

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 605 Session of 2023

INTRODUCED BY COLLETT, FONTANA, HUGHES, HAYWOOD, KANE,
 CAPPELLETTI, DILLON, COSTA, TARTAGLIONE, COMITTA,
 SANTARSIERO, SAVAL, MUTH, STREET AND L. WILLIAMS,
 APRIL 19, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, APRIL 19, 2023

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
 32 imposing taxes for State purposes, or to pay license fees or

1 other moneys to the Commonwealth, or any agency thereof,
2 every State depository and every debtor or creditor of the
3 Commonwealth," in emergency COVID-19 response, providing for
4 adult mental health program funding; and making
5 appropriations.

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 164-C. Adult mental health program funding.

11 (a) Findings and purpose.--The General Assembly finds and
12 declares as follows:

13 (1) The Behavioral Health Commission for Adult Mental
14 Health established under section 163-C was charged with
15 making recommendations for the allocation of funding in the
16 following 10 priority areas:

17 (i) Delivery of services by telemedicine.

18 (ii) Behavioral health rates, network adequacy and
19 mental health payment parity.

20 (iii) Workforce development and retention.

21 (iv) Expansion of certified peer support specialist
22 services and peer-run services.

23 (v) The development and provision of crisis
24 services.

25 (vi) The integration of behavioral health and
26 substance use disorder treatment.

27 (vii) Cultural competencies when providing
28 behavioral health care.

29 (viii) The impact of social determinants of health
30 on behavioral health.

31 (ix) The intersection of behavioral health and the
32 criminal justice system.

1 (x) Establishing an integrated care model that can
2 deliver timely psychiatric care in a primary care
3 setting.

4 (2) The Behavioral Health Commission for Adult Mental
5 Health determined that intersectionality between the 10
6 priority areas indicates that investment in one sector will
7 have impacts in others and recommended that funding awards
8 should prioritize culturally responsive initiatives that
9 promote equity in historically under-resourced communities.

10 (3) The Behavioral Health Commission for Adult Mental
11 Health recommended categorizing the 10 priority areas in
12 three overarching categories:

13 (i) Increasing workforce development programs and
14 incentives.

15 (ii) Expanding criminal justice and public safety
16 programs.

17 (iii) Expanding mental health services and supports.

18 (4) In accordance with section 1730-F.1(24), the purpose
19 of this section is to allocate funds based on the
20 recommendations of the Behavioral Health Commission for Adult
21 Mental Health to address adult behavioral health needs in the
22 areas of workforce development programs and incentives,
23 criminal justice and expanding mental health services and
24 supports.

25 (b) Use of money.--From money appropriated for COVID-Relief
26 - ARPA - Adult Mental Health Programs, the sum of \$100,000,000
27 shall be used for the purposes specified in subsections (c),
28 (d), (e) and (f).

29 (c) Workforce.--The sum of \$34,000,000 is to be used for the
30 purpose of retaining existing behavioral health staff and

1 providers, incentive programs and opportunities for staff to
2 develop skills as follows:

3 (1) The sum of \$15,000,000 to the Department of Labor
4 and Industry to establish a program to award competitive
5 grants, in consultation with the Department of Human
6 Services, the Department of Health and the Department of
7 Education, to partnerships of eligible applicants for
8 training, recruiting and retention strategies for
9 professionals in behavioral health settings. The following
10 apply:

11 (i) Eligible applicants include:

12 (A) Employers of behavioral health
13 professionals.

14 (B) County mental health administrations.

15 (C) Local workforce development boards.

16 (D) Institutions of higher education, including
17 community colleges.

18 (E) School districts.

19 (F) Area career and technical schools.

20 (G) Local education providers.

21 (H) Training providers.

22 (I) Community-based organizations.

23 (J) Community health workers, as defined in 42
24 U.S.C. § 280g-11(k)(1) (relating to grants to promote
25 positive health behaviors and outcomes).

