

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
 No. 960 Session of  
 2011

INTRODUCED BY GINGRICH, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CLYMER, D. COSTA, CREIGHTON, CUTLER, DENLINGER, ELLIS, EVANKOVICH, EVERETT, FLECK, GABLER, GEIST, GIBBONS, GILLEN, GILLESPIE, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HARHART, HARPER, HARRIS, HEFFLEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KNOWLES, KORTZ, KRIEGER, LAWRENCE, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, MILLARD, MILLER, MILNE, MOUL, MURT, MUSTIO, OBERLANDER, O'NEILL, PAYNE, PERRY, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, ROSS, SAYLOR, SCAVELLO, SCHRODER, K. SMITH, SONNEY, STERN, STEVENSON, STURLA, SWANGER, TALLMAN, TOBASH, TOEPEL, TOOHIL, VULAKOVICH, WATSON, ADOLPH, FARRY, DELOZIER, MALONEY, STEPHENS AND CALTAGIRONE, MARCH 7, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 2011

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, ~~providing for fraud~~ <--  
 4 ~~detection system and, for income eligibility verification~~ <--  
 5 ~~system AND FOR INMATE MEDICAL COSTS.~~ IN PUBLIC ASSISTANCE, <--  
 6 ADDING DEFINITIONS; PROVIDING FOR FRAUD DETECTION SYSTEM, FOR  
 7 ADMINISTRATION OF ASSISTANCE PROGRAMS AND FOR COPAYMENTS FOR  
 8 SUBSIDIZED CHILD CARE; FURTHER PROVIDING FOR DETERMINATION OF  
 9 ELIGIBILITY; PROVIDING FOR VERIFICATION SYSTEM AND FOR  
 10 ELIGIBILITY FOR PERSONS WITH DRUG-RELATED FELONIES; FURTHER  
 11 PROVIDING FOR PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE, FOR  
 12 MEDICAL ASSISTANCE PAYMENTS FOR INSTITUTIONAL CARE, FOR  
 13 REIMBURSEMENT FOR CERTAIN MEDICAL ASSISTANCE ITEMS AND  
 14 SERVICES, FOR PAYMENTS FOR READMISSIONS TO A HOSPITAL PAID  
 15 THROUGH DIAGNOSIS-RELATED GROUPS AND FOR MEDICAL ASSISTANCE  
 16 BENEFIT PACKAGES, COVERAGE, COPAYMENTS, PREMIUMS AND RATES;  
 17 IN STATEWIDE QUALITY CARE ASSESSMENT, FURTHER PROVIDING FOR  
 18 THE DEFINITION OF "NET PATIENT REVENUE," FOR IMPLEMENTATION,  
 19 FOR CALCULATION AND NOTICE OF ASSESSMENTS UNDER CERTAIN  
 20 CONDITIONS, FOR RESTRICTED ACCOUNT LIMITATIONS AND FOR  
 21 CONDITIONS FOR CERTAIN PAYMENTS; AND PROVIDING FOR INMATE

1 MEDICAL COSTS.

2 The General Assembly of the Commonwealth of Pennsylvania  
 3 hereby enacts as follows:

4 ~~Section 1. The act of June 13, 1967 (P.L.31, No.21), known~~ <--

STAT. 620, 42 U.S.C. § 1396N(B)) FOR THE HEALTHCHOICES

17 PROGRAM AND] AMENDMENTS TO ITS MEDICAL ASSISTANCE MANAGED  
18 CARE ORGANIZATION CONTRACTS AUTHORIZING [SUPPLEMENTAL]  
19 ADJUSTMENTS TO ITS CAPITATION PAYMENTS [FOR INPATIENT  
20 HOSPITAL SERVICES] FUNDED IN ACCORDANCE WITH SECTION 805-G.  
21 SECTION 11. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

22 ARTICLE XIV-A

23 INMATE MEDICAL COSTS

24 SECTION 1401-A. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "CORRECTIONAL INSTITUTION." A STATE OR COUNTY CORRECTIONAL  
29 INSTITUTION OR JAIL, GROUP HOME, PRERELEASE CENTER, COMMUNITY  
30 CORRECTIONS CENTER, PAROLE CENTER OR FACILITY THAT HOUSES A

20110HB0960PN2258

- 44 -

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1 PERSON CONVICTED OF A CRIMINAL OFFENSE OR AWAITING TRIAL,  
2 SENTENCING OR EXTRADITION IN A CRIMINAL PROCEEDING. THE TERM  
3 DOES NOT INCLUDE A FACILITY OR INSTITUTION OPERATED, SUPERVISED  
4 OR LICENSED BY THE DEPARTMENT.

