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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1955 Session of  
2021

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INTRODUCED BY MULLERY, JAMES, FREEMAN, McNEILL, LONGIETTI,  
MADDEN, BURNS, HEFFLEY, TOOIL, METCALFE AND DELLOSO,  
OCTOBER 5, 2021

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REFERRED TO COMMITTEE ON HEALTH, OCTOBER 5, 2021

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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 center 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 and the section is amended  
14 by adding a definition to read:

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

16 \* \* \*

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

19 \* \* \*

20 "Secretary" means the Secretary of [Public Welfare] Human

1 Services.

2 \* \* \*

3 "State center" means a residential mental health  
4 establishment that provides housing in addition to diagnosis,  
5 treatment care, rehabilitation or detention of intellectually  
6 disabled or mentally disabled individuals.

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

8 Section 202.1. State Center Closure Moratorium.--(a) No  
9 State center shall close until all Medicaid-waiver-eligible  
10 individuals in this Commonwealth are authorized to begin  
11 receiving home-and-community-based services furnished under a  
12 waiver granted under section 1915(c)(1) of the Social Security  
13 Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

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

25 (c) The task force shall be comprised of the following  
26 members:

27 (1) The secretary.

28 (2) One representative from each State center, which may  
29 include direct care providers or administrative staff members,  
30 to be appointed by each center director.

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

2 (4) The chairman and the minority chairman of the Health and  
3 Human Services Committee of the Senate.

4 (5) The chairman and the minority chairman of the Human  
5 Services Committee of the House of Representatives.

6 (6) Two family members of residents of State centers, to be  
7 appointed by the secretary.

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

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

13 (1) Residents of the State center and their families.

14 (2) Employees, both union and nonunion.

15 (3) The local economy in which the State center is located.

16 (4) Readiness of provider agencies in each region to expand  
17 the community-based residential infrastructure to support  
18 residents leaving State centers.

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

25 (1) An assessment of the State center, including:

26 (i) A certified independent appraisal of the State center  
27 property.

28 (ii) A report of the State employees employed at the State  
29 center, both full time and part time, including the total number  
30 of employees, the cost of the total wages and total benefits paid

1 to the employes and an organizational flow chart of employes  
2 working at the State center.

3 (iii) A detailed report of the services provided at the  
4 State center by contracted third-party vendors.

5 (iv) An inventory of assets located at and improvements on  
6 the State center.

7 (v) A report of all electric, utility, water, landscaping,  
8 snow removal and maintenance costs of the State center.

9 (vi) Geospatial images of the State center.

10 (vii) A detailed description of the existence, ownership  
11 rights and appraised value of any mineral rights on the State  
12 center property.

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

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

26 (3) The home-and-community-based support providers available  
27 in the immediate geographic area surrounding the State center.

28 (4) The process the department will utilize at each State  
29 center to transition individuals with intellectual disabilities  
30 supported at each State center to a home-and-community-based

1 support system as provided under this section.

2 (5) The process the department will utilize at the State  
3 center to close buildings and reassign staff when individuals  
4 with intellectual disabilities are transitioning from State  
5 centers to a home-and-community-based support system.

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

8 (f) A State center subject to closure shall continue to  
9 operate with the level of staff necessary until all residents  
10 have been transitioned into home-and-community-based services.

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

14 Section 3. The addition of section 202.1 of the act shall  
15 apply to closures made after October 1, 2021.

16 Section 4. This act shall take effect immediately.