26 (ii) Grant money may be used to:

27 (A) Develop, expand or enhance training
28 programs, including apprenticeships or other earn and
29 learn models, scholarships, tuition assistance and
30 paid field placements, including internships,

1 residencies and fellowships.

2 (B) Assist with costs relating to supervision,
3 certifications, tests and other fees.

4 (C) Develop recruitment and retention
5 strategies, including one-time payments and other
6 recruitment and retention initiatives.

7 (iii) The Department of Labor and Industry shall
8 develop grant guidelines, a grant application and a
9 process to review applications.

10 (iv) Priority shall be given to grant applications
11 that support underserved populations and communities and
12 demonstrate high need for partnerships in behavioral
13 health settings.

14 (2) The sum of \$12,000,000 to the Pennsylvania Higher
15 Education Assistance Agency to expand the School-based Mental
16 Health Internship Grant Program established under section
17 1318-B of the act of March 10, 1949 (P.L.30, No.14), known as
18 the Public School Code of 1949, to include internships,
19 fellowships, residencies and other paid workforce
20 opportunities with behavioral health preparation programs and
21 behavioral health settings as follows:

22 (i) The Pennsylvania Higher Education Assistance
23 Agency shall administer the expanded program and, in its
24 sole discretion, award grants to individuals who submit a
25 completed application and satisfy eligible criteria.

26 (ii) The Pennsylvania Higher Education Assistance
27 Agency shall establish eligible criteria in order for an
28 individual or program setting to receive a grant under
29 the expanded program.

30 (iii) An eligible individual under this paragraph

1 shall, at a minimum:

2 (A) Be a Commonwealth resident as defined by the
3 Pennsylvania Higher Education Assistance Agency.

4 (B) Be enrolled in an eligible program.

5 (C) Enter into a contract with the Pennsylvania
6 Higher Education Assistance Agency to work in this
7 Commonwealth for a minimum of three years following
8 completion of the eligible individual's respective
9 program.

10 (iv) Eligible program settings shall be determined
11 by the Pennsylvania Higher Education Assistance Agency,
12 in consultation with the Department of Human Services,
13 and shall include:

14 (A) Residential and outpatient behavioral health
15 providers.

16 (B) Psychiatric hospitals and psychiatric
17 practices.

18 (C) County mental health administrations.

19 (D) Service providers that contract with county
20 mental health administrations to deliver behavioral
21 health services.

22 (E) Community-based organizations providing
23 behavioral health services.

24 (F) Federally Qualified Health Centers.

25 (G) County jails and State correctional
26 institutions.

27 (v) Grant money may be used:

28 (A) For tuition assistance.

29 (B) To support paid internships, residency and
30 fellowship placements.

1 (C) For supervision fees and training expenses.

2 (D) For equipment, training and technical
3 assistance to support the eligible individual or
4 program setting, including to expand service delivery
5 using telemedicine.

6 (vi) Priority shall be given to behavioral health
7 preparation programs and behavioral health settings in
8 designated medically underserved or health care shortage
9 areas.

10 (vii) The Pennsylvania Higher Education Assistance
11 Agency shall consult with the Department of Human
12 Services in the implementation of the expanded program
13 instead of the advisory committee established under
14 section 1318-B(b) (5) of the Public School Code of 1949.

15 (viii) The Pennsylvania Higher Education Assistance
16 Agency may take a reasonable administrative fee of no
17 more than 5% for direct costs associated with the
18 implementation, administration and servicing of this
19 paragraph. The fee shall be taken from the funding
20 received under this paragraph.

21 (3) The sum of \$7,000,000 to the Department of Health to
22 establish or expand a loan repayment program for eligible
23 applicants serving in designated medically underserved or
24 health care shortage areas. The following apply:

25 (i) The program shall be designed to increase the
26 number of mental health care practitioners in designated
27 areas, including activities such as:

28 (A) Reviewing and updating on a regular basis
29 the practice sites eligible for the program.

30 (B) Promoting the recruitment and retention of

1 mental health care practitioners in designated
2 medically underserved or health care shortage areas.

