
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1126 Session of
2022

INTRODUCED BY J. WARD, MASTRIANO, MENSCH, STEFANO, COLLETT,
SCHWANK, KANE, BOSCOLA, COMITTA, MARTIN, ROBINSON, PITTMAN
AND ARGALL, MARCH 17, 2022

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 17, 2022

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 preliminary provisions,
4 further providing for definitions; in general powers and
5 duties of the Department of Human Services, providing for
6 employment opportunities, for pilot programs, for system
7 innovation, for simplify the system reports, for
8 strengthening in-home and community supports and companion
9 services, for intellectual disability and autism
10 transportation reform, for weighted licensure, for private
11 accreditation and licensure, for reinvestment, for assessment
12 accuracy and timeliness, for reports and for Information
13 Sharing and Advisory Committee; and making editorial changes.

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

16 Section 1. Section 102 of the act of June 13, 1967 (P.L.31,
17 No.21), known as the Human Services Code, is amended to read:

18 Section 102. Definitions.--Subject to additional definitions
19 contained in subsequent articles of this act, the following
20 words when used in this act shall have, unless the context
21 clearly indicates otherwise, the meanings given them in this
22 section:

23 "Department" means the Department of Human Services of this

1 Commonwealth.

2 "ISAC" means the Information Sharing and Advisory Committee
3 established under section 228.

4 "ODP" means the Office of Developmental Programs of the
5 Department of Human Services.

6 "OVR" means the Office of Vocational Rehabilitation of the
7 Department of Labor and Industry.

8 "Secretary" means the Secretary of Human Services of this
9 Commonwealth.

10 Section 2. Article II heading of the act is amended to read:

11 ARTICLE II

12 GENERAL POWERS AND DUTIES

13 OF THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES

14 Section 3. The act is amended by adding sections to read:

15 Section 217. Employment Opportunities.--Relying on reports
16 and data received by the Employment First Oversight Commission,
17 the ODP shall prepare and submit an annual report to the General
18 Assembly on the employment rate for people with disabilities in
19 competitive, integrated employment, barriers to employment and
20 strategies for overcoming the barriers for individuals employed
21 on or before October 1. The report shall include the following:

22 (1) The distribution of number of hours of employment per
23 week.

24 (2) Hourly wage.

25 (3) Impact on individuals with intellectual disabilities and
26 autism such as physical health outcomes, behavioral outcomes and
27 increased independence.

28 (4) Length of current employment.

29 Section 218. Pilot Programs.--(a) The OVR and ODP shall
30 jointly oversee and implement a two-year pilot program to better

1 coordinate eligibility, supports, funding and oversight of
2 employment services for the benefit of individuals with
3 intellectual disability, developmental disability or autism
4 spectrum disorder.

5 (b) The department, in consultation with the Department of
6 Labor and Industry and the Employment First Oversight
7 Commission, shall prepare and submit to the General Assembly and
8 release to the public an annual report on or before October 1
9 that includes the following information:

10 (1) Employment rate of pilot participants and distribution
11 among standard occupational classifications.

12 (2) The distribution of number of hours of employment per
13 week.

14 (3) Hourly wage.

15 (4) Impact on individuals with intellectual disabilities and
16 autism, including physical health outcomes, behavioral outcomes
17 and increased independence.

18 (5) Length of current employment.

19 Section 219. System Innovation.--The ODP may obtain
20 necessary approvals from the Federal Government to implement and
21 conduct pilot programs under the medical assistance program with
22 the agreement of stakeholders, including the Pennsylvania
23 Advocacy and Resources for Autism and Intellectual Disability,
24 the Rehabilitation and Community Providers Association, the Arc
25 of Pennsylvania, Vision for Equality and Disability Rights
26 Pennsylvania, the Provider Alliance, the Alliance of Community
27 Service Providers and Max Association.

28 Section 220. Simplify the System Reports.--(a) Through the
29 ISAC, the ODP shall convene a group of stakeholders to simplify
30 the intellectual disability/autism system for individuals,

1 families, providers and the State, shall eliminate redundancies
2 and shall ensure a foundation of self-determined outcomes. The
3 report shall address at a minimum the following areas:

4 (1) Administrative, including:

5 (i) Service planning.

6 (ii) Billing.

7 (iii) Incident management.

8 (iv) Audits.

9 (2) Autism.

10 (3) Children.

11 (4) Healthcare, including:

12 (i) Behavioral health.

13 (ii) Dental health.

14 (iii) Nursing and health services.

15 (5) Employment.

16 (6) Housing.

17 (7) Individuals with medically complex needs.

18 (8) Involvement with the criminal justice system.

19 (9) Other related areas where administrative redundancies
20 can be eliminated and operational efficiencies can be realized.

