

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2543 Session of 2020

INTRODUCED BY STEPHENS, KAIL, SCHLEGEL CULVER, DRISCOLL, OWLETT, BOBACK, PICKETT, KAUFFMAN, ULLMAN, TOMLINSON, BARRAR, QUINN, MIZGORSKI, ROZZI, THOMAS, HEFFLEY, YOUNGBLOOD, MACKENZIE, HILL-EVANS, MILLARD, MENTZER, READSHAW, DeLUCA, BRIGGS, MASSER AND CIRESI, MAY 21, 2020

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 7, 2020

AN ACT

1 Providing for COVID-19 testing in long-term care facilities and
2 for duties of the Department of Health and Department of
3 Human Services.

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 COVID-19 Testing Act.

9 Section 2. Definitions.

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

13 "COVID-19." As identified in the proclamation of disaster
14 emergency issued by the Governor on March 6, 2020, published at
15 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
16 disaster emergency.

1 "Employee." An individual who:

2 (1) is employed by a facility, or the affiliated
3 corporate entity of a facility, or enters into a contractual
4 relationship with the facility, recipient, a recipient's
5 family, agent, legal representative or the affiliated
6 corporate entity of a facility, to provide care to a
7 recipient;

8 (2) has unsupervised access to another individual and
9 that individual's living quarters, resources or personal
10 records; or

11 (3) is a student doing an internship or clinical
12 rotation or any other individual who has been granted access
13 to a facility or older adult to perform a clinical service
14 for a fee paid by the facility.

15 "Facility." Any of the following:

16 (1) A long-term care nursing facility as defined in
17 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
18 known as the Health Care Facilities Act.

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

22 (3) An assisted living residence as defined in section
23 1001 of the Human Services Code.

24 "Recipient." An individual who receives care, services or
25 treatment in a facility.

26 Section 3. COVID-19 testing in long-term facilities.

27 (a) Testing by Department of Health. ~~---The Department of~~ <--
28 ~~Health shall provide for testing of all recipients and employees~~
29 ~~at each long term care nursing facility in this Commonwealth~~ THE <--
30 DEPARTMENT OF HEALTH SHALL ENSURE COVID-19 TESTING IS AVAILABLE

1 FOR ALL RECIPIENTS AND EMPLOYEES AT EACH LONG-TERM CARE NURSING
2 FACILITY IN THIS COMMONWEALTH as part of the long-term care
3 nursing facility's control and mitigation procedures regarding
4 the COVID-19 pandemic.

5 (b) Testing by Department of Human Services.--~~The Department~~ <--
6 ~~of Human Services shall provide for testing of all recipients~~
7 ~~and employees at each personal care home and assisted living~~
8 ~~residence in this Commonwealth~~ THE DEPARTMENT OF HUMAN SERVICES <--
9 SHALL ENSURE COVID-19 TESTING IS AVAILABLE FOR ALL RECIPIENTS
10 AND EMPLOYEES AT EACH PERSONAL CARE HOME AND ASSISTED LIVING
11 FACILITY IN THIS COMMONWEALTH as part of the personal care home
12 or assisted living residence's control and mitigation procedures
13 regarding the COVID-19 pandemic.

14 Section 4. Funding.

15 ~~The cost of COVID-19 testing in long term facilities shall be~~ <--
16 ~~covered as follows:~~ A RECIPIENT OR EMPLOYEE SHALL SUBMIT THE <--
17 BILLING FOR THE COVID-19 TESTING UNDER SECTION 3 TO THE
18 RECIPIENT'S OR EMPLOYEE'S HEALTH INSURANCE CARRIER FOR COVERAGE.
19 THE COST OF COVID-19 TESTING NOT COVERED BY THE RECIPIENT'S OR
20 EMPLOYEE'S HEALTH INSURANCE SHALL BE COVERED AS FOLLOWS:

21 (1) The cost of testing under section 3(a) shall be
22 borne by the Department of Health-- FROM MONEY APPROPRIATED <--
23 FOR COVID-19 RELIEF RECEIVED BY THE COMMONWEALTH FROM THE
24 FAMILIES FIRST CORONAVIRUS RESPONSE ACT (PUBLIC LAW 116-127,
25 29 U.S.C. § 2601 ET SEQ.) OR THE CORONAVIRUS AID, RELIEF, AND
26 ECONOMIC SECURITY ACT (PUBLIC LAW 116-136, 134 STAT 281).

27 (2) The cost of testing under section 3(b) shall be
28 borne by the Department of Human Services-- FROM MONEY <--
29 APPROPRIATED FOR COVID-19 RELIEF RECEIVED BY THE COMMONWEALTH
30 FROM THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT OR THE

1 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT.

2 Section 5. Effective date.

3 This act shall take effect immediately.