

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 642 Session of  
2021

---

INTRODUCED BY BARTOLOTTA, LANGERHOLC, YUDICHAK, BAKER, J. WARD,  
BREWSTER AND STEFANO, MAY 24, 2021

---

REFERRED TO HEALTH AND HUMAN SERVICES, MAY 24, 2021

---

AN ACT

1 Establishing the Health Care Heroes and Public Health  
2 Preparedness Program and Health Care Heroes and Public Health  
3 Preparedness Account to award grants to hospitals impacted by  
4 the COVID-19 pandemic; providing for administration of the  
5 program and for reporting requirements; and making an  
6 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  
19 readiness for future demand, ensuring workforce stability and  
20 dealing with the economic consequences of the cancellation of

1 elective procedures, business closures, virtual education,  
2 reluctance to seek care and stay-at-home orders.

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

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

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

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

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

25 (7) In addition, the COVID-19 pandemic has only  
26 exacerbated the existing crisis of the medically inadequate  
27 placement of patients in this Commonwealth.

28 (8) Hospitals in this Commonwealth need to increase  
29 behavioral health capacity to allow patients who can be  
30 discharged to find health care, especially during the COVID-

1 19 pandemic.

2 (9) To address these issues, it is necessary to  
3 establish a grant program to ensure the viability of this  
4 Commonwealth's health care system during and after the COVID-  
5 19 pandemic.

6 Section 3. Definitions.

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

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

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

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

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

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

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

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

29 (b) Eligible costs.--The department may award a grant under  
30 the program to an eligible recipient to cover the costs

1 associated with any of the following:

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

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

14 (3) Programs to address behavioral health and postacute  
15 capacity and barriers, including equipment and software to  
16 implement telepsychiatry programs, community programs to  
17 recruit, train or retain behavioral health care providers in  
18 high-need areas, programs to support personal care home  
19 capacity in communities experiencing discharge delays and  
20 computerized bed management systems.

21 Section 5. Health Care Heroes and Public Health Preparedness  
22 Account.

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

30 (b) Appropriation.--All of the money in the account is

1 appropriated to the department for the purpose of awarding  
2 grants under the program to eligible recipients and  
3 administering the program and to pay for costs incurred by the  
4 department under section 6(d)(2) and (3).

5 Section 6. Administration of program.

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

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

13 (1) A statement and documentation justifying the need  
14 for the grant.

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

17 (3) Multiple letters of support from community health  
18 partners.

19 (c) Review.--Beginning no later than 45 days after the date  
20 of enactment, the department shall review applications under  
21 subsection (b). No later than 90 days after a completed  
22 application under subsection (b) is received from a hospital,  
23 the department shall review and approve or deny the application.  
24 A hospital may revise and resubmit a denied application to the  
25 department.

26 (d) Award of grants.--

27 (1) The department may award a grant under the program  
28 to an eligible recipient in the form of a prepayment,  
29 prospective payment or retroactive payment as determined  
30 appropriate by the department.

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

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

11       (e) Limitations.--

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

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

21 Section 7. Reporting requirements.

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

29       (b) Audits.--No later than three years after all the funds  
30 have been expended in the account, the Auditor General shall

1 issue an audit of the program to the chair and minority chair of  
2 the Appropriations Committee of the Senate and the chair and  
3 minority chair of the Appropriations Committee of the House of  
4 Representatives. The Auditor General may conduct interim audits  
5 of the program as the Auditor General deems necessary.

6 Section 8. Effective date.

7 This act shall take effect immediately.