DIAGNOSIS,
9 TREATMENT CARE, REHABILITATION OR DETENTION OF INTELLECTUALLY
10 DISABLED OR MENTALLY DISABLED INDIVIDUALS.

11 Section 2. The act is amended by adding a section to read:

12 Section 202.1. State Facility CENTER Closure Moratorium.-- <--

13 (a) No State facility CENTER shall close until all Medicaid <--
14 waiver-eligible individuals in this Commonwealth are authorized
15 to begin receiving home and community-based services furnished
16 under a waiver granted pursuant to section 1915(c)(1) of the
17 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

18 (b) When all Medicaid waiver-eligible individuals have
19 received authorization under subsection (a), the department
20 shall transmit notice of that fact to the Legislative Reference
21 Bureau for publication in the Pennsylvania Bulletin. Upon
22 publication of the notice, the Task Force on the Closure of
23 State Centers is established within the department. Within sixty
24 days of publication of the notice, the secretary shall convene
25 an initial meeting of the task force. The task force shall
26 perform a comprehensive evaluation of the State facilities <--
27 CENTERS and provide recommendations to the department prior to <--
28 the closure of one or more State facilities CENTERS. <--

29 (c) The task force shall be comprised of the following
30 members:

1 (1) The secretary.

2 (2) One representative from each State ~~facility~~ CENTER, <--
3 which may include, but is not limited to, direct care providers
4 or administrative staff members, to be appointed by each
5 ~~facility~~ CENTER director. <--

6 (3) One representative from the Governor's office.

7 (4) The chair and the minority chair of the Health and Human
8 Services Committee of the Senate.

9 (5) The chair and the minority chair of the Human Services
10 Committee of the House of Representatives.

11 (6) Two family members of residents of State ~~facilities~~ <--
12 CENTERS, to be appointed by the secretary. <--

13 (7) One representative of a nonprofit organization which
14 serves as an advocate for those with intellectual disabilities,
15 to be appointed by the secretary.

16 (d) The task force shall meet biweekly to evaluate the
17 impact of a closure in all of the following areas:

18 (1) Residents of the State ~~facility~~ CENTER and their <--
19 families.

20 (2) Employees, both union and nonunion.

21 (3) The local economy in which the State ~~facility~~ CENTER is <--
22 located.

23 (4) Readiness of provider agencies in each region to expand
24 the community-based residential infrastructure to support
25 residents leaving State ~~facilities~~ CENTERS. <--

26 (e) If a State ~~facility~~ CENTER is deemed eligible for <--
27 closure by way of a majority vote taken by the task force, the
28 department shall prepare a plan for the closure of the State
29 ~~facility~~ CENTER and the transition of individuals with <--
30 intellectual disabilities receiving care in the State ~~facility~~ <--

1 CENTER to a home or community-based support system. The plan <--
2 shall include all of the following:

3 (1) An assessment of the State facility CENTER, including: <--
4 (i) A certified independent appraisal of the State facility <--
5 CENTER property. <--
6 (ii) A report of the State employes employed at the State
7 facility CENTER, both full time and part time, including the <--
8 total number of employes, the cost of the total wages and total
9 benefits paid to the employes and an organizational flow chart
10 of employes working at the State facility CENTER. <--
11 (iii) A detailed report of the services provided at the
12 State facility CENTER by contracted third-party vendors. <--
13 (iv) An inventory of assets located at and improvements on
14 the State facility CENTER. <--
15 (v) A report of all electric, utility, water, landscaping,
16 snow removal and maintenance costs of the State facility CENTER. <--
17 (vi) Geospatial images of the State facility CENTER. <--
18 (vii) A detailed description of the existence, ownership
19 rights and appraised value of any mineral rights on the State
20 facility CENTER property. <--
21 (viii) A historical report of the institutional property,
22 including the date it was acquired or constructed, the dates of
23 any improvements on the property, any changes in property
24 records, such as subdivision of the property, historical
25 employment or complement levels and other historical data.
26 (2) The timeline, specific to each State facility CENTER, <--
27 for the transition to a home and community-based support system
28 for all of the individuals with intellectual disabilities living
29 at the State facility CENTER. Information required under this <--
30 clause shall specify the critical milestones in the closure

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

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

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

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

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

19 (f) A State ~~facility~~ CENTER subject to closure must continue <--
20 to operate with the level of staff necessary until all residents
21 have been transitioned into home or community-based services.

22 (g) As used in this section, the term "task force" means the
23 Task Force on the Closure of State Centers established in
24 accordance with subsection (b).

25 Section 3. The addition of section 202.1 of the act shall
26 apply to closures made after October 1, 2019.

27 Section 4. This act shall take effect immediately.