3 (C) To the extent possible, maximizing the
4 Federal funding to achieve the purposes of this
5 paragraph.

6 (ii) An eligible applicant includes an individual
7 who works in an eligible behavioral health services
8 setting as defined by the Department of Health and:

9 (A) has a medical degree from an accredited
10 medical school or osteopathic medical college, has
11 completed an approved residency or fellowship program
12 in psychiatry, is licensed to practice medicine in
13 this Commonwealth and is board certified or board
14 eligible in psychiatry;

15 (B) holds a nursing degree from an accredited
16 nursing program, has completed a training program for
17 nurse practitioners and holds a license in nursing
18 and psychiatry or a related mental health field in
19 this Commonwealth;

20 (C) has graduated from an accredited program for
21 physician assistants and holds a license as a
22 physician assistant in psychiatry or a related mental
23 health field in this Commonwealth; or

24 (D) is licensed to practice in this Commonwealth
25 as a psychologist, licensed clinical social worker,
26 licensed professional counselor or licensed marriage
27 and family therapist.

28 (iii) Eligible behavioral health services settings
29 as defined by the Department of Health must accept
30 reimbursement from Medicaid.

1 (iv) Repayment assistance may not be made for a loan
2 that is in default at the time of the application or for
3 a loan being repaid through any other loan repayment
4 assistance program. Repayment shall be made directly to
5 the recipient who shall then repay the financial lending
6 institution.

7 (v) A recipient of loan repayment assistance under
8 this paragraph shall enter into an agreement with the
9 Department of Health, which shall be considered a legally
10 binding agreement with the Commonwealth and shall include
11 the terms of the Department of Health's Primary Care Loan
12 Repayment Program.

13 (vi) Loan repayment assistance may be provided as
14 follows:

15 (A) An individual under subparagraph (ii)(A) and
16 a psychologist under subparagraph (ii)(D) shall be
17 eligible to receive up to \$80,000 in loan repayment
18 assistance.

19 (B) An individual, except for a psychologist,
20 under subparagraph (ii)(B), (C) or (D) shall be
21 eligible to receive up to \$48,000 in loan repayment
22 assistance.

23 (d) Expanding criminal justice and public safety programs.--
24 The sum of \$25,500,000 is to be used for the purpose of
25 expanding criminal justice and public safety programs as
26 follows:

27 (1) The sum of \$13,500,000 to the Pennsylvania
28 Commission on Crime and Delinquency to establish a program or
29 programs to award competitive grants to eligible applicants.

30 The following apply:

1 (i) Eligible applicants include:

2 (A) Counties.

3 (B) Nonprofit and community-based organizations.

4 (C) County reentry coalitions.

5 (D) Mental health and substance use disorder
6 providers.

7 (E) Housing authorities.

8 (ii) Grant money may be used to:

9 (A) Provide comprehensive evidence-based mental
10 health and substance use disorder treatment and
11 support services for incarcerated persons or services
12 for reentrants.

13 (B) Establish or support existing specialty
14 courts and services.

15 (C) Create or expand co-responder models or
16 first responder crisis intervention training.

17 (iii) The Pennsylvania Commission on Crime and
18 Delinquency, in consultation with the Department of Human
19 Services, shall develop grant guidelines, a grant
20 application and a process to review applications.

21 (2) The sum of \$7,000,000 to the Pennsylvania Commission
22 on Crime and Delinquency for prearrest diversion.

23 (3) The sum of \$5,000,000 to the Department of Human
24 Services for a one-time payment to each county mental health
25 administration as follows:

26 (i) Divide:

27 (A) the population of a county mental health
28 administration catchment area under the 2020 Federal
29 decennial census; by

30 (B) the total State population.

1 (ii) Multiply:

2 (A) the quotient under subparagraph (i); by

3 (B) \$5,000,000.

4 (iii) A county mental health administration shall
5 not receive less than \$20,000.

