

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2372 Session of 2024

INTRODUCED BY BENHAM, ORTITAY, PROBST, HOHENSTEIN, McNEILL, HARKINS, SANCHEZ, WAXMAN, KHAN, BRIGGS, ABNEY, BOROWSKI, DEASY, HILL-EVANS, DELLOSO, PISCIOTTANO, KRAJEWSKI, GREEN, CERRATO, DALEY, SHUSTERMAN, SALISBURY, DONAHUE, MADDEN, CEPEDA-FREYITZ, FRANKEL, POWELL, MERSKI AND COOK, JUNE 3, 2024

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 3, 2024

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

1 collect taxes, or to make returns or reports under the laws
2 imposing taxes for State purposes, or to pay license fees or
3 other moneys to the Commonwealth, or any agency thereof,
4 every State depository and every debtor or creditor of the
5 Commonwealth," in human services, providing for personal
6 assistance services rate; and, in general budget
7 implementation, further providing for Department of Human
8 Services.

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

11 Section 1. Article XVI-T of the act of April 9, 1929
12 (P.L.343, No.176), known as The Fiscal Code, is amended by
13 adding a section to read:

14 Section 1607-T. Personal assistance services rate.

15 (a) Community HealthChoices.--Effective January 1, 2025, a
16 provider who receives funding through Community HealthChoices
17 through the existing Office of Long-Term Living (OLTL) Home and
18 Community Based Waiver Services Fee Schedule Rate for Procedure
19 Codes W1793 - PAS (Agency) and W1792 - PAS (Consumer) Services
20 shall spend no less than 80% of the funds received on salary and
21 benefits of a personal assistance worker.

22 (b) Enhanced provider rate.--The Department of Human
23 Services shall establish an enhanced rate for a provider that
24 invests no less than 90% of funds received from the Commonwealth
25 on the wages and benefits of an agency-directed personal
26 assistance worker. Notice of the enhanced rate shall be
27 transmitted to the Legislative Reference Bureau for publication
28 in the next available issue of the Pennsylvania Bulletin.

29 (c) Evaluation of rate.--

30 (1) No later than December 31, 2027, and every three
31 years thereafter, the Department of Human Services shall
32 review the current rate paid to personal assistance workers
33 and make recommendations on any proposed changes to the
34 current rate. In the department's review, the department

1 shall, at a minimum:

2 (i) Identify key cost components for each service
3 based on the service.

4 (ii) Obtain input from the Medicaid Rate Workgroup.

5 (iii) Collect and analyze Pennsylvania-specific wage
6 data, including inflation and the Consumer Price Index.

7 (iv) Review and analyze updated assumptions.

8 (v) Model the fee ranges for each service and
9 solicit feedback on the proposed fee ranges.

10 (2) The following shall apply:

11 (i) The Governor shall consider any proposed changes
12 to the rate under this subsection in the annual budget
13 development and implementation process.

14 (ii) The General Assembly shall consider any
15 proposed changes to the rate under this subsection in the
16 annual budget development and implementation process.

17 Section 2. Section 1729-E(a) of the act is amended by adding
18 a paragraph to read:

19 Section 1729-E. Department of Human Services.

20 (a) Appropriations.--The following shall apply to
21 appropriations for the Department of Human Services:

22 * * *

23 (9) From money appropriated for Long-Term Living (OLTL)
24 Home and Community Based Waiver Services:

25 (i) Sufficient funds are included for a 16%
26 increase, effective January 1, 2025, to the existing
27 Office of Long-Term Living (OLTL) Home and Community
28 Based Waiver Services Fee Schedule Rate for Procedure
29 Code W1792 - PAS (Consumer) Services. This increase shall
30 be used to provide a wage increase for direct care

1 workers providing consumer-directed personal assistance
2 services.

3 (ii) Sufficient funds are included for a 10%
4 increase, effective January 1, 2025, to the existing
5 Office of Long-Term Living (OLTL) Home and Community
6 Based Waiver Services Fee Schedule Rate for Procedure
7 Code W1793 - PAS (Agency) Services. This increase shall
8 be used to provide a wage increase for direct care
9 workers providing agency-directed personal assistance
10 services.

11 * * *

12 Section 3. This act shall take effect in 60 days.