

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1335 Session of 2024

INTRODUCED BY LAUGHLIN, J. WARD AND MILLER, OCTOBER 18, 2024

REFERRED TO AGING AND YOUTH, OCTOBER 18, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 further providing for definitions, for administration of
5 assistance programs and for regulations for protection of
6 information; in the aged, further providing for Life Program;
7 and making a repeal.

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

10 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,
11 No.21), known as the Human Services Code, is amended by adding
12 definitions to read:

13 Section 402. Definitions.--As used in this article, unless
14 the context clearly indicates otherwise:

15 * * *

16 "LIFE program" means as defined in section 602(d).

17 * * *

18 "Older adult daily living center" means a premises operated
19 for profit or not for profit in which older adult daily living
20 services are simultaneously provided for four or more clients
21 who are not relatives of the operator for part of a twenty-four-

1 hour day.

2 * * *

3 Section 2. Section 403.1(a)(1) of the act is amended to
4 read:

5 Section 403.1. Administration of Assistance Programs.--(a)
6 The department is authorized to establish rules, regulations,
7 procedures and standards consistent with law as to the
8 administration of programs providing assistance, including
9 regulations promulgated under subsection (d), that do any of the
10 following:

11 (1) Establish standards for determining eligibility and the
12 nature and extent of assistance. The following shall apply:

13 (i) Immediately after an applicant is referred for
14 Functional Eligibility Determination or has completed a PA 600
15 L, the department shall have the following duties:

16 (A) Provide information necessary to determine eligibility
17 for home-based and community-based programs to LIFE program
18 organizations and older adult daily living center programs in
19 accordance with section 404 and all applicable Federal laws.

20 (B) Ensure that the applicant receives information about the
21 requirements and eligibility for programs offered by LIFE
22 program organizations and older adult daily living center
23 programs.

24 (ii) The department may not assign an applicant to an option
25 for Medicaid managed care until the applicant has received an
26 assessment for home-based and community-based services.

27 (iii) If an applicant fails to make a selection for Medicaid
28 managed care, the department shall proportionately assign
29 applicants based on available placement options for which the
30 applicant is deemed eligible.

1 (iv) As used in this paragraph, the term "Medicaid managed
2 care" means services provided by a Medicaid managed care
3 organization as defined in 42 U.S.C. § 1396b(m)(1)(A) (relating
4 to payment to States) that is a party to a Medicaid managed care
5 contract with the department. The term shall not include a
6 behavioral health managed care organization that is a party to a
7 Medicaid managed care contract with the department.

8 * * *

9 Section 3. Section 404 of the act is amended by adding a
10 subsection to read:

11 Section 404. Regulations for Protection of Information.--* *
12 *

13 (a.1) The regulations for protection of information shall
14 permit the distribution of information to a LIFE program or
15 older adult daily living center program, for the purposes of
16 determining eligibility for home-based and community-based
17 services.

18 * * *

19 Section 4. Section 602(a), (b) and (c) of the act are
20 amended to read:

21 Section 602. LIFE Program.--(a) Informational materials and
22 department correspondence used by the department and the
23 Independent Enrollment Broker to educate or notify an eligible
24 individual about long-term care services and supports, including
25 an individual's rights, responsibilities and choice of managed
26 care organization to cover long-term care services and supports,
27 shall include the following:

28 (1) A description of the LIFE program.

29 (2) A statement that an eligible individual has the option
30 to enroll in the LIFE program or a managed care organization

1 under the Community Health Choices Program.

2 (3) Contact information for LIFE providers.

3 (b) The department shall continue to provide training to the
4 Independent Enrollment Broker on the LIFE program through the
5 Independent Enrollment Broker LIFE module to better educate the
6 Independent Enrollment Broker and to require that the LIFE
7 program is offered equally to eligible individuals.

8 (c) At the end of each quarter, the department shall issue a
9 report [that tracks by county the enrollment of eligible
10 individuals in long-term care service programs, including
11 managed care organizations and LIFE programs.] to the
12 chairperson and minority chairperson of the Health and Human
13 Services Committee of the Senate and the chairperson and
14 minority chairperson of the Human Services Committee of the
15 House of Representatives that tracks by county the enrollment of
16 eligible individuals in long-term care service programs by the
17 Independent Enrollment Broker, including managed care
18 organizations and LIFE programs. The report shall also include
19 documentation of compliance with subsections (a) and (b).

20 * * *

21 Section 5. Repeals are as follows:

22 (1) The General Assembly declares that the repeal under
23 paragraph (2) is necessary to effectuate the amendment of
24 section 602(a), (b) and (c) of the act.

25 (2) Section 1604-T of the act of April 9, 1929 (P.L.343,
26 No. 176), known as The Fiscal Code, is repealed.

27 Section 6. The amendment of section 602(a), (b) and (c) of
28 the act is a continuation of section 1604-T of the act of April
29 9, 1929 (P.L.343, No. 176), known as The Fiscal Code. Except as
30 otherwise provided in section 602(a), (b) and (c) of the act,

1 all activities initiated under section 1604-T of The Fiscal Code
2 shall continue and remain in full force and effect and may be
3 completed under section 602(a), (b) and (c) of the act. Orders,
4 regulations, rules and decisions which were made under section
5 1604-T of The Fiscal Code and which are in effect on the
6 effective date of section 5(2) of this act shall remain in full
7 force and effect until revoked, vacated or modified under
8 section 602(a), (b) and (c) of the act. Contracts, obligations
9 and collective bargaining agreements entered into under section
10 1604-T of The Fiscal Code are not affected nor impaired by the
11 repeal of section 1604-T of The Fiscal Code.

12 Section 7. This act shall take effect in 60 days.