6 (iv) A county may use money received under this
7 paragraph:

8 (A) For comprehensive evidence-based mental
9 health and substance use disorder services and
10 supports for incarcerated persons, services for
11 reentry, including partnerships with community-based
12 organizations providing reentry services or supports,
13 case management and service coordination for
14 individuals incarcerated in county jails.

15 (B) To create or expand partnerships with county
16 jails or local law enforcement.

17 (v) Each county mental health administration shall
18 submit a quarterly report accounting for all money
19 received under this paragraph. The accounting shall:

20 (A) Be in a form prescribed by the Department of
21 Human Services.

22 (B) Include a listing of all expenditures, the
23 status of all unspent money and the impact of money
24 spent.

25 (e) Strengthening and expanding mental health services and
26 supports.--The sum of \$40,000,000 is to be used to ensure the
27 stability and expansion of mental health services and supports
28 as follows:

29 (1) The sum of \$15,000,000 to the Department of Human
30 Services to award competitive grants to county-provider

1 partnerships that support suicide prevention and the crisis
2 continuum of care through investments in mobile crisis teams,
3 medical mobile crisis teams, crisis walk-in centers and
4 crisis stabilization units. The following apply:

5 (i) The Department of Human Services shall develop a
6 grant application and a process to review applications.
7 The process shall give priority to applications that
8 demonstrate innovative and collaborative partnerships
9 between counties or partnerships of counties and other
10 system partners and providers, including area agencies on
11 aging, children and youth services, substance use
12 treatment providers, autism and intellectual and
13 developmental disabilities service providers, existing
14 providers of crisis services, including family and peer
15 advocates, victim services, first responders or criminal
16 and juvenile justice system leadership.

17 (ii) (Reserved).

18 (2) The sum of \$10,000,000 to the Department of Human
19 Services for a third-party contractor to award grants to
20 support primary care practitioners and primary care practices
21 in establishing or expanding the use of the collaborative
22 care model. A third-party contractor selected may take an
23 administrative fee of no more than 5% for direct costs
24 associated with the implementation, administration and
25 servicing of the grants under this paragraph. The following
26 apply:

27 (i) Grants under this paragraph shall be awarded to
28 primary care practitioners and primary care practices to
29 establish and expand the use of the collaborative care
30 model and to entities to provide technical assistance to

1 primary care practitioners and primary care practices on
2 providing behavioral health integration services through
3 the collaborative care model or primary care behavioral
4 health model.

5 (ii) Primary care practitioners and primary care
6 practices may collaborate with a larger health system for
7 the purposes of applying for and implementing grants
8 under this paragraph.

9 (iii) A primary care practitioner or primary care
10 practice that receives a grant under this paragraph may
11 use money received under this paragraph for such purposes
12 as establishing and delivering behavioral health
13 integration services through the collaborative care model
14 or primary care behavioral health model and utilizing
15 telemedicine to deliver behavioral health integration
16 services.

17 (iv) For the purposes of this paragraph, the term
18 "collaborative care model" means the evidence-based,
19 integrated behavioral health service delivery method
20 described in 81 Fed. Reg. 220, 80230 (November 15, 2016).

21 (3) The sum of \$8,000,000 shall be used by the
22 Department of Human Services for a one-time payment to each
23 county mental health administration as follows:

24 (i) Divide:

25 (A) the population of a county mental health
26 administration catchment area under the 2020 Federal
27 decennial census; by

28 (B) the total State population.

29 (ii) Multiply:

30 (A) the quotient under subparagraph (i); by

1 (B) \$8,000,000.

2 (iii) A county mental health administration shall
3 not receive less than \$30,000.

4 (iv) A county may use money received under this
5 paragraph to expand behavioral health services and
6 supports with particular attention to:

7 (A) The utilization of telemedicine to expand
8 the delivery of supports and services.

9 (B) Suicide prevention and crisis intervention.

10 (C) The impact of social determinants of health
11 on behavioral health, including supportive housing.

