

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of 2019

INTRODUCED BY YUDICHAK, BAKER, BROOKS, HUTCHINSON, PITTMAN, GORDNER, J. WARD, TARTAGLIONE, BLAKE AND STEFANO, OCTOBER 18, 2019

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, OCTOBER 22, 2019

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,
2 No.6), entitled "An act relating to mental health and
3 intellectual disability; authorizing county programs and
4 amending, revising and changing the laws relating thereto and
5 making an appropriation," in preliminary provisions, further
6 providing for definitions; and, in responsibilities of the
7 State, providing for State facility closure moratorium.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definitions of "department" and "secretary"
11 in section 102 of the act of October 20, 1966 (3rd Sp.Sess.,
12 P.L.96, No.6), known as the Mental Health and Intellectual
13 Disability Act of 1966, are amended to read:

14 Section 102. Definitions.--As used in this act:

15 * * *

16 "Department" means the Department of [Public Welfare] Human
17 Services.

18 * * *

19 "Secretary" means the Secretary of [Public Welfare] Human

1 Services.

2 * * *

3 Section 2. The act is amended by adding a section to read:

4 Section 202.1. State Facility Closure Moratorium.--(a) No
5 State facility shall close until all Medicaid waiver-eligible
6 individuals in this Commonwealth are authorized to begin
7 receiving home and community-based services furnished under a
8 waiver granted pursuant to section 1915(c)(1) of the Social
9 Security Act (49 Stat. 620, 42 U.S.C. § 1396n(c)(1)).

10 (b) When all Medicaid waiver-eligible individuals have
11 received authorization under subsection (a), the department
12 shall transmit notice of that fact to the Legislative Reference
13 Bureau for publication in the Pennsylvania Bulletin. Upon
14 publication of the notice, the Task Force on the Closure of
15 State Centers is established within the department. Within sixty
16 days of publication of the notice, the secretary shall convene
17 an initial meeting of the task force. The task force shall
18 perform a comprehensive evaluation of the State facilities and
19 provide recommendations to the department prior to the closure
20 of one or more State facilities.

21 (c) The task force shall be comprised of the following
22 members:

23 (1) The secretary OR A DESIGNEE. <--

24 (2) One representative from each State facility, which may
25 include, but is not limited to, direct care providers or
26 administrative staff members, to be appointed by each facility
27 director.

28 (3) One representative from the Governor's office.

29 (4) The chair and the minority chair of the Health and Human
30 Services Committee of the Senate OR THEIR DESIGNEES. <--

1 (5) The chair and the minority chair of the Human Services
2 Committee of the House of Representatives OR THEIR DESIGNEES. <--

3 (6) Two family members of residents of State facilities, to
4 be appointed by the secretary.

5 (7) One representative of a nonprofit organization which
6 serves as an advocate for those with intellectual disabilities,
7 to be appointed by the secretary.

8 (8) ONE PHYSICIAN, PSYCHIATRIST OR PSYCHOLOGIST WITH <--
9 EXPERIENCE PROVIDING SERVICES TO INDIVIDUALS WITH INTELLECTUAL
10 DISABILITIES TO BE APPOINTED BY THE SECRETARY IN CONSULTATION
11 WITH THE REPRESENTATIVES APPOINTED UNDER PARAGRAPH (2).

12 (d) The task force shall meet biweekly to evaluate the
13 impact of a closure in all of the following areas:

14 (1) Residents of the State facility and their families.

15 (2) Employes, both union and nonunion.

16 (3) The local economy in which the State facility is
17 located.

18 (4) Readiness of provider agencies in each region to expand
19 the community-based residential infrastructure to support
20 residents leaving State facilities.

21 (e) If a State facility is deemed eligible for closure by
22 way of a majority vote taken by the task force, the department
23 shall prepare a plan for the closure of the State facility and
24 the transition of individuals with intellectual disabilities
25 receiving care in the State facility to a home or community-
26 based support system. The plan shall include all of the
27 following:

28 (1) An assessment of the State facility, including:

29 (i) A certified independent appraisal of the State facility
30 property.

1 (ii) A report of the State employes employed at the State
2 facility, both full time and part time, including the total
3 number of employes, the cost of the total wages and total
4 benefits paid to the employes and an organizational flow chart
5 of employes working at the State facility.

6 (iii) A detailed report of the services provided at the
7 State facility by contracted third-party vendors.

8 (iv) An inventory of assets located at and improvements on
9 the State facility.

10 (v) A report of all electric, utility, water, landscaping,
11 snow removal and maintenance costs of the State facility.

12 (vi) Geospatial images of the State facility.

13 (vii) A detailed description of the existence, ownership
14 rights and appraised value of any mineral rights on the State
15 facility property.

16 (viii) A historical report of the institutional property,
17 including the date it was acquired or constructed, the dates of
18 any improvements on the property, any changes in property
19 records, such as subdivision of the property, historical
20 employment or complement levels and other historical data.

21 (2) The timeline, specific to each State facility, for the
22 transition to a home and community-based support system for all
23 of the individuals with intellectual disabilities living at the
24 State facility. Information required under this clause shall
25 specify the critical milestones in the closure process for the
26 State facility and the department's planned course of action to
27 effectuate the closure of the State facility, including
28 available and necessary resources.

29 (3) The home and community-based support providers available
30 in the immediate geographic area surrounding the State facility.

1 (4) The process the department will utilize at each State
2 facility to transition individuals with intellectual
3 disabilities supported at each State facility to a home and
4 community-based support system as provided under this section.

5 (5) The process the department will utilize at the State
6 facility to close buildings and reassign staff when individuals
7 with intellectual disabilities are transitioning from State
8 facilities to a home and community-based support system.

9 (6) Any other information deemed appropriate by the
10 department as part of the plan.

11 (f) A State facility subject to closure must continue to
12 operate with the level of staff necessary until all residents
13 have been transitioned into home or community-based services.

14 (g) As used in this section, the term "task force" means the
15 Task Force on the Closure of State Centers established in
16 accordance with subsection (b).

17 Section 3. The addition of section 202.1 of the act shall
18 apply to closures made after October 1, 2019.

19 Section 4. This act shall take effect immediately.