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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2509 Session of  
2020

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INTRODUCED BY DAY, KOSIEROWSKI AND SHUSTERMAN, MAY 13, 2020

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AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 26, 2020

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AN ACT

1 Establishing the Long-Term Care Facility Personal Protective  
2 Equipment Reimbursement Grant Program and imposing duties on  
3 the Department of Aging.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Long-Term  
8 Care Facility Personal Protective Equipment Reimbursement Grant  
9 Program Act.

10 Section 2. Definitions.

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

14 "Applicant." A facility applying for a grant under the  
15 program.

16 "Care." Services provided to meet an older adult's needs for  
17 personal care or health care which require interaction with the  
18 older adult.

1 "Care-dependent individual." An adult who, due to physical  
2 or cognitive disability or impairment, requires assistance to  
3 meet needs for food, shelter, clothing, personal care or health  
4 care.

5 "Department." The Department of Aging of the Commonwealth.

6 "Eligible PPE costs." Costs that are both:

7 (1) incurred by a facility in purchasing PPE for use by  
8 its employees; and

9 (2) paid by the applicant during the period specified in  
10 the standards and requirements for the program as published  
11 by the department.

12 "Employee." An individual who:

13 (1) is employed by a facility, or the affiliated  
14 corporate entity of a facility, or enters into a contractual  
15 relationship with a facility, an older adult, an older  
16 adult's family, agent, legal representative or the affiliated  
17 corporate entity of a facility, to provide care to an older  
18 adult;

19 (2) has unsupervised access to another individual and  
20 that individual's living quarters, resources or personal  
21 records; or

22 (3) is a student doing an internship or clinical  
23 rotation or any other individual who has been granted access  
24 to a facility or older adult to perform a clinical service  
25 for a fee.

26 "Facility." Any of the following:

27 (1) A domiciliary care home as defined in section 2202-A  
28 of the act of April 9, 1929 (P.L.177, No.175), known as The  
29 Administrative Code of 1929.

30 (2) Any of the following entities as defined in section

1 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as  
2 the Health Care Facilities Act:

3 (i) A home health care agency.

4 (ii) A long-term care nursing facility.

5 (iii) A hospice.

6 (iv) A home care agency.

7 (v) A home care registry.

8 (3) An older adult daily living center as defined in  
9 section 2 of the act of July 11, 1990 (P.L.499, No.118),  
10 known as the Older Adult Daily Living Centers Licensing Act.

11 (4) A personal care home as defined in section 1001 of  
12 the act of June 13, 1967 (P.L.31, No.21), known as the Human  
13 Services Code.

14 (5) An assisted living residence as defined in section  
15 1001 of the Human Services Code.

16 (6) A PACE provider as defined in section 1894 of the  
17 Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

18 (7) Any other public or private organization, or entity  
19 or part of an organization or entity, that uses public funds  
20 and is paid, in part, to provide care to care-dependent  
21 individuals.

22 "Personal protective equipment" or "PPE." Gloves, HAND <--  
23 SANITIZER, respirators, face masks, gowns, face shields and  
24 other protective equipment designed to be worn OR USED by <--  
25 individuals to prevent or contain contact with, or to prevent  
26 transmission of, a communicable illness or the pathogens that  
27 cause communicable illness.

28 "Program." The Long-Term Care Facility Personal Protective  
29 Equipment Reimbursement Grant Program established under section  
30 3.

1 "Secretary." The Secretary of Aging of the Commonwealth.  
2 Section 3. Long-Term Care Facility Personal Protective  
3 Equipment Reimbursement Grant Program.

4 (a) Establishment.--The Long-Term Care Facility Personal  
5 Protective Equipment Reimbursement Grant Program is established  
6 and shall be administered by the department.

7 (b) Availability.--Grants under the program shall only be  
8 offered in a fiscal year in which funding is made available to  
9 the department for the program. The following shall apply:

10 (1) If funding is exhausted or otherwise unavailable,  
11 the department shall be under no obligation to provide grants  
12 under the program.

13 (2) The standards and requirements for the award of  
14 grants under the program shall be established by order of the  
15 secretary. The secretary shall transmit notice of the order  
16 to the Legislative Reference Bureau for publication in the  
17 Pennsylvania Bulletin.

18 (3) Grant money may be prorated or offered as a  
19 percentage of actual costs, as determined by the department  
20 and provided in the order under paragraph (2), to spread  
21 available money to a larger number of grant recipients.

22 (c) Grant limitations.--In addition to any limitation placed  
23 upon grants in the standards and requirements for the program  
24 under subsection (b) (2), the following shall apply:

25 (1) Grant money shall only be used to reimburse eligible  
26 PPE costs. The amount of reimbursement shall be based on  
27 eligible PPE costs incurred by an applicant during any fiscal  
28 year, or portion of the costs, in which grants are offered.

29 (2) Grant reimbursement money shall not exceed the  
30 lesser of 50% of the eligible PPE purchase costs or a lower

1 amount consistent with the standards and requirements for the  
2 program under subsection (b) (2).

3 (3) Grant money may not be used to reimburse any portion  
4 of the eligible PPE costs which are being paid or reimbursed  
5 under another Federal or State grant program.

6 (d) Application procedure.--A facility shall submit a grant  
7 application on a form provided by the department, unless  
8 otherwise prescribed in the standards and requirements under  
9 subsection (b) (2). The department may require that all  
10 applicants submit applications via an online application system  
11 and shall provide the details of the online application process.

12 (e) Application contents.--The application shall contain the  
13 following information and other information as required by the  
14 department:

15 (1) The applicant's name, business address and contact  
16 information.

17 (2) A detailed statement of the PPE costs, which must  
18 include copies of paid invoices clearly identifying the items  
19 purchased in enough detail to demonstrate the items are PPE.

20 (3) Other information as the department may reasonably  
21 require.

22 (f) Grant awards.--The department shall award grants to  
23 applicants in accordance with this section and the applicable  
24 program standards and requirements.

#### 25 Section 4. Funding.

26 The department shall use money as appropriated by the General  
27 Assembly for grants under this act and may use any other money  
28 that is made available to the department for grants under the  
29 program by Federal or State appropriations, donations or from  
30 any other source.

1 Section 5. Effective date.

2 This act shall take effect immediately.