
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 5 Session of
2013

INTRODUCED BY ERICKSON, SCARNATI, PILEGGI, EICHELBERGER, YAW,
GREENLEAF, STACK, FONTANA, KITCHEN, MENSCH, TOMLINSON,
VULAKOVICH, HUGHES, WASHINGTON, GORDNER, HUTCHINSON, BROWNE,
D. WHITE, WARD, RAFFERTY, FOLMER, VANCE, WAUGH, ALLOWAY,
COSTA, BAKER, BREWSTER, SMUCKER, ROBBINS, ARGALL, DINNIMAN
AND WOZNIAK, JANUARY 18, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 18, 2013

AN ACT

1 Establishing the Community-Based Health Care Subsidy (CHCS)
2 Program in the Department of Health; providing for hospital
3 health clinics and for mobile prenatal and natal care
4 demonstration project.

5 TABLE OF CONTENTS

6 Chapter 1. Health Care Assistance

7 Subchapter A. Preliminary Provisions

8 Section 101. Short title.

9 Section 102. Definitions.

10 Subchapter B. Community-Based Health Care Subsidy (CHCS)

11 Section 111. Community-Based Health Care Subsidy (CHCS)

12 Program.

13 Section 112. Powers and duties of department.

14 Section 113. Hospital health clinics.

15 Subchapter C. Mobile Prenatal and Natal Care Demonstration

16 Project

17 Section 121. Establishment.

1 Section 122. Applications for planning grants.
2 Section 123. Review and approval of grant applications.
3 Section 124. Report.
4 Chapter 51. Miscellaneous Provisions
5 Section 5101. Limitation.
6 Section 5102. Effective date.

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

9 CHAPTER 1

10 HEALTH CARE ASSISTANCE

11 SUBCHAPTER A

12 PRELIMINARY PROVISIONS

13 Section 101. Short title.

14 This act shall be known and may be cited as the Community-
15 Based Health Care Subsidy (CHCS) Act.

16 Section 102. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Chronic care and disease management." A model of care that
21 includes the following:

22 (1) The provision of effective health management through
23 support and information that also promotes patient self-care
24 for patients with chronic conditions.

25 (2) The use of evidence-based medicine to ensure
26 appropriate treatment decisions by health care providers.

27 (3) The coordination of care and use of reasonably
28 accessible and updated patient information that encourages
29 follow-up care as a standard procedure.

30 (4) The tracking of clinical information for individual

1 and general patient populations to guide treatment and
2 effectively anticipate community health care problems.

3 "Community-based health care clinic." A nonprofit health
4 care center located in this Commonwealth that provides
5 comprehensive health care services without regard for a
6 patient's ability to pay and that:

7 (1) meets either of the following criteria:

8 (i) serves a federally designated medically
9 underserved area, a medically underserved population or a
10 health professional shortage area; or

11 (ii) serves a patient population with a majority of
12 that population having an income less than 200% of the
13 Federal poverty income guidelines; and

14 (2) includes any of the following:

15 (i) A federally qualified health center as defined
16 in section 1905(1)(2)(B) of the Social Security Act (49
17 Stat. 620, 42 U.S.C. § 1396d(1)(2)(B)) or a federally
18 qualified health center look-alike and is a participating
19 provider with the Department of Public Welfare under the
20 act of June 13, 1967 (P.L.31, No.21), known as the Public
21 Welfare Code.

22 (ii) A rural health clinic as defined in section
23 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42
24 U.S.C. § 1395x(aa)(2)), certified by Medicare and is a
25 participating provider with the Department of Public
26 Welfare under the Public Welfare Code.

27 (iii) A hospital health clinic and is a
28 participating provider with the Department of Public
29 Welfare under the Public Welfare Code.

30 (iv) A free or partial-pay health clinic that

1 provides services by volunteer and nonvolunteer health
2 care providers.

3 (v) A nurse-managed health care clinic that is
4 managed by advanced practice nurses and is associated
5 with a nursing education program, a federally qualified
6 health center or an independent nonprofit health or
7 social services agency and is a participating provider
8 with the Department of Public Welfare under the Public
9 Welfare Code.

