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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1359 Session of  
2021

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INTRODUCED BY ROTHMAN, KINSEY, HILL-EVANS, THOMAS, MENTZER,  
DRISCOLL, KAIL, POLINCHOCK, CAUSER, OWLETT, STEPHENS, RADER,  
GAYDOS, FLOOD, WHEELAND, SANKEY, HELM, GILLESPIE, FRITZ,  
R. MACKENZIE, ROZZI, FARRY, KAUFER, LONGIETTI, T. DAVIS,  
HARKINS, WARNER, SHUSTERMAN, LEWIS DELROSSO, BOBACK, ECKER,  
O'NEAL, JOZWIAK, BROOKS AND SNYDER, MAY 7, 2021

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REFERRED TO COMMITTEE ON APPROPRIATIONS, MAY 7, 2021

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AN ACT

1 Establishing the Health Care Heroes and Public Health  
2 Preparedness Program and the Health Care Heroes and Public  
3 Health Preparedness Account to award grants to hospitals  
4 impacted by the COVID-19 pandemic; providing for  
5 administration of the program and for reporting requirements;  
6 and making an appropriation.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Health Care  
11 Heroes and Public Health Preparedness Act.

12 Section 2. Findings and declarations.

13 The General Assembly finds and declares as follows:

14 (1) Since the outbreak of the COVID-19 pandemic in March  
15 2020, hospitals and health care personnel in this  
16 Commonwealth have faced challenges in administering COVID-19  
17 vaccines, maintaining current operations, providing treatment  
18 to patients with COVID-19, testing, preparing and maintaining

1 readiness for future demand, ensuring workforce stability and  
2 dealing with the economic consequences of the cancellation of  
3 elective procedures, business closures, virtual education,  
4 reluctance to seek care and stay-at-home orders.

5 (2) Before the start of the COVID-19 pandemic, hospitals  
6 in this Commonwealth struggled to develop and maintain a  
7 robust workforce.

8 (3) Moreover, as a result of COVID-19, many health care  
9 personnel in this Commonwealth have witnessed extraordinary  
10 amounts of suffering and have decided to expedite their  
11 retirement plans or have otherwise chosen to leave their  
12 careers in health care.

13 (4) The COVID-19 pandemic has also forced hospitals in  
14 this Commonwealth to look for innovative ways to deliver  
15 health care to patients, which requires significant training  
16 resources.

17 (5) Many hospitals in this Commonwealth still carry  
18 financial losses incurred during the COVID-19 pandemic that  
19 are not covered by the Federal Government and have been  
20 forced to curtail spending necessary funds to meet the health  
21 care needs of their patients.

22 (6) The COVID-19 pandemic has also required many  
23 hospitals in this Commonwealth to act as local public health  
24 providers by providing contact tracing for COVID-19,  
25 administering COVID-19 vaccines and providing reliable public  
26 health information.

27 (7) In addition, the COVID-19 pandemic has only  
28 exacerbated the existing crisis of the inadequate capacity  
29 for placement of patients in need of behavioral health  
30 services in this Commonwealth.

1           (8) To address these issues, it is necessary to  
2       establish a grant program to ensure the viability of this  
3       Commonwealth's health care system during and after the COVID-  
4       19 pandemic.

5 Section 3. Definitions.

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

9       "Account." The Health Care Heroes and Public Health  
10      Preparedness Account established under section 5(a).

11      "Department." The Department of Human Services of the  
12      Commonwealth.

13      "Eligible recipient." A hospital that has submitted an  
14      application for a grant under the program under section 5(b) and  
15      has received an approval of the application by the department  
16      under section 6(c).

17      "Hospital." A facility having an organized medical staff and  
18      providing equipment and services primarily for inpatient care to  
19      individuals who require definitive diagnosis or treatment for  
20      injury, illness, pregnancy or other conditions.

21      "Program." The Health Care Heroes and Public Health  
22      Preparedness Program established under section 4(a).

23 Section 4. The Health Care Heroes and Public Health  
24                      Preparedness Program.

25      (a) Establishment.--The Health Care Heroes and Public Health  
26      Preparedness Program is established within the department for  
27      the purpose of awarding grants to hospitals under this act.

28      (b) Eligible costs.--The department may award a grant under  
29      the program to an eligible recipient to cover the costs  
30      associated with any of the following:

1           (1) Workforce grant: hospital employee programs and  
2 initiatives for the eligible recipient, including specialized  
3 employee training programs, employee counseling and  
4 resiliency programs, employee retention initiatives, day-care  
5 programs and enhanced COVID-19-related staffing and hazard  
6 pay programs.

