
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1011 Session of
2021

INTRODUCED BY QUINN, MILLARD, SAYLOR, THOMAS, SCHLEGEL CULVER,
HILL-EVANS, STRUZZI AND BERNSTINE, MARCH 24, 2021

REFERRED TO COMMITTEE ON HEALTH, MARCH 24, 2021

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
18 context clearly indicates otherwise:

1 "Administrative flexibilities." As follows:

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3 issued, amended or rescinded under the COVID-19 disaster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

6 (2) The term includes changes to policies, procedures
7 and practices adopted by State administrative agencies to
8 assist health care facilities, Federally qualified health
9 centers, rural health clinics, 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
19 August 29, 2020, and any renewal of the state of disaster
20 emergency, to address COVID-19, in accordance with 35 Pa.C.S. §
21 7301(c).

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

26 "Federally qualified health center." A health center as
27 defined in section 1861(aa)(4) of the Social Security Act (49
28 Stat. 620, 42 U.S.C. § 1395X(aa)(4)).

29 "Health care facility." A facility that is licensed to
30 provide health care services under Article X of the act of June

1 13, 1967 (P.L.31, No.21), known as the Human Services Code, or
2 the act of July 19, 1979 (P.L.130, No.48), known as the Health
3 Care Facilities Act.

4 "Health care practitioner." As defined in section 103 of the
5 Health Care Facilities Act.

6 "Health care provider." As defined in section 103 of the
7 Health Care Facilities Act.

8 "Rural health clinic." As defined in section 1861(aa)(2) of
9 the Social Security Act (42 U.S.C. § 1395X(aa)(2)).

10 Section 4. Administrative flexibilities.

11 (a) Authorization.--Administrative flexibilities provided to
12 a health care facility, federally qualified health center, rural
13 health clinic, health care practitioner or a health care
14 provider and adopted under the authority of the COVID-19
15 disaster declaration shall be extended through the extension
16 period, or until the Joint State Government Commission issues a
17 report in accordance with section 6, whichever is later.

18 (b) Emergency operations plan.--A health care facility may
19 take advantage of administrative flexibilities during the
20 extension period even if the emergency operations plan of the
21 health care facility is closed.

22 Section 5. Advisory committee.

23 In developing the report under section 6, the commission
24 shall establish an advisory committee comprised of, but not
25 limited to, the following individuals:

26 (1) A representative recommended by the Department of
27 Health.

28 (2) A representative recommended by the Department of
29 Human Services.

30 (3) A representative recommended by the Bureau of

1 Professional and Occupational Affairs of the Department of
2 State.

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

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

7 (6) A representative recommended by the Rehabilitation
8 and Community Providers Association.

9 (7) A representative recommended by the Pennsylvania
10 State Nurses Association.

11 (8) A representative recommended by LeadingAge PA.

12 (9) A representative recommended by the Pennsylvania
13 Health Care Association.

14 (10) A representative recommended by the Pennsylvania
15 Association of Community Health Centers.

16 (11) A representative recommended by the Pennsylvania
17 Psychiatric Society.

18 (12) A representative recommended by the Pennsylvania
19 Health Law Project.

20 (13) An individual with a physical disability who
21 provides support through the Center for Independent Living.

22 (14) A representative recommended by the Service
23 Employees International Union Healthcare Pennsylvania.

24 (15) A representative recommended by the Pennsylvania
25 Association of Staff Nurses and Allied Professionals.

26 (16) A representative recommended by the Nurses of
27 Pennsylvania.

28 (17) A representative recommended by the Pennsylvania
29 Association of Managed Care Organizations.

30 (18) A representative recommended by the Pennsylvania

1 Coalition of Affiliated Healthcare and Living Communities.

2 (19) A representative recommended by the Pennsylvania
3 Home Care Association.

4 (20) A representative recommended by the Coalition for
5 the CommonHealth.

6 (21) A representative recommended by the Pennsylvania
7 Mental Health Consumers' Association.

8 (22) A representative recommended by a behavioral health
9 advocate organization.

10 (23) A representative recommended by the National
11 Alliance for Mental Illness Keystone Pennsylvania.

12 (24) A representative recommended by the Women's Law
13 Project.

14 (25) A representative recommended by the Pennsylvania
15 Coalition of Nurse Practitioners.

16 (26) Any other representatives from other organizations
17 that are deemed appropriate by the commission.

18 Section 6. Report.

19 (a) Duty of commission.--The commission shall perform an
20 analysis of the administrative flexibilities described in
21 section 4 and issue a report to the General Assembly.

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

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

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

28 (3) Describe the financial impact of each administrative
29 flexibility on both the Commonwealth and the health care
30 facilities, health care practitioners and health care

1 providers affected by the waivers.

2 (4) Include recommendations to the General Assembly on
3 whether the administrative flexibilities should be
4 maintained.

5 Section 7. Limitations.

6 Nothing in this act shall require the Commonwealth to
7 maintain administrative flexibilities that would violate Federal
8 law or disqualify the Commonwealth from receiving Federal
9 matching funds for Medicaid services.

10 Section 8. Construction.

11 Nothing in this act shall be construed to prohibit a State
12 administrative agency from ending any waiver or suspension of
13 regulations deemed to be no longer necessary during the period
14 of the COVID-19 disaster declaration. Nothing in this act shall
15 be construed to permanently amend or expand health care
16 practitioner or health care provider licensing, supervisory
17 requirements or scope of practice.

18 Section 9. Applicability.

19 (a) Publication.--A State administrative agency shall submit
20 a public notice to the Legislative Reference Bureau for
21 publication in the Pennsylvania Bulletin 60 days before the
22 expiration or termination date of an administrative flexibility.

23 (b) Notice.--The provisions of this act shall not apply to
24 administrative flexibilities no longer in effect on the date the
25 COVID-19 disaster declaration expires or is terminated by
26 executive order, proclamation or operation of law. If a State
27 administrative agency has submitted a public notice to the
28 Legislation Reference Bureau for publication in the Pennsylvania
29 Bulletin that provides for the expiration or termination date of
30 an administrative flexibility under subsection (a) before the

1 expiration or termination of the COVID-19 disaster declaration,
2 the administrative flexibility shall be deemed expired or
3 terminated for purposes of this act before the end of the COVID-
4 19 disaster declaration.

5 Section 10. Effective date.

6 This act shall take effect immediately.