12 (v) Each county mental health administration shall
13 submit a quarterly report accounting for all money
14 received under this paragraph. The accounting shall:

15 (A) Be in a form prescribed by the Department of
16 Human Services.

17 (B) Include a listing of all expenditures, the
18 status of all unspent money and the impact of money
19 spent.

20 (4) The sum of \$6,000,000 to the Department of Drug and
21 Alcohol Programs to award grants to eligible applicants to
22 develop and implement peer-led mental health and substance
23 use disorder services or develop recruitment and retention
24 programs, including training, for the mental health and
25 substance abuse peer workforce. The following apply:

26 (i) Eligible applicants include:

27 (A) Peer-run organizations.

28 (B) Crisis intervention service providers.

29 (C) Treatment providers in partnership with
30 peer-run organizations.

1 (D) County mental health administrations.

2 (ii) The Department of Drug and Alcohol Programs
3 shall develop grant guidelines, a grant application and a
4 process to review applications.

5 (5) The sum of \$1,000,000 to the Office of Mental Health
6 and Substance Abuse Services in the Department of Human
7 Services to award competitive grants to qualified providers
8 to invest in technology and training for behavioral health
9 telehealth providers. The following apply:

10 (i) To be eligible for funding, an entity must be a
11 provider with a service location in this Commonwealth and
12 serving clients or patients in this Commonwealth, of
13 which no less than 51% are Pennsylvania medical
14 assistance enrolled beneficiaries. The Department of
15 Human Services may not restrict eligible applicants to
16 entities with no more than 50 employees across the
17 provider's entire organization.

18 (ii) Funding shall be used to implement one or more
19 of the following activities:

20 (A) Purchasing equipment for providers,
21 including computers, monitors, tablets, webcams,
22 microphones, mobile medical devices for providers,
23 telemedicine carts and telemedicine kiosks.

24 (B) Purchasing equipment for service recipients,
25 including computers, monitors, tablets, webcams,
26 microphones and other similar equipment.

27 (C) Purchasing or maintaining HIPAA-compliant
28 software or platforms, including telemedicine
29 software and online patient portals, including setup
30 fees and telehealth system maintenance.

1 (D) Support for increased broadband speed.

2 (E) Purchasing Wi-Fi hotspots.

3 (F) Purchasing provider training on telehealth
4 best practices, beyond what is offered by the Office
5 of Mental Health and Substance Abuse Services in the
6 Department of Human Services.

7 (G) Telehealth technical assistance.

8 (iii) The Department of Human Services shall develop
9 grant guidelines, a grant application and a process to
10 review applications.

11 (f) Study.--

12 (1) The sum of \$500,000 is to be used by the Department
13 of Human Services, in coordination with the Department of
14 Labor and Industry, the Department of Drug and Alcohol
15 Programs, the Department of Health, the Pennsylvania Higher
16 Education Assistance Agency, the Department of Education and
17 the Pennsylvania Commission on Crime and Delinquency, to
18 study the impact of initiatives supported by the funding
19 distributed under this section.

20 (2) No later than June 30, 2026, the Department of Human
21 Services shall issue a report containing the results of the
22 study under paragraph (1) to the Governor and the General
23 Assembly.

24 (g) Obligations.--The following apply to a department or
25 agency under this section:

26 (1) A payment received under this section shall be
27 obligated by July 1, 2024, and spent by December 31, 2026.

28 (2) Entities receiving money under this section shall
29 comply with any applicable Federal or State law or guidance.

30 (h) Recoupment.--A department or agency under this section

1 may recover:

2 (1) All or a portion of money disbursed under this
3 section from any individual or entity that fails to comply
4 with this section or with Federal or State law or guidance.

5 (2) Unobligated money after July 1, 2024, which may be
6 subject to recoupment and reallocation. Money subject to
7 recoupment shall be reallocated in a manner to ensure that
8 the money is spent by the Federal deadline for the use of the
9 money.

10 Section 2. This act shall take effect immediately.