10 "Department." Except as provided under section 113, the
11 Department of Health of the Commonwealth.

12 "Health care provider." A health care provider licensed to
13 practice a component of the healing arts by a licensing board
14 within the Department of State who provides health care services
15 at a community-based health care clinic.

16 "Hospital." An entity located in this Commonwealth that is
17 licensed as a hospital under the act of July 19, 1979 (P.L.130,
18 No.48), known as the Health Care Facilities Act.

19 "Low-income patient." A patient whose household income is
20 below 200% of the Federal poverty income guidelines.

21 "Medical assistance." A State program of medical assistance
22 established under Article IV(f) of the act of June 13, 1967
23 (P.L.31, No.21), known as the Public Welfare Code.

24 "Patient." A natural person receiving health care from a
25 health care provider at a community-based health care clinic.

26 "Program." The Community-Based Health Care Subsidy (CHCS)
27 Program.

28 SUBCHAPTER B

29 COMMUNITY-BASED HEALTH CARE SUBSIDY (CHCS)

30 Section 111. Community-Based Health Care Subsidy (CHCS)

1 Program.

2 (a) Establishment.--The Community-Based Health Care Subsidy
3 (CHCS) Program is established within the department to provide
4 grants to community-based health care clinics to:

5 (1) Expand and improve health care access and services,
6 such as preventive care, chronic care and disease management,
7 prenatal, obstetric, postpartum and newborn care, dental
8 treatment, behavioral health and pharmacy services.

9 (2) Reduce unnecessary utilization of hospital emergency
10 services by providing an effective alternative health care
11 delivery system.

12 (3) Encourage collaborative relationships among
13 community-based health care clinics, hospitals and other
14 health care providers.

15 (b) Grant award methodology.--A methodology for the
16 allocation of grant awards shall be developed by the department
17 based on the following distribution:

18 (1) Not more than 50% for the expansion of an existing
19 or the development of a new community-based health care
20 clinic using criteria that include:

21 (i) The actual and projected number of total
22 patients, new patients and patient visits for all
23 patients served or to be served, specifically delineating
24 the number of low-income and uninsured patients, who fall
25 below 200% of the Federal poverty income guidelines.

26 (ii) The addition or expansion of ancillary health
27 care services, such as dental, behavioral health and
28 pharmacy.

29 (iii) The development or enhancement of preventive
30 and chronic care and disease management techniques.

1 (2) Not more than 25% for improvements in prenatal,
2 obstetric, postpartum and newborn care.

3 (3) Not more than 20% for improved access and services,
4 including patient transportation, intended to reduce
5 unnecessary emergency room utilization.

6 (4) Not more than 5% for the establishment of
7 collaborative relationships among community-based health care
8 clinics, hospitals and other health care providers.

9 (5) Not more than 15% of the funds made available for
10 the program authorized by this section may be awarded to
11 applicants within any one city, town, borough or township of
12 this Commonwealth.

13 (c) Distribution.--Funds shall be distributed in a manner
14 that improves access and expands services in all geographic
15 areas of this Commonwealth.

16 (d) Reallocation.--The department shall reallocate funds
17 among the categories described in subsection (b) if sufficient
18 grant requests are not received to use all the funds available
19 in a specific category.

20 (e) Amount of grants.--A grant under this subsection shall
21 require a matching commitment of 25% of the grant, which can be
22 in the form of cash or equivalent in-kind services.

23 (f) Federal funds.--The department shall seek any available
24 Federal funds, as well as any available grants and funding from
25 other sources, to supplement amounts made available under this
26 subchapter to the extent permitted by law.

27 Section 112. Powers and duties of department.

28 The department shall have the following powers and duties:

29 (1) To administer the program.

30 (2) To develop an allocation methodology pursuant to

1 section 111(b).

