
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of 2019

INTRODUCED BY YUDICHAK, BAKER, BROOKS, HUTCHINSON, PITTMAN,
GORDNER, J. WARD, TARTAGLIONE AND BLAKE, OCTOBER 18, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 18, 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 closure moratorium.

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

10 Section 1. The definitions of "department" and "secretary"
11 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
12 P.L.96, No.6), known as the Mental Health and Intellectual
13 Disability Act of 1966, are amended to read:

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

15 * * *

16 "Department" means the Department of [Public Welfare] Human
17 Services.

18 * * *

19 "Secretary" means the Secretary of [Public Welfare] Human
20 Services.

1 * * *

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

3 Section 202.1. State Facility Closure Moratorium.--(a) No
4 State facility shall close until all Medicaid waiver-eligible
5 individuals in this Commonwealth are authorized to begin
6 receiving home and community-based services furnished under a
7 waiver granted pursuant to section 1915(c)(1) of the Social
8 Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

9 (b) When all Medicaid waiver-eligible individuals have
10 received authorization under subsection (a), the department
11 shall transmit notice of that fact to the Legislative Reference
12 Bureau for publication in the Pennsylvania Bulletin. Upon
13 publication of the notice, the Task Force on the Closure of
14 State Centers is established within the department. Within sixty
15 days of publication of the notice, the secretary shall convene
16 an initial meeting of the task force. The task force shall
17 perform a comprehensive evaluation of the State facilities and
18 provide recommendations to the department prior to the closure
19 of one or more State facilities.

20 (c) The task force shall be comprised of the following
21 members:

22 (1) The secretary.

23 (2) One representative from each State facility, which may
24 include, but is not limited to, direct care providers or
25 administrative staff members, to be appointed by each facility
26 director.

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

28 (4) The chair and the minority chair of the Health and Human
29 Services Committee of the Senate.

30 (5) The chair and the minority chair of the Human Services

1 Committee of the House of Representatives.

2 (6) Two family members of residents of State facilities, to
3 be appointed by the secretary.

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

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

9 (1) Residents of the State facility and their families.

10 (2) Employees, both union and nonunion.

11 (3) The local economy in which the State facility is
12 located.

13 (4) Readiness of provider agencies in each region to expand
14 the community-based residential infrastructure to support
15 residents leaving State facilities.

16 (e) If a State facility is deemed eligible for closure by
17 way of a majority vote taken by the task force, the department
18 shall prepare a plan for the closure of the State facility and
19 the transition of individuals with intellectual disabilities
20 receiving care in the State facility to a home or community-
21 based support system. The plan shall include all of the
22 following:

23 (1) An assessment of the State facility, including:

24 (i) A certified independent appraisal of the State facility
25 property.

26 (ii) A report of the State employees employed at the State
27 facility, both full time and part time, including the total
28 number of employees, the cost of the total wages and total
29 benefits paid to the employees and an organizational flow chart
30 of employees working at the State facility.

1 (iii) A detailed report of the services provided at the
2 State facility by contracted third-party vendors.

3 (iv) An inventory of assets located at and improvements on
4 the State facility.

5 (v) A report of all electric, utility, water, landscaping,
6 snow removal and maintenance costs of the State facility.

7 (vi) Geospatial images of the State facility.

8 (vii) A detailed description of the existence, ownership
9 rights and appraised value of any mineral rights on the State
10 facility property.

11 (viii) A historical report of the institutional property,
12 including the date it was acquired or constructed, the dates of
13 any improvements on the property, any changes in property
14 records, such as subdivision of the property, historical
15 employment or complement levels and other historical data.

16 (2) The timeline, specific to each State facility, for the
17 transition to a home and community-based support system for all
18 of the individuals with intellectual disabilities living at the
19 State facility. Information required under this clause shall
20 specify the critical milestones in the closure process for the
21 State facility and the department's planned course of action to
22 effectuate the closure of the State facility, including
23 available and necessary resources.

24 (3) The home and community-based support providers available
25 in the immediate geographic area surrounding the State facility.

26 (4) The process the department will utilize at each State
27 facility to transition individuals with intellectual
28 disabilities supported at each State facility to a home and
29 community-based support system as provided under this section.

30 (5) The process the department will utilize at the State

1 facility to close buildings and reassign staff when individuals
2 with intellectual disabilities are transitioning from State
3 facilities to a home and community-based support system.

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

6 (f) A State facility subject to closure must continue to
7 operate with the level of staff necessary until all residents
8 have been transitioned into home or community-based services.

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

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

14 Section 4. This act shall take effect immediately.