7           (2) Public health preparedness grant: public health  
8 preparedness programs or initiatives for the eligible  
9 recipient, including COVID-19-related costs not covered by  
10 the Federal Government, costs incurred for COVID-19  
11 vaccination programs, public health infrastructure programs,  
12 COVID-19 vaccination outreach targeting underserved  
13 communities and building or service improvements to provide  
14 appropriate care in a post-COVID-19 pandemic environment.

15           (3) Behavioral health grant: behavioral health programs  
16 or initiatives for the eligible recipient, including  
17 equipment and software to implement telepsychiatry programs,  
18 community programs to recruit, train or retain behavioral  
19 health care providers in high-need areas, programs to support  
20 personal care home capacity or behavioral health capacity in  
21 communities experiencing discharge delays and computerized  
22 bed management systems.

23 Section 5. Health Care Heroes and Public Health Preparedness  
24 Account.

25           (a) Establishment.--The Health Care Heroes and Public Health  
26 Preparedness Account is established as a restricted account in  
27 the General Fund. From the amount received by the Commonwealth  
28 from the Federal Government under the American Rescue Plan Act  
29 of 2021 (Public Law 117-2, 135 Stat. 4), \$650,000,000 shall be  
30 deposited into the account. Money in the account shall not lapse

1 or be transferred to any other account or fund.

2 (b) Appropriation.--All of the money in the account is  
3 appropriated to the department for the purpose of awarding  
4 grants under the program to eligible recipients and  
5 administering the program and to pay for costs incurred by the  
6 department under section 6(d) (2) and (3).

7 Section 6. Administration of program.

8 (a) Administration.--The department shall administer the  
9 program in accordance with this act.

10 (b) Application.--To apply for a grant under the program, a  
11 hospital shall submit an application to the department on a form  
12 and in a manner prescribed by the department. An application  
13 under this subsection shall include all of the following  
14 information:

15 (1) A statement and documentation justifying the need  
16 for the grant.

17 (2) A statement or documentation detailing how the grant  
18 will be used for future public health investments.

19 (3) Multiple letters of support from community health  
20 partners.

21 (c) Review.--Beginning no later than 15 days after the  
22 effective date of this section, the department shall begin  
23 reviewing applications under subsection (b). No later than 90  
24 days after a completed application under subsection (b) is  
25 received from a hospital, the department shall review and  
26 approve or deny the application. A hospital may revise and  
27 resubmit a denied application to the department.

28 (d) Award of grants.--

29 (1) The department may award a grant under the program  
30 to an eligible recipient in the form of a prepayment,

1 prospective payment or retroactive payment as determined  
2 appropriate by the department.

3 (2) The department shall award a grant under the program  
4 to an eligible recipient through the use of the most  
5 efficient payment system practicable, which may include the  
6 payment systems administered by the department under the  
7 medical assistance program.

8 (3) To the extent practicable, the department shall, if  
9 appropriate, utilize Federal Medicaid matching funds to  
10 increase a grant award under the program or award additional  
11 grants under the program in accordance with Federal and State  
12 law.

13 (e) Limitations.--

14 (1) The department may not award a grant under the  
15 program to reimburse an eligible recipient for expenses or  
16 losses incurred that have been completely reimbursed from  
17 other sources. An eligible recipient shall submit reports and  
18 maintain documentation as required by the department to  
19 ensure compliance with this paragraph and other requirements  
20 under this act.

21 (2) The department may not award grants under the  
22 program in excess of the amount of funds in the account.

23 Section 7. Reporting requirements.

24 (a) Reports.--No later than 60 days after the effective date  
25 of this section and every 60 days thereafter, the department  
26 shall issue a report on the obligation of funds in the account  
27 to the chair and minority chair of the Appropriations Committee  
28 of the Senate and the chair and minority chair of the  
29 Appropriations Committee of the House of Representatives until  
30 all the funds have been expended in the account.

1       (b) Audits.--No later than three years after all the funds  
2 have been expended in the account, the Auditor General shall  
3 issue an audit of the program to the chair and minority chair of  
4 the Appropriations Committee of the Senate and the chair and  
5 minority chair of the Appropriations Committee of the House of  
6 Representatives. The Auditor General may conduct interim audits  
7 of the program as the Auditor General deems necessary.

8 Section 8. Effective date.

9       This act shall take effect immediately.