2 (3) Within 90 days of the effective date of this
3 section, to develop and provide a grant application form
4 consistent with this act. The department shall provide
5 applications for grants under this section to all known
6 community-based health care clinics. A grant under this
7 section may be extended over two State fiscal years at the
8 request of the community-based health care clinic.

9 (4) To calculate and make grants to qualified community-
10 based health care clinics.

11 (5) To provide an annual report no later than November
12 30 to the chair and minority chair of the Public Health and
13 Welfare Committee of the Senate and the chair and minority
14 chair of the Health Committee of the House of
15 Representatives. The report shall include all of the
16 following:

17 (i) The total dollar amount for each grant awarded,
18 listing the type of community-based health care clinic
19 and the name of the grantee.

20 (ii) The use of the grant by each grantee.

21 (iii) How each grant expanded access and services
22 in accordance with the criteria set forth in section
23 111(a) and (b), including specific documentation of low-
24 income and uninsured patients served, and the total
25 amount of funds allocated in each distribution category
26 under section 111(b).

27 (iv) The impact of the grant on improving the
28 delivery and quality of health care in the community.

29 (v) The benefits of the assistance provided under
30 this subchapter and any recommendations for changes to

1 the program.

2 The report shall be made available for public inspection and
3 posted on the department's publicly accessible Internet
4 website.

5 (6) To audit grants awarded under this subchapter to
6 ensure that funds have been used in accordance with this
7 subchapter and the terms and standards adopted by the
8 department.

9 (7) To establish and maintain an online database of
10 community-based health care clinics.

11 (8) To establish a toll-free telephone number for
12 individuals to obtain information about community-based
13 health care clinics.

14 Section 113. Hospital health clinics.

15 (a) Program.--The Department of Public Welfare shall, in
16 cooperation with the department, be responsible for
17 administering the program as it relates to hospital health
18 clinics in accordance with the requirements of this act and
19 shall have the following additional duties:

20 (1) To develop an application and collect such data and
21 information as may be necessary to determine the eligibility
22 of hospital health clinics for payments under this section
23 using the criteria set forth in section 111(a) and (b).

24 (2) To review an application and make a final
25 determination regarding a hospital health clinic's
26 eligibility for funding within 90 days of receipt.

27 (3) To make payments to hospital health clinics in
28 accordance with the payment calculation set forth in
29 subsection (e).

30 (b) Submission of application.--In order to qualify for

1 funding under this section, a hospital health clinic shall
2 submit the required application to the Department of Public
3 Welfare no later than 90 days after the effective date of this
4 act.

5 (c) Funding.--

6 (1) For each fiscal year, upon Federal approval of an
7 amendment to the Medicaid State plan, the Department of
8 Public Welfare shall annually distribute any available funds
9 obtained under this act for hospital health clinics through
10 disproportionate share payments to hospitals to provide
11 financial assistance that will assure readily available and
12 coordinated comprehensive health care to the citizens of this
13 Commonwealth.

14 (2) The Secretary of Public Welfare shall determine the
15 funds available and make appropriate adjustments based on the
16 number of qualifying hospitals with hospital health clinics.

17 (d) Maximization.--The Department of Public Welfare shall
18 seek to maximize any Federal funds, including funds obtained
19 under Title XIX of the Social Security Act (49 Stat. 620, 42
20 U.S.C. § 1396 et seq.).

21 (e) Payment calculation.--

22 (1) Thirty percent of the total amount available shall
23 be allocated to eligible hospital health clinics of hospitals
24 located in counties of the first and second class. The total
25 amount available for each hospital health clinic at a
26 hospital in these counties shall be allocated on the basis of
27 each hospital's percentage of medical assistance and low-
28 income hospital health clinic visits compared to the total
29 number of medical assistance and low-income hospital health
30 clinic visits for all hospitals in the first and second class

1 counties.

2 (2) Fifty percent of the total amount available shall be
3 allocated to eligible hospital health clinics of hospitals
4 located in counties of the third, fourth and fifth class. The
5 total amount available for each hospital health clinic at a
6 hospital in these counties shall be allocated on the basis of
7 each hospital's percentage of medical assistance and low-
8 income hospital health clinic visits compared to the total
9 number of medical assistance and low-income hospital health
10 clinic visits for all hospitals in the third, fourth and
11 fifth class counties.

