
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2325 Session of
2022

INTRODUCED BY KOSIEROWSKI, SAPPEY, MADDEN, HANBIDGE, SANCHEZ,
SCHLOSSBERG, FREEMAN, LONGIETTI, T. DAVIS, ZABEL, DELLOSO,
SHUSTERMAN, O'MARA, GUZMAN, CEPHAS AND CIRESI,
FEBRUARY 9, 2022

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
FEBRUARY 9, 2022

AN ACT

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

1 imposing taxes for State purposes, or to pay license fees or
2 other moneys to the Commonwealth, or any agency thereof,
3 every State depository and every debtor or creditor of the
4 Commonwealth," in emergency COVID-19 response, providing for
5 Long-Term Care Facility Employee Retention Grant Program.

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

8 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
9 as The Fiscal Code, is amended by adding a section to read:

10 Section 161-C. Long-Term Care Facility Employee Retention Grant
11 Program.

12 (a) Establishment.--The Long-Term Care Facility Employee
13 Retention Grant Program is established within the department to
14 address staffing shortages caused by the COVID-19 pandemic.

15 (b) Purposes.--Under the program, the department shall
16 provide grants to long-term care facilities for the following
17 purposes:

18 (1) To provide retention bonuses to their eligible
19 employees.

20 (2) To recruit and train at least 10,000 new certified
21 nursing assistants across this Commonwealth. The following
22 apply:

23 (i) All training programs shall be free of charge to
24 individuals pursuing the training.

25 (ii) Training programs shall be equally available
26 and engaging to individuals in geographically diverse
27 areas of this Commonwealth and in urban, suburban and
28 rural areas of this Commonwealth.

29 (3) To provide enhanced skills development and advanced
30 training for their current certified nursing assistants.

31 (c) Application for grant money.--

32 (1) The department shall develop a form to be used by a

1 long-term care facility to apply for grant money under the
2 program. The form shall be posted on the department's
3 publicly accessible Internet website.

4 (2) A long-term care facility applying for grant money
5 under the program shall provide the following information:

6 (i) The name, address, telephone number and other
7 contact information for the long-term care facility.

8 (ii) The purpose or purposes for which any approved
9 grant money will be used by the long-term care facility.

10 (iii) The amount of the grant money requested.

11 (iv) Any other information deemed necessary by the
12 department.

13 (d) Determination.--

14 (1) The department shall review completed applications
15 and determine whether to award grant money to a long-term
16 care facility and, if so, the amount of the grant award.

17 (2) The department shall notify each long-term care
18 facility that applied for grant money under the program of
19 the determination under this subsection. If grant money for a
20 long-term care facility is denied in whole or in part, the
21 department shall provide the long-term care facility with the
22 reason for the denial.

23 (3) Grant money shall be awarded on a first-come, first-
24 served basis, based on community need and in accordance with
25 the criteria specified in this section.

26 (e) Restrictions.--

27 (1) Grant awards under the program shall only be used
28 for the purposes specified in subsection (b).

29 (2) A long-term care facility that spends grant money
30 from the program for purposes other than those approved under

1 the application or not in accordance with this section shall
2 be required to return to the department all grant money
3 received by the long-term care facility under the program.

4 (f) Appropriation and allocation.--The sum of \$200,000,000
5 shall be transferred, from money received by the Commonwealth
6 under Title IX, Subtitle M, section 9901 of the American Rescue
7 Plan Act of 2021 (Public Law 117-2, 135 Stat. 4) and deposited
8 into the account, to the General Fund and shall be appropriated
9 to the department for the purpose of making grants under the
10 program as follows:

11 (1) \$150,000,000 shall be allocated for providing
12 retention bonuses in accordance with subsection (b)(1).

13 (2) \$40,000,000 shall be allocated for recruitment and
14 training in accordance with subsection (b)(2).

15 (3) \$10,000,000 shall be allocated for enhanced skills
16 development and advanced training in accordance with
17 subsection (b)(3).

18 (g) Compliance.--To determine compliance with this section,
19 the department may require that each long-term care facility
20 that receives grant money under the program submit any relevant
21 records or other information regarding the purposes for which
22 the grant money was awarded.

23 (h) Reports.--

24 (1) By September 1 following the effective date of this
25 section, and each September 1 thereafter, and until the sum
26 and each of the allocations under subsection (f) have been
27 totally expended, the department shall prepare a report
28 regarding the operation of the program for the immediately
29 preceding fiscal year.

30 (2) Each annual report under paragraph (1) shall include

1 all of the following information:

2 (i) The name of each long-term care facility that
3 applied for grant money under the program, along with the
4 intended purpose or purposes of any approved grant money
5 and the requested amount of the grant money.

6 (ii) The name of each long-term care facility that
7 received grant money under the program, along with the
8 intended purpose or purposes of the approved grant money
9 and the approved amount of the grant money.

10 (iii) The name of each long-term care facility for
11 which the department denied, in whole or in part, grant
12 money under the program, along with the amount of grant
13 money denied and the reason for the denial.

14 (iv) The amount of the sum and each of the
15 allocations under subsection (f) that have and have not
16 been expended.

17 (v) Situations of noncompliance with the
18 requirements of the program.

19 (vi) Any grant money returned to the department for
20 noncompliance with the requirements of the program.

21 (vii) Any recommendations regarding the
22 administration of the program.

23 (3) Each report under this section shall be posted on
24 the publicly accessible Internet website of the department
25 and submitted to the following:

26 (i) The chairperson and minority chairperson of the
27 Health and Human Services Committee of the Senate.

28 (ii) The chairperson and minority chairperson of the
29 Human Services Committee of the House of Representatives.

30 (i) Regulations.--The department may promulgate any

1 regulation necessary to implement the program.

2 (j) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Certified nursing assistant." A certified employee in a
6 long-term care facility who helps patients with health care
7 needs, which may be done under the supervision of a nurse.

8 "COVID-19." The novel coronavirus as identified in the
9 proclamation of disaster emergency issued by the Governor on
10 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
11 any renewal of the state of disaster emergency.

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

14 "Eligible employee." An employee in a long-term care
15 facility who has worked during the COVID-19 pandemic.

16 "Enhanced skills development and advanced training."
17 Includes any of the following:

18 (1) Memory care.

19 (2) Wound care.

20 (3) Enhanced infection control.

21 (4) Any other advanced skill training as deemed
22 necessary by the long-term care facility that provides the
23 training.

24 "Long-term care facility." As follows:

25 (1) A facility located within this Commonwealth that
26 provides medical and personal care to individuals who are
27 unable to live independently.

28 (2) The term includes any of the following:

29 (i) A long-term care nursing facility as defined in
30 section 802.1 of the act of July 19, 1979 (P.L.130,

1 No.48), known as the Health Care Facilities Act.

2 (ii) An assisted living residence as defined in
3 section 1001 of the act of June 13, 1967 (P.L.31, No.21),
4 known as the Human Services Code.

5 (iii) A personal care home as defined in section
6 1001 of the Human Services Code.

7 "Program." The Long-Term Care Facility Employee Retention
8 Grant Program established under this section.

9 Section 2. This act shall take effect in 60 days.