

No. 2013-10

AN ACT

SB 5

Establishing the Community-Based Health Care Program in the Department of Health; and providing for hospital health clinics and for limitations.

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

CHAPTER 1
HEALTH CARE ASSISTANCESUBCHAPTER A
PRELIMINARY PROVISIONS

Section 101. Short title of act.

This act shall be known and may be cited as the Community-Based Health Care Act.

Section 102. Definitions.

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

"Chronic care and disease management." A model of care that includes the following:

(1) The provision of effective health management through support and information that also promotes patient self-care for patients with chronic conditions.

(2) The use of evidence-based medicine to ensure appropriate treatment decisions by health care providers.

(3) The coordination of care and use of reasonably accessible and updated patient information that encourages follow-up care as a standard procedure.

(4) The tracking of clinical information for individual and general patient populations to guide treatment and effectively anticipate community health care problems.

"Community-based health care clinic." A nonprofit health care center located in this Commonwealth that provides comprehensive health care services without regard for a patient's ability to pay and that:

(1) meets either of the following criteria:

(i) serves a federally designated medically underserved area, a medically underserved population or a health professional shortage area; or

(ii) serves a patient population with a majority of that population having an income less than 200% of the Federal poverty income guidelines; and

(2) includes any of the following:

(i) A federally qualified health center as defined in section 1905(l)(2)(B) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396d(l)(2)(B)) or a federally qualified health center look-alike and is a participating provider with:

(A) the Department of Public Welfare under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code; or

(B) the Children's Health Insurance Program under:

(I) Title XXI of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1397aa et seq.); and

(II) Article XXIII of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, and the regulations promulgated thereunder.

(ii) A rural health clinic as defined in section 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395x(aa)(2)), certified by Medicare and is a participating provider with:

(A) the Department of Public Welfare under the Public Welfare Code; or

(B) the Children's Health Insurance Program under:

(I) Title XXI of the Social Security Act; and

(II) Article XXIII of The Insurance Company Law of 1921 and the regulations promulgated thereunder.

(iii) A hospital health clinic and is a participating provider with:

(A) the Department of Public Welfare under the Public Welfare Code; or

(B) the Children's Health Insurance Program under:

(I) Title XXI of the Social Security Act; and

(II) Article XXIII of The Insurance Company Law of 1921 and the regulations promulgated thereunder.

(iv) A free or partial-pay health clinic that provides services by volunteer and nonvolunteer health care providers.

(v) A nurse-managed health care clinic that is managed by a certified clinical nurse specialist, a certified registered nurse anesthetist, a certified registered nurse practitioner or a certified nurse

midwife, is associated with a nursing education program, a federally qualified health center or an independent nonprofit health or social services agency and is a participating provider with:

- (A) the Department of Public Welfare under the Public Welfare Code; or
- (B) the Children's Health Insurance Program under:
 - (I) Title XXI of the Social Security Act; and
 - (II) Article XXIII of The Insurance Company Law of 1921 and the regulations promulgated thereunder.

"Department." The Department of Health of the Commonwealth.

"Health care provider." A health care provider licensed to practice a component of the healing arts by a licensing board within the Department of State who provides health care services at a community-based health care clinic.

"Hospital." An entity located in this Commonwealth that is licensed as a hospital under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Low-income patient." A patient whose household income is below 200% of the Federal poverty income guidelines.

"Medical assistance." A State program of medical assistance established under Article IV(f) of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Patient." A natural person receiving health care from a health care provider at a community-based health care clinic.

"Program." The Community-Based Health Care Program.

SUBCHAPTER B COMMUNITY-BASED HEALTH CARE

Section 111. Community-Based Health Care Program.

(a) Establishment.—The Community-Based Health Care Program is established within the department to provide grants to community-based health care clinics to:

(1) Expand and improve health care access and services, such as preventive care, chronic care and disease management, prenatal, obstetric, postpartum and newborn care, dental treatment, behavioral health and pharmacy services.

(2) Reduce unnecessary utilization of hospital emergency services by providing an effective alternative health care delivery system.

(3) Encourage collaborative relationships among community-based health care clinics, hospitals and other health care providers.

(b) Grant award methodology.—A methodology for the allocation of grant awards shall be developed by the department based on the following distribution:

(1) Not more than 50% for the expansion of an existing or the development of a new community-based health care clinic using criteria that include:

(i) The actual and projected number of total patients, new patients and patient visits for all patients served or to be served, specifically

delineating the number of low-income and uninsured patients, who fall below 200% of the Federal poverty income guidelines.

(ii) The addition or expansion of ancillary health care services, such as dental, behavioral health and pharmacy.

(iii) The development or enhancement of preventive and chronic care and disease management techniques.

(2) Not more than 25% for improvements in prenatal, obstetric, postpartum and newborn care.

(3) Not more than 20% for improved access and services, including patient transportation, intended to reduce unnecessary emergency room utilization.

(4) Not more than 5% for the establishment of collaborative relationships among community-based health care clinics, hospitals and other health care providers.

(5) Not more than 15% of the funds made available for the program authorized by this section may be awarded to applicants within any one city, town, borough or township of this Commonwealth.

(b.1) Limitation.—No more than 25% of the grants awarded under subsection (b) may go to federally qualified health centers as defined in section 1905(l)(2)(B) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396d(l)(2)(B)) or federally qualified health center look-alikes.

