

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2401 Session of 2022

INTRODUCED BY WHEELAND, RYAN, HENNESSEY, KEEFER, PICKETT, KAUFFMAN, M. MACKENZIE, GUENST, SAYLOR, STRUZZI, BROOKS, BERNSTINE, GROVE, MAJOR AND JAMES, MARCH 16, 2022

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 29, 2022

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," in licensing of health care
10 facilities, further providing for licensure.

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

13 Section 1. Section 806(d) of the act of July 19, 1979
14 (P.L.130, No.48), known as the Health Care Facilities Act, is
15 amended to read:

16 Section 806. Licensure.

17 * * *

18 (d) Home health care agency regulations.--

19 (1) In developing rules and regulations for licensure of
20 home health care agencies the department shall take into
21 consideration the standards of national accreditation

1 organizations as the department may find appropriate.

2 (2) Home health care services may be ordered by nurse
3 practitioners and physician assistants as provided under
4 sections 1814(a) and 1835(a) of the Social Security Act (49
5 Stat. 620, 42 U.S.C. § 1395 et seq.), if the nurse
6 practitioner's or physician assistant's collaborating or
7 supervising physician is identified in the patient's written
8 plan of treatment. UPON RECEIPT OF THE NECESSARY FEDERAL <--
9 WAIVERS OR APPROVALS FOR MEDICAL ASSISTANCE PROGRAMS UNDER
10 PARAGRAPH (3), HOME HEALTH CARE SERVICES FOR INDIVIDUALS
11 ELIGIBLE FOR MEDICAL ASSISTANCE MAY ALSO BE ORDERED BY NURSE
12 PRACTITIONERS AND PHYSICIAN ASSISTANTS IF THE NURSE
13 PRACTITIONER'S OR PHYSICIAN ASSISTANT'S COLLABORATING OR
14 SUPERVISING PHYSICIAN IS IDENTIFIED IN THE PATIENT'S WRITTEN
15 PLAN OF TREATMENT.

16 (3) THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT A
17 REQUEST FOR FEDERAL WAIVERS OR APPROVALS FOR MEDICAL
18 ASSISTANCE PROGRAMS TO THE FEDERAL GOVERNMENT AS NECESSARY TO
19 IMPLEMENT PARAGRAPH (2) AND TO ENSURE COMPLIANCE WITH FEDERAL
20 LAW.

21 ~~(3)~~ (4) Within 30 days of issuance, an order of home <--
22 health care services must be signed and dated by a physician,
23 nurse practitioner or physician assistant.

24 ~~(4) The supervision of home health aides shall follow~~ <--
25 ~~Federal regulation under 42 CFR 484.80(h) (relating to~~
26 ~~condition of participation: home health aide services).~~

27 ~~(5)~~ (5) THE DEPARTMENT SHALL COMPLY WITH 42 CFR <--
28 484.80(H) (RELATING TO CONDITION OF PARTICIPATION: HOME
29 HEALTH AIDE SERVICES) FOR THE PURPOSES OF THIS SUBSECTION.

30 (6) Home health care agencies certified as providers by

1 the department to the Federal Government for purposes of the
2 Medicare program shall be deemed to comply with and satisfy
3 the department's regulations governing home health care
4 agencies.

5 * * *

6 Section 2. The provisions of 28 Pa. Code § ~~601.31(a)~~ 601.31 <--
7 are abrogated insofar as they are inconsistent with the
8 amendment of section 806(d) of the act.

9 Section 3. This act shall take effect immediately.