21 (b) The Deputy Secretary of ODP shall present the report to
22 the Governor, the secretary and system stakeholders no later
23 than November 1, 2022. After the submission of the report, any
24 assigned committee will be deemed to have fulfilled its duties
25 under this section.

26 Section 221. Strengthening In-Home and Community Supports
27 and Companion Services.--(a) Through the ISAC, the ODP shall
28 complete a study on the long-term benefits of in-home and
29 community supports and companion services delivered to
30 individuals enrolled in the ODP administered home and community-

1 based services waivers. The study shall include satisfaction of
2 service recipients, financial impact, barriers to access and
3 provider capacity. The ODP shall submit the study to the
4 Governor and General Assembly by November 1, 2022. After the
5 submission of the report, any assigned committee will be deemed
6 to have fulfilled its duties under this section.

7 Section 222. Intellectual Disability and Autism
8 Transportation Reform.--The ODP, in consultation with the ISAC
9 and any other necessary committee, shall develop and propose
10 recommendations to the Department of Transportation regarding
11 improvements in access to public transportation by individuals
12 with intellectual disability or autism. The Department of
13 Transportation shall review the recommendations in coordination
14 with the Governor for consideration for submission to the
15 General Assembly for legislative action by November 1, 2022.
16 After the submission of the report, any assigned committee will
17 be deemed to have fulfilled its duties under this section.

18 Section 223. Weighted Licensure.--Facilities licensed under
19 55 Pa. Code Chapters 2380, 2390, 6400 and 6500 shall be given
20 the option to have differential or weighted licensure status
21 based on the assessment of a licensee's level of compliance with
22 applicable regulations. The department shall propose regulations
23 for differential and weighted licensure measurement. The
24 regulations shall focus licensure review of regulatory
25 compliance on licensees in the lower 15th percentile of licensed
26 providers as determined by the number of citations and the
27 number of recipients in the licensed service.

28 Section 224. Private Accreditation and Licensure.--
29 Facilities licensed under 55 Pa. Code Chapters 2380, 2390, 6400
30 and 6500 shall qualify for compliance with licensure standards

1 from the department if the facilities are accredited by a
2 private nongovernmental organization such as the Commission on
3 Accreditation of Rehabilitation Facilities, provided that the
4 accreditation standards meet or exceed applicable department
5 licensing standards. The department shall conduct reviews on
6 department licensing standards for which the accreditation
7 standards do not meet or exceed applicable department licensing
8 standards. Facilities shall be responsible for the cost of
9 obtaining accreditation.

10 Section 225. Reinvestment.--Savings in State funds achieved
11 by the adoption of the policies and procedures described in
12 sections 218 through 224 shall be dedicated to increasing wages
13 for direct support professionals who render care and support
14 under ODP administered waiver programs that fund community-based
15 services to individuals with an intellectual disability or
16 autism and to fund services for individuals on the waiting list
17 for ODP administered waiver services.

18 Section 226. Assessment Accuracy and Timeliness.--The
19 department shall assure that for all ODP services with funding
20 based on an assessment process, that the assessment shall be
21 completed within thirty of days of request and that a change to
22 rates triggered by reassessment is effective beginning on the
23 date of request.

24 Section 227. Reports.--The reports produced by this act will
25 be used to inform the ODP on decisions of improvements,
26 innovations and solutions to improve outcomes in the service
27 delivery system.

28 Section 228. Information Sharing and Advisory Committee.--
29 (a) The department shall establish the Information Sharing and
30 Advisory Committee.

1 (b) The committee shall consist of a representative from
2 each of the following organizations:

3 (1) Pennsylvania Advocacy and Resources for Autism and
4 Intellectual Disability.

5 (2) Rehabilitation & Community Providers Association.

6 (3) The ARC of Pennsylvania.

7 (4) Disability Rights Pennsylvania.

8 (5) The Provider Alliance.

9 (6) MAX Association.

10 (7) The Alliance of Community Service Providers.

11 (8) Vision for Equality.

12 (9) Self Advocates United as 1.

13 (10) Institute on Disabilities at Temple University.

14 (c) The department shall establish the committee within
15 three months of the effective date of this section, appoint a
16 Chair and Vice Chair and facilitate quarterly meetings of the
17 committee. The department shall also share with the committee
18 any report prepared in accordance with this act at least ten
19 days before submitting the report to the General Assembly.

20 Section 4. Article III heading of the act is amended to
21 read:

22 ARTICLE III

23 STATE INSTITUTIONS IN THE DEPARTMENT OF

24 [PUBLIC WELFARE] HUMAN RESOURCES

25 Section 5. This act shall take effect in 30 days.