(c) Distribution.—Funds shall be distributed in a manner that improves access and expands services in all geographic areas of this Commonwealth.

(d) Reallocation.—The department shall reallocate funds among the categories described in subsections (b) and (b.1) if sufficient qualified grant requests are not received to use all the funds available in a specific category.

(e) Amount of grants.—A grant under this subsection shall require a matching commitment of 25% of the grant, which can be in the form of cash or equivalent in-kind services.

(f) Federal funds.—The department shall seek any available Federal funds, as well as any available grants and funding from other sources, to supplement amounts made available under this subchapter to the extent permitted by law.

Section 112. Powers and duties of department.

The department shall have the following powers and duties:

(1) To administer the program.

(2) To develop an allocation methodology pursuant to section 111(b).

(3) Within 90 days of the effective date of this section, to develop and provide a grant application form consistent with this act. The department shall provide applications for grants under this section to all known community-based health care clinics. A grant under this section may be extended over two State fiscal years at the request of the community-based health care clinic.

(4) To calculate and make grants to qualified community-based health care clinics.

(5) To provide an annual report no later than November 30 to the chair and minority chair of the Public Health and Welfare Committee of the Senate and the chair and minority chair of the Health Committee of the House of Representatives. The report shall include all of the following:

(i) The total dollar amount for each grant awarded, listing the type of community-based health care clinic and the name of the grantee.

(ii) The use of the grant by each grantee.

(iii) How each grant expanded access and services in accordance with the criteria set forth in section 111(a) and (b), including specific documentation of low-income and uninsured patients served, and the total amount of funds allocated in each distribution category under section 111(b).

(iv) The impact of the grant on improving the delivery and quality of health care in the community.

(v) The benefits of the assistance provided under this subchapter and any recommendations for changes to the program.

The report shall be made available for public inspection and posted on the department's publicly accessible Internet website.

(6) To audit grants awarded under this subchapter to ensure that funds have been used in accordance with this subchapter and the terms and standards adopted by the department.

(7) To establish and maintain an online database of community-based health care clinics.

(8) To establish a toll-free telephone number for individuals to obtain information about community-based health care clinics.

Section 113. Hospital health clinics.

(a) Program.—The Department of Public Welfare shall, in cooperation with the department, be responsible for administering the program as it relates to hospital health clinics in accordance with the requirements of this act and shall have the following additional duties:

(1) To develop an application and collect such data and information as may be necessary to determine the eligibility of hospital health clinics for payments under this section using the criteria set forth in section 111(a) and (b).

(2) To review an application and make a final determination regarding a hospital health clinic's eligibility for funding within 90 days of receipt.

(3) To make payments to hospital health clinics in accordance with the payment calculation set forth in subsection (e).

(b) Submission of application.—In order to qualify for funding under this section, a hospital health clinic shall submit the required application to the Department of Public Welfare no later than 90 days after the effective date of this act.

(c) Funding.—

(1) For each fiscal year, upon Federal approval of an amendment to the Medicaid State plan, the Department of Public Welfare shall annually distribute any available funds obtained under this act for hospital health clinics through disproportionate share payments to hospitals to provide financial assistance that will assure readily available and coordinated comprehensive health care to the citizens of this Commonwealth.

(2) The Secretary of Public Welfare shall determine the funds available and make appropriate adjustments based on the number of qualifying hospitals with hospital health clinics.

(d) Maximization.—The Department of Public Welfare shall seek to maximize any Federal funds, including funds obtained under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

(e) Payment calculation.—

(1) Thirty percent of the total amount available shall be allocated to eligible hospital health clinics of hospitals located in counties of the first and second class. The total amount available for each hospital health clinic at a hospital in these counties shall be allocated on the basis of each hospital's percentage of medical assistance and low-income hospital health clinic visits compared to the total number of medical assistance and low-income hospital health clinic visits for all hospitals in the first and second class counties.

(2) Fifty percent of the total amount available shall be allocated to eligible hospital health clinics of hospitals located in counties of the third, fourth and fifth class. The total amount available for each hospital health clinic at a hospital in these counties shall be allocated on the basis of each hospital's percentage of medical assistance and low-income hospital health clinic visits compared to the total number of medical assistance and low-income hospital health clinic visits for all hospitals in the third, fourth and fifth class counties.

(3) Twenty percent of the total amount available shall be allocated to eligible hospital health clinics of hospitals located in counties of the sixth, seventh and eighth class. The total amount available for each hospital health clinic at a hospital in these counties shall be allocated on the basis of each hospital's percentage of medical assistance and low-income hospital health clinic visits compared to the total number of medical assistance and low-income hospital health clinic visits for all hospitals in the sixth, seventh and eighth class counties.

(4) Any hospital that has reached its disproportionate share limit under Title XIX of the Social Security Act shall receive its share of the State funds available under this act.

CHAPTER 51 MISCELLANEOUS PROVISIONS

Section 5101. Limitations.

The payments made under the program shall not exceed the amount of funds appropriated for the program. A payment under this act shall not constitute an entitlement from the Commonwealth or a claim on any other funds of the Commonwealth.

Section 5102. Effective date.

This act shall take effect in 90 days.

APPROVED—The 21st day of May, A.D. 2013

TOM CORBETT