12 (3) Twenty percent of the total amount available shall
13 be allocated to eligible hospital health clinics of hospitals
14 located in counties of the sixth, seventh and eighth class.
15 The total amount available for each hospital health clinic at
16 a hospital in these counties shall be allocated on the basis
17 of each hospital's percentage of medical assistance and low-
18 income hospital health clinic visits compared to the total
19 number of medical assistance and low-income hospital health
20 clinic visits for all hospitals in the sixth, seventh and
21 eighth class counties.

22 (4) Any hospital that has reached its disproportionate
23 share limit under Title XIX of the Social Security Act shall
24 receive its share of the State funds available under this
25 act.

26 SUBCHAPTER C

27 MOBILE PRENATAL AND

28 NATAL CARE DEMONSTRATION PROJECT

29 Section 121. Establishment.

30 There is established within the department a program to be

1 known as the Mobile Prenatal and Natal Care Demonstration
2 Project. The program shall provide prenatal, obstetric,
3 postpartum and newborn care to individuals on a mobile basis.
4 Section 122. Applications for planning grants.

5 A hospital or health care provider may submit an application
6 to the department requesting a grant for costs associated with
7 establishing a mobile unit to provide prenatal, obstetric,
8 postpartum and newborn care. The application shall be on the
9 form required by the department and shall include all of the
10 following:

- 11 (1) The applicant's name and address.
- 12 (2) The geographic region where the unit will operate.
- 13 (3) A statement of the services to be provided.
- 14 (4) An estimate of the cost of the mobile unit.
- 15 (5) Proof of participation in the medical assistance
16 program.
- 17 (6) Any other information required by the department.

18 Section 123. Review and approval of grant applications.

19 (a) Review.--The department shall review the applications.
20 Preference shall be given to applicants in communities where
21 prenatal, obstetric, postpartum and newborn care is limited.
22 Upon being satisfied that all requirements have been met, the
23 department may approve four applications and award grants. The
24 following grants shall be awarded:

- 25 (1) One to an applicant which seeks to provide services
26 in an urban setting.
- 27 (2) One to an applicant which seeks to provide services
28 in a suburban setting.
- 29 (3) One to an applicant which seeks to provide services
30 in a rural setting.

1 (4) One to an underserved area which is most likely to
2 benefit from a mobile clinic.

3 (b) Limit.--Grants awarded may not be more than \$100,000.
4 Section 124. Report.

5 By May 1, 2016, the department shall file a report with the
6 chairman and minority chairman of the Public Health and Welfare
7 Committee of the Senate, the chairman and minority chairman of
8 the Health Committee of the House of Representatives and the
9 chairman and minority chairman of the Human Services Committee
10 of the House of Representatives. The report shall additionally
11 be posted on the department's publicly accessible Internet
12 website and shall include all of the following for each grant
13 made in the prior calendar year:

14 (1) The name of each grantee.

15 (2) The amount of each grant awarded.

16 (3) The use of each grant by each grantee.

17 (4) A summary of how each grant expanded access and
18 services and improved the delivery and quality of health care
19 in the community, including a comparison of the rate of
20 infant mortality and low birth weight in the community for
21 the year immediately prior to the award of the grant with
22 those rates in the community for the year of the grant.

23 (5) The types of services and the amount spent on each
24 type of service provided by each grantee.

25 (6) Any recommendations for changes to the program.

26 CHAPTER 51

27 MISCELLANEOUS PROVISIONS

28 Section 5101. Limitations.

29 Payments to community-based health care clinics and the
30 Mobile Prenatal and Natal Care Demonstration Project for

1 assistance under this act shall not exceed the amount of funds
2 available for the program, and any payment under this act shall
3 not constitute an entitlement from the Commonwealth or a claim
4 on any other funds of the Commonwealth.

5 Section 5102. Effective date.

6 This act shall take effect in 90 days.