
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 108 Session of
2021

INTRODUCED BY BARTOLOTTA, LAUGHLIN, LANGERHOLC, J. WARD, BLAKE,
MENSCH, AUMENT, BROOKS, COLLETT, HUTCHINSON, ARGALL,
TOMLINSON, REGAN, K. WARD AND HUGHES, JANUARY 22, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, JANUARY 22, 2021

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 further providing for medical assistance payments for
5 institutional care.

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

8 Section 1. Section 443.1(7) of the act of June 13, 1967
9 (P.L.31, No.21), known as the Human Services Code, is amended by
10 adding a subparagraph to read:

11 Section 443.1. Medical Assistance Payments for Institutional
12 Care.--The following medical assistance payments shall be made
13 on behalf of eligible persons whose institutional care is
14 prescribed by physicians:

15 * * *

16 (7) After June 30, 2007, payments to county and nonpublic
17 nursing facilities enrolled in the medical assistance program as
18 providers of nursing facility services shall be determined in
19 accordance with the methodologies for establishing payment rates

1 for county and nonpublic nursing facilities specified in the
2 department's regulations and the Commonwealth's approved Title
3 XIX State Plan for nursing facility services in effect after
4 June 30, 2007. The following shall apply:

5 * * *

6 (vii) For each fiscal year beginning on or after fiscal year
7 2020-2021, an additional annual payment equal to one hundred
8 thirty dollars (\$130) per eligible Medicaid ventilator or
9 tracheostomy day shall be paid to qualified medical assistance
10 nonpublic and county nursing facilities on a quarterly basis.
11 The department will obtain all necessary approvals and take all
12 steps required to ensure the distribution of these payments to
13 all qualifying nursing facilities under both the fee-for-service
14 program and the managed long-term services and supports program.
15 The following shall apply:

16 (A) A nonpublic or county nursing facility will qualify for
17 the payment if, during any quarter of the year, the facility
18 had:

19 (I) a minimum of ten medical assistance recipient residents
20 who received medically necessary ventilator care or tracheostomy
21 care according to the most recently available Picture Date CMI
22 Report; and

23 (II) at least seventeen percent of the facility's medical
24 assistance recipient resident population receiving medically
25 necessary ventilator care or tracheostomy care according to at
26 least one of the three most recently available medical
27 assistance Picture Date CMI Reports.

28 (B) The department shall calculate a qualified nonpublic or
29 county nursing facility's payment as follows:

30 (I) The determination of medically necessary ventilator care

1 is based on whether there is a positive response to MDS 3.0
2 Section O0100F1 or O0100F2 on the MDS assessment identified on
3 the Picture Date CMI Report. The determination of medically
4 necessary tracheostomy care is based on whether there is a
5 positive response to MDS 3.0 Section O0100E1 or O0100E2 on the
6 MDS assessment identified on the Picture Date CMI Report.

7 (II) The quarterly payment shall equal the additional
8 supplemental ventilator care and tracheostomy care per diem
9 described in unit (a) multiplied by the number of eligible days
10 described in unit (b) as follows:

11 (a) The additional supplemental ventilator care and
12 tracheostomy care per diem shall equal the number of MA-
13 recipient residents who receive necessary ventilator care or
14 tracheostomy care/total MA-recipient residents x \$130 as
15 identified in the facility's most recently available Picture
16 Date CMI Report.

17 (b) The facility's eligible days for the quarter are the
18 facility's paid MA facility days and therapeutic leave days; if
19 the facility does not meet the criteria of clause (A)(I) during
20 the payment quarter, the facility's eligible days for the
21 quarter are zero.

22 (C) The department shall publish on a quarterly basis the
23 information contained in the Supplemental Ventilator Care and
24 Tracheostomy Care Payments file currently published on the
25 department's publicly accessible Internet website.

26 * * *

27 Section 2. This act shall take effect immediately.