

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2378 Session of 2022

INTRODUCED BY GROVE, RYAN, PICKETT, STAMBAUGH, COX, SAYLOR,
HAMM, KEEFER AND MENTZER, MARCH 8, 2022

REFERRED TO COMMITTEE ON HEALTH, MARCH 8, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,
34 every State depository and every debtor or creditor of the

Commonwealth," in emergency COVID-19 response, providing for Federal maintenance of effort restrictions and for ending maintenance of effort restrictions related to COVID-19 public health emergency.

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

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding sections to read:

Section 161-C. Federal maintenance of effort restrictions.

(a) Procedures.--When the department receives funding contingent on temporary maintenance of effort restrictions or, for any reason, is limited in the ability to disenroll individuals, such as through restrictions imposed by section 6008 of the Families First Coronavirus Response Act (Public Law 116-127, 134 Stat. 177), the department shall:

(1) Continue to conduct redeterminations as in the normal course of business and act on the redeterminations to the fullest extent permissible under the law.

(2) Within 60 days of the expiration of the restrictions, complete a full audit in which the department shall:

(i) Complete and act on eligibility redeterminations for all cases that have not had a redetermination within the last 12 months.

(ii) Request Federal approval from the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for the authority to conduct and act on eligibility redeterminations for each individual enrolled during the period of restrictions enrolled for three or more total months and shall, within 60 days of approval, conduct and act on the redeterminations.

1 (iii) Carry out an additional check of all
2 verification measures established under section 441.9 of
3 the act of June 13, 1967 (P.L.31, No.21), known as the
4 Human Services Code, to verify eligibility and act on the
5 information checked.

6 (iv) Submit a summary report of the audit to the
7 members of the General Assembly, the Office of the
8 Inspector General, the Attorney General, the Auditor
9 General and the State Treasurer. At a minimum, the report
10 shall include:

11 (A) The number of enrollees enrolled in medical
12 assistance who are ineligible at the time that the
13 restrictions end, how confident the department is in
14 that number and on what basis that confidence is
15 founded.

16 (B) The extent to which the department has
17 continued to conduct redeterminations while
18 restrictions were in place and how much time the
19 department expects to need to disenroll all
20 ineligible individuals.

21 (C) The total State dollars spent on ineligible
22 enrollees in each month in the period in which the
23 restrictions were in place and the basis for that
24 estimate.

25 (D) For each month in the period in which the
26 restrictions were in place, the number of individuals
27 checked for eligibility by cross-checking
28 incarceration records, the number of these
29 individuals determined ineligible and the number of
30 individuals removed within one month on this basis.

1 (E) For each month in the period in which the
2 restrictions were in place, the number of individuals
3 checked for eligibility by cross-checking out-of-
4 State EBT card spending records, the number of these
5 individuals determined ineligible and the number of
6 individuals removed within one month on this basis.

7 (F) For each fiscal quarter in the period in
8 which the restrictions were in place, the number of
9 individuals checked for eligibility by cross-checking
10 tax records, the number of these individuals
11 determined ineligible and the number of individuals
12 removed within one month on this basis.

13 (G) For each month in the period in which the
14 restrictions were in place, the number of individuals
15 checked for eligibility by cross-checking death
16 records, the number of these individuals determined
17 ineligible and the number of individuals removed
18 within one month on this basis.

19 (H) For each month in the period in which the
20 restrictions were in place, the number of individuals
21 checked for eligibility by cross-checking lottery
22 records, the number of these individuals determined
23 ineligible and the number of individuals removed
24 within one month on this basis.

25 (I) For each month in the period in which the
26 restrictions were in place, the number of individuals
27 checked for eligibility by cross-checking wage
28 records, the number of these individuals determined
29 ineligible and the number of individuals removed
30 within one month on this basis.

1 (J) The percentage of enrollees in each
2 eligibility category found to have zero reported and
3 unreported income for each month in the period in
4 which the restrictions were in place.

5 (b) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Department." The Department of Human Services of the
9 Commonwealth.

10 Section 162-C. Ending maintenance of effort restrictions
11 related to COVID-19 public health emergency.

12 Notwithstanding section 6008 of the Families First
13 Coronavirus Response Act (Public Law 116-127, 134 Stat. 177),
14 the Department of Human Services shall notify the Centers for
15 Medicare and Medicaid Services of the United States Department
16 of Health and Human Services that the State will proceed with
17 scheduled, annual redeterminations and remove enrollees who are
18 ineligible beginning on the first day of the first full quarter
19 after the effective date of this section.

20 Section 2. This act shall take effect in 60 days.