5 "DRUG." THE TERM SHALL MEAN:

6 (1) SUBSTANCES RECOGNIZED IN THE OFFICIAL UNITED STATES  
7 PHARMACOPEIA, OR OFFICIAL NATIONAL FORMULARY, OR SUPPLEMENT  
8 TO EITHER OF THEM.

9 (2) SUBSTANCES INTENDED FOR USE IN THE DIAGNOSIS, CURE,  
10 MITIGATION, TREATMENT OR PREVENTION OF DISEASE IN MAN OR  
11 OTHER ANIMALS.

12 (3) SUBSTANCES, OTHER THAN FOOD, INTENDED TO AFFECT THE  
13 STRUCTURE OR FUNCTION OF THE HUMAN BODY OR OTHER ANIMAL BODY.

14 (4) SUBSTANCES INTENDED FOR USE AS A COMPONENT OF AN  
15 ARTICLE SPECIFIED IN PARAGRAPH (1), (2) OR (3), BUT NOT  
16 INCLUDING DEVICES OR THEIR COMPONENTS, PARTS OR ACCESSORIES.

17

"HEALTH CARE FACILITY." A HEALTH CARE FACILITY AS DEFINED  
18 UNDER SECTION 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130,  
19 NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT, OR AN ENTITY  
20 LICENSED AS A HOSPITAL UNDER THIS ACT.

"HEALTH CARE PROVIDER." A HEALTH CARE FACILITY OR A PERSON,  
22 INCLUDING A CORPORATION, UNIVERSITY OR OTHER EDUCATIONAL  
23 INSTITUTION, LICENSED OR APPROVED BY THE COMMONWEALTH TO PROVIDE  
24 HEALTH CARE OR PROFESSIONAL MEDICAL SERVICES. THE TERM SHALL  
25 INCLUDE A PHYSICIAN, CERTIFIED NURSE MIDWIFE, PODIATRIST,  
26 CERTIFIED REGISTERED NURSE PRACTITIONER, PHYSICIAN ASSISTANT,  
27 CHIROPRACTOR, HOSPITAL, AMBULATORY SURGERY CENTER, NURSING HOME  
28 OR BIRTH CENTER.

"INMATE." A PERSON COMMITTED TO A TERM OF IMPRISONMENT OR  
30 OTHERWISE CONFINED UNDER THE CUSTODY OF A STATE OR COUNTY

20110HB0960PN2258

- 45 -

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1 CORRECTIONAL INSTITUTION.

2 "INPATIENT CARE." THE PROVISION OF MEDICAL, NURSING,  
3 COUNSELING OR THERAPEUTIC SERVICES 24 HOURS A DAY IN A HOSPITAL  
4 OR OTHER HEALTH CARE FACILITY, ACCORDING TO INDIVIDUALIZED  
5 TREATMENT PLANS.

6 "MEDICARE." THE FEDERAL PROGRAM ESTABLISHED UNDER TITLE  
7 XVIII OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1395  
8 ET SEQ.).

9 "OUTPATIENT CARE." THE PROVISION OF MEDICAL, NURSING,  
10 COUNSELING OR THERAPEUTIC SERVICES IN A HOSPITAL OR OTHER HEALTH  
11 CARE FACILITY ON A REGULAR AND PREDETERMINED SCHEDULE ACCORDING  
12 TO INDIVIDUALIZED TREATMENT PLANS.

13 "PRESCRIPTION." A WRITTEN OR ORAL ORDER ISSUED BY A DULY  
14 LICENSED MEDICAL PRACTITIONER IN THE COURSE OF HIS PROFESSIONAL  
15 PