
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2779 Session of
2020

INTRODUCED BY QUINN, THOMAS, HEFFLEY, STRUZZI, BERNSTINE,
SCHWEYER, SCHLOSSBERG, GROVE, RYAN, SCHLEGEL CULVER, GAYDOS,
BARRAR, MENTZER, MIZGORSKI, SAYLOR, HILL-EVANS, GREEN AND
JONES, AUGUST 18, 2020

REFERRED TO COMMITTEE ON HEALTH, AUGUST 18, 2020

AN ACT

1 Providing for retaining health care innovations during the
2 COVID-19 pandemic and imposing duties on the Joint State
3 Government Commission.

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 Retaining
8 Health Care Innovations Act.

9 Section 2. Purposes.

10 This act provides legal authority for administrative
11 flexibilities to continue despite the termination or expiration
12 of the COVID-19 disaster declaration and requires the
13 development of recommendations to retain innovations adopted
14 during the COVID-19 pandemic.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Administrative flexibilities." As follows:

3 (1) Executive orders, proclamations or regulations
4 issued, amended or rescinded under the COVID-19 disaster
5 declaration as authorized by 35 Pa.C.S. § 7301(b) (relating
6 to general authority of Governor).

7 (2) The term includes changes to policies, procedures
8 and practices adopted by State administrative agencies to
9 assist health care facilities, health care practitioners and
10 health care providers in responding to the COVID-19 pandemic.

11 "Commission." The Joint State Government Commission.

12 "COVID-19." The coronavirus disease 2019, an infectious
13 disease caused by severe acute respiratory syndrome coronavirus
14 2 that was first identified during December 2019 in Wuhan,
15 China.

16 "COVID-19 disaster declaration." The proclamation of
17 disaster emergency issued by the Governor on March 6, 2020,
18 published at 50 Pa.B. 1644 (March 21, 2020), and renewed on June
19 3, 2020, and any renewal of the state of disaster emergency, to
20 address COVID-19, in accordance with 35 Pa.C.S. § 7301(c).

21 "Extension period." The one-year period from the date of the
22 termination or expiration of the COVID-19 disaster declaration
23 during which administrative flexibilities provided to health
24 care facilities and health care practitioners remain in force.

25 "Health care facility." As defined in section 103 of the act
26 of July 19, 1979 (P.L.130, No.48), known as the Health Care
27 Facilities Act.

28 "Health care practitioner." As defined in section 103 of the
29 Health Care Facilities Act.

30 "Health care provider." As defined in section 103 of the

1 Health Care Facilities Act.

2 Section 4. Administrative flexibilities.

3 (a) Authorization.--Administrative flexibilities provided to
4 a health care facility, health care practitioner or a health
5 care provider and adopted under the authority of the COVID-19
6 disaster declaration shall be extended through the extension
7 period or until the Joint State Government Commission issues a
8 report in accordance with section 6, whichever is later.

9 (b) Emergency operations plan.--A health care facility may
10 take advantage of administrative flexibilities during the
11 extension period even if the emergency operations plan of the
12 health care facility is closed.

13 Section 5. Advisory committee.

14 In developing the report under section 6, the commission
15 shall establish an advisory committee comprised of, but not
16 limited to, the following individuals:

17 (1) A representative recommended by the Department of
18 Health.

19 (2) A representative recommended by the Department of
20 Human Services.

21 (3) A representative recommended by the Bureau of
22 Professional and Occupational Affairs of the Department of
23 State.

24 (4) A representative recommended by the Hospital and
25 Healthsystem Association of Pennsylvania.

26 (5) A representative recommended by the Pennsylvania
27 Medical Society.

28 (6) A representative recommended by the Rehabilitation
29 and Community Providers Association.

30 (7) A representative recommended by the Pennsylvania

1 State Nurses Association.

2 (8) A representative recommended by LeadingAge PA.

3 (9) A representative recommended by the Pennsylvania
4 Health Care Association.

5 (10) A representative recommended by the Pennsylvania
6 Association of Community Health Centers.

7 (11) A representative recommended by the Pennsylvania
8 Psychiatric Society.

9 (12) Any other representatives from other organizations
10 that are deemed appropriate by the commission.

11 Section 6. Report.

12 (a) Duty of commission.--The commission shall perform an
13 analysis of the administrative flexibilities described in
14 section 4 and issue a report to the General Assembly at least
15 180 days prior to the expiration of the extension period.

16 (b) Contents of report.--The report under this section
17 shall, at a minimum:

18 (1) Describe the administrative flexibilities granted
19 under the COVID-19 disaster declaration.

20 (2) Describe the impact of each administrative
21 flexibility on patient access and quality of care.

22 (3) Describe the financial impact of each administrative
23 flexibility on both the Commonwealth and the health care
24 facilities, health care practitioners and health care
25 providers affected by the waivers.

26 (4) Include recommendations to the General Assembly on
27 whether the administrative flexibilities should be
28 maintained.

29 Section 7. Limitations.

30 Nothing in this act shall require the Commonwealth to

1 maintain administrative flexibilities that would violate Federal
2 law or disqualify the Commonwealth from receiving Federal
3 matching funds for Medicaid services.

4 Section 8. Effective date.

5 This act shall take effect immediately.