

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2563 Session of 2022

INTRODUCED BY STRUZZI, WELBY, STAATS, DeLUCA, MATZIE, RIGBY, MULLINS, SANKEY, SCHLOSSBERG, LONGIETTI, MUSTELLO, FARRY, BOBACK, JAMES, SCHLEGEL CULVER, CEPHAS, SCHROEDER, SCHWEYER, WHEELAND, BOYLE, HENNESSEY, KAIL, ECKER, MIHALEK, DAVANZO, ROTHMAN, FRANKEL, R. BROWN, GUENST, DeLISSIO, SANCHEZ, MAJOR, QUINN, RADER, THOMAS, CARROLL, FRITZ, WEBSTER AND SMITH, MAY 2, 2022

REFERRED TO COMMITTEE ON APPROPRIATIONS, MAY 2, 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,

1 association, and corporation required to pay, assess, or  
2 collect taxes, or to make returns or reports under the laws  
3 imposing taxes for State purposes, or to pay license fees or  
4 other moneys to the Commonwealth, or any agency thereof,  
5 every State depository and every debtor or creditor of the  
6 Commonwealth," in general budget implementation, further  
7 providing for Department of Human Services; and providing for  
8 2022-2023 budget implementation.

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

11 Section 1. Section 1729-E of the act of April 9, 1929  
12 (P.L.343, No.176), known as The Fiscal Code, is amended by  
13 adding a paragraph to read:

14 Section 1729-E. Department of Human Services.

15 The following shall apply to appropriations for the  
16 Department of Human Services:

17 \* \* \*

18 (8) The following shall apply:

19 (i) The reimbursement rate for personal assistance  
20 services under the Office of Long-Term Living within the  
21 department and a community-based waiver shall be no less  
22 than the established fee-for-service rate under the  
23 Omnibus Budget Reconciliation Act of 1987 (Public Law  
24 100-203, 101 Stat. 1330).

25 (ii) The department shall establish fee schedule  
26 rate payments that are consistent with efficiency,  
27 economy and quality of care and are sufficient to enlist  
28 providers to make services available to at least the  
29 general population in a geographic area.

30 (iii) The department shall update the data every  
31 three years. After the data is updated, the department  
32 shall transmit a summary of the data to the Legislative  
33 Reference Bureau for publication in the Pennsylvania  
34 Bulletin for public comment.

1           (iv) Using a market-based approach, the department  
2 shall examine and use data relating to the following  
3 factors:

4           (A) The service needs of the individuals.

5           (B) Staff wages, including education, experience  
6 and licensure and certification requirements.

7           (C) Staff-related expenses, including benefits,  
8 training, recruitment and supervision.

9           (D) Productivity of staff, including the amount  
10 of service delivered relative to the level of  
11 staffing provided.

12           (E) The cost related to occupying a space,  
13 including rent, taxes, insurance, depreciation and  
14 amortization expenses.

15           (F) Direct and indirect program-related and  
16 administration-related expenses.

17           (G) Geographic costs based on the location where  
18 the home and community-based service is provided.

19           (H) Federally approved home and community-based  
20 services definitions in the waiver and determinations  
21 made about cost components that reflect reasonable  
22 and necessary costs related to the delivery of each  
23 home and community-based service.

24           (I) The cost of implementing applicable Federal  
25 and local laws.

26           (J) Other factors that impact cost.

27           (v) The department shall establish a fee schedule  
28 that reimburses an agency-employer for paid overtime to  
29 align agency-employers with consumer-employers.

30       Section 2. The act is amended by adding an article to read:

1 ARTICLE XVII-P

2 2022-2023 BUDGET IMPLEMENTATION

3 SUBARTICLE A

4 PRELIMINARY PROVISIONS

5 Section 1701-P. Applicability.

6 Except as specifically provided in this article, this article  
7 applies to the General Appropriation Act of 2022 and all other  
8 appropriation acts of 2022.

9 Section 1702-P. Definitions.

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

13 "General Appropriation Act of 2022." The act of June 30,  
14 2022 (P.L. , No. ), known as the General Appropriation Act  
15 of 2022.

16 SUBARTICLE B

17 EXECUTIVE DEPARTMENTS

18 Section 1729-P. Department of Human Services.

19 The following apply to appropriations for the Department of  
20 Human Services:

21 (1) In accordance with the act of December 10, 1986  
22 (P.L.1477, No.150), known as the Attendant Care Services Act,  
23 the appropriation for Home and Community Health Choices  
24 within the Office of Long-Term Living shall include  
25 sufficient funds for an 8% increase over the Home and  
26 Community Based Waiver Services Fee Schedule Rate for  
27 Procedure Code W1793 - PAS (Agency) Services effective July  
28 1, 2022. The intent of the increase is to provide for a wage  
29 increase for direct care workers providing agency-directed  
30 personal assistance services.

1           (2) (Reserved).

2           Section 3. This act shall take effect immediately.