

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 278**      Session of  
2013

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INTRODUCED BY BAKER, GINGRICH, PICKETT, D. COSTA, M. K. KELLER,  
MAJOR, O'NEILL, STERN, CAUSER, RAPP, KAVULICH, CARROLL,  
CUTLER, TAYLOR, CALTAGIRONE, HESS, C. HARRIS, READSHAW,  
SWANGER, FLECK, DENLINGER, MURT, SAINATO AND GRELL,  
JANUARY 23, 2013

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AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, FEBRUARY 13, 2013

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## AN ACT

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

1 implementation, for the Department of Public Welfare.  
2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Section 1729-E of the act of April 9, 1929  
5 (P.L.343, No.176), known as The Fiscal Code, amended or added  
6 July 17, 2007 (P.L.141, No.42) and July 2, 2012 (P.L.823,  
7 No.87), is amended to read:

8 Section 1729-E. Department of Public Welfare.

9 The following shall apply to appropriations for the  
10 Department of Public Welfare:

11 (1) Any rule, regulation or policy for the Federal or  
12 State appropriations for the cash assistance, outpatient,  
13 inpatient, capitation, behavioral health, long-term care and  
14 Supplemental Grants to the Aged, Blind and Disabled, Child  
15 Care and Attendant Care programs adopted by the Secretary of  
16 Public Welfare during the fiscal year which adds to the cost  
17 of any public assistance program shall be effective only from  
18 and after the date upon which it is approved as to the  
19 availability of funds by the Governor.

20 (2) Federal and State medical assistance payments. The  
21 following shall apply:

22 (i) No funds appropriated for approved capitation  
23 plans shall be used to pay a provider who fails to supply  
24 information in a form required by the department in order  
25 to facilitate claims for Federal financial participation  
26 for services rendered to general assistance clients.

27 (ii) (Reserved).

28 (iii) (Reserved).

29 (iv) (Reserved).

30 (v) (Reserved).

1           (vi) [(Reserved).] ~~The department shall reimburse a <--~~  
2           ~~"critical access hospital," as defined in section~~  
3           ~~1861(mm)(1) of the Social Security Act (49 Stat. 620, 42~~  
4           ~~U.S.C. § 1395x(mm)(1)), which is qualified to participate~~  
5           ~~under Title XIX of the Social Security Act (42 U.S.C. §~~  
6           ~~1396 et seq.) at 101% of medical assistance allowable~~  
7           ~~costs for:~~

8                     ~~(A) "inpatient critical access hospital~~  
9                     ~~services," as defined in section 1861(mm)(2) of the~~  
10                    ~~Social Security Act (42 U.S.C. 1395x(mm)(2)),~~  
11                    ~~provided to a medical assistance recipient; and~~

12                    ~~(B) "outpatient critical access hospital~~  
13                    ~~services," as defined in section 1861(mm)(3) of the~~  
14                    ~~Social Security Act (42 U.S.C. § 1395x(mm)(3)),~~  
15                    ~~provided to a medical assistance recipient.~~

16                    (A) THE DEPARTMENT SHALL REIMBURSE A "CRITICAL <--  
17                    ACCESS HOSPITAL," AS DEFINED IN SECTION 1861(MM)(1)  
18                    OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. §  
19                    1395X(MM)(1)), WHICH IS QUALIFIED TO PARTICIPATE  
20                    UNDER TITLE XIX OF THE SOCIAL SECURITY ACT (42 U.S.C.  
21                    § 1396 ET SEQ.) AT 101% OF MEDICAL ASSISTANCE  
22                    ALLOWABLE COSTS FOR:

23                             (I) "INPATIENT CRITICAL ACCESS HOSPITAL  
24                             SERVICES," AS DEFINED IN SECTION 1861(MM)(2) OF  
25                             THE SOCIAL SECURITY ACT (42 U.S.C. 1395X(MM)(2)),  
26                             PROVIDED TO A MEDICAL ASSISTANCE RECIPIENT; AND

27                             (II) "OUTPATIENT CRITICAL ACCESS HOSPITAL  
28                             SERVICES," AS DEFINED IN SECTION 1861(MM)(3) OF  
29                             THE SOCIAL SECURITY ACT (42 U.S.C. § 1395X(MM)  
30                             (3)), PROVIDED TO A MEDICAL ASSISTANCE RECIPIENT.

1                   (B) THE PAYMENTS TO THE CRITICAL ACCESS  
2                   HOSPITALS SHALL BE THE SUM OF THE DIFFERENCE BETWEEN  
3                   101% OF MEDICAL ASSISTANCE ALLOWABLE COST AND MEDICAL  
4                   ASSISTANCE PAYMENTS RECEIVED TOWARD THOSE COSTS AS  
5                   CALCULATED FOR EACH CRITICAL ACCESS HOSPITAL, IN THE  
6                   MOST RECENT YEAR FOR WHICH COMPLETE DATA IS  
7                   AVAILABLE.

8                   (vii) The following shall apply to eligibility  
9                   determinations for services under medical assistance:

10                   (A) Unless the custodial parent or legally  
11                   responsible adult has provided to the department, at  
12                   application or redetermination, information required  
13                   by the department for inclusion in the annual report  
14                   under clause (B), no funds from an appropriation for  
15                   medical assistance shall be used to pay for medical  
16                   assistance services for a child under 21 years of  
17                   age:

18                               (I) who has a Supplemental Security Income  
19                               (SSI) level of disability; and

20                               (II) whose parental income is not currently  
21                               considered in the eligibility determination  
22                               process.

23                   (B) The department shall submit to the Public  
24                   Health and Welfare Committee of the Senate and the  
25                   Health and Human Services Committee of the House of  
26                   Representatives an annual report including the  
27                   following data:

28                               (I) Family size.

29                               (II) Household income.

30                               (III) County of residence.

1                   (IV) Length of residence in this  
2 Commonwealth.

3                   (V) Third-party insurance information.

4                   (VI) Diagnosis and type and cost of services  
5 paid for by the medical assistance program on  
6 behalf of each eligible and enrolled child  
7 described in clause (A).

8       Section 2. The amendment of section 1729-E of the act shall  
9 apply to fiscal years beginning after June 30, 2013.

10       Section 3. This act shall take effect immediately.