

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 537 Session of 2019

INTRODUCED BY STEFANO, MENSCH, K. WARD, FOLMER, BREWSTER,
LANGERHOLC, PHILLIPS-HILL, BARTOLOTTA, KILLION, VOGEL,
J. WARD AND YUDICHAK, APRIL 10, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 10, 2019

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties of the Department of Public
22 Welfare and its departmental administrative and advisory
23 boards and commissions, further providing for medical
24 assistance payments and for admissions to drug and alcohol
25 facilities.

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

28 Section 1. Article XXIII heading and sections 2334 and 2335
29 of the act of April 9, 1929 (P.L.177, No.175), known as The

1 Administrative Code of 1929, are amended to read:

2 ARTICLE XXIII
3 POWERS AND DUTIES OF THE DEPARTMENT OF
4 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL
5 ADMINISTRATIVE AND ADVISORY BOARDS
6 AND COMMISSIONS

7 Section 2334. Medical Assistance Payments.--(a) It is the
8 general purpose of this section to provide for a continuum of
9 alcohol and drug detoxification and rehabilitation services to
10 persons eligible for medical assistance. Facilities serving as
11 appropriate treatment settings include hospital and nonhospital
12 drug detoxification and rehabilitation facilities, hospital and
13 nonhospital alcohol detoxification and rehabilitation
14 facilities, and hospital and nonhospital drug and alcohol
15 detoxification and rehabilitation facilities and outpatient
16 services licensed by the [Office] Department of Drug and Alcohol
17 Programs [of the Department of Health]. The General Assembly
18 recognizes that the fluctuating nature of alcohol and drug
19 dependency, in combination with the associated physical
20 complications often arising from long-term use of alcohol and
21 drugs, necessitates that a variety of treatment modalities and
22 settings be made available to persons eligible for medical
23 assistance. The availability of a new service in this area is in
24 no way intended to limit access to or funding of services
25 available currently.

26 (b) Consistent with section 2301, the Department of [Public
27 Welfare] Human Services shall:

28 (1) Provide, on behalf of persons eligible for medical
29 assistance, medical assistance coverage for detoxification,
30 treatment and care in a nonhospital alcohol detoxification

1 facility, nonhospital drug detoxification facility, nonhospital
2 alcohol and drug detoxification facility, or a nonhospital
3 treatment facility which can provide services for either drug or
4 alcohol detoxification or treatment or for both, provided that
5 the facility is licensed by the [Office] Department of Drug and
6 Alcohol Programs [in the Department of Health].

7 (2) Use criteria developed by the [Office] Department of
8 Drug and Alcohol Programs for governing the type, level and
9 length of care or treatment, including hospital detoxification,
10 as a basis for the development of standards for services
11 provided under clause (1).

12 [(3) Notwithstanding clause (1), provide by regulation for
13 gradual implementation of medical assistance coverage under this
14 subsection to client populations which shall be identified in
15 cooperation with the Department of Health. The regulations shall
16 provide for full implementation of clause (1) to all medical
17 assistance eligibles in phases over a period of time not to
18 exceed five years from the effective date of the regulations.
19 The program phases shall be structured so as to allow for
20 independent evaluation of each phase on an ongoing basis.
21 Initial regulations adopted pursuant to this subsection shall
22 not be subject to review pursuant to the act of June 25, 1982
23 (P.L.633, No.181), known as the "Regulatory Review Act," except
24 that the regulations may be reviewed under section 5(h) of that
25 act.

26 (c) The Department of Public Welfare, the Department of
27 Health and the Office of Drug and Alcohol Programs shall jointly
28 provide for an independent evaluation of the program authorized
29 by this section in accordance with specific evaluation criteria,
30 which shall include, but not be limited to: (i) comparison of

1 medical costs before and after program implementation; (ii)
2 employment history; and (iii) involvement with other programs of
3 the Department of Health, the Department of Public Welfare, the
4 Department of Corrections and any other appropriate agencies.
5 The evaluation shall be conducted in compliance with all
6 applicable Federal and State confidentiality requirements.]

7 (4) Include as an access standard in the agreement that each
8 medical assistance behavioral health managed care organization
9 administering a provider network for treatment of substance use
10 disorders maintain a provider network that is geographically
11 accessible to members. Subject to Federal approval, the access
12 standard for ambulatory substance use disorder treatment to
13 which a member travels shall be at least two providers within:

14 (i) thirty minutes travel time in urban areas; and

15 (ii) thirty minutes travel time in rural areas if there are
16 licensed substance use disorder treatment providers located in
17 the geographic area that meet the managed care organization's
18 credentialing requirements, otherwise within sixty minutes of
19 travel time.

20 (d) As used in this section, the following words and phrases
21 shall have the meanings given to them in this subsection unless
22 the context clearly indicates otherwise:

23 "Ambulatory substance use disorder treatment." Treatment
24 provided by a facility approved by the Department of Human
25 Services to participate in the Medical Assistance program and
26 which is fully or provisionally licensed by the Department of
27 Drug and Alcohol Programs to provide outpatient services for the
28 diagnosis and treatment of drug and alcohol abuse and dependence
29 to eligible medical assistance outpatient beneficiaries who are
30 not residents of a treatment institution.

1 "Rural areas." Territory, persons and housing units in
2 places which are designated as having less than 2,500 persons as
3 defined by the United States Census Bureau.

4 "Urban areas." Territory, persons and housing units in
5 places which are designated as having 2,500 persons or more as
6 defined by the United States Census Bureau and which places are
7 in close geographic proximity to one another.

8 Section 2335. Admissions to Drug and Alcohol Facilities.--

9 (a) Drug or alcohol abusers and drug or alcohol dependent
10 persons shall be admitted to and treated in all facilities
11 licensed by the Department [of Health and Office] of Drug and
12 Alcohol Programs, at reasonable rates on the basis of medical or
13 psychotherapeutic need, and shall not be discriminated against
14 on the basis of medical assistance eligibility.

15 (b) As part of its licensure process, the [Office]
16 Department of Drug and Alcohol Programs shall review each
17 facility's admission policies for compliance and shall
18 investigate complaints.

19 (c) The [Office] Department of Drug and Alcohol Programs may
20 suspend or revoke the license of any facility which fails to
21 maintain an admission policy consistent with the requirements of
22 this section and may impose a fine not to exceed one thousand
23 dollars (\$1,000) for each violation.

24 (d) Nothing in this section shall require any facility to
25 accept medical assistance eligible patients for whom payment is
26 not available pursuant to regulations adopted under former
27 section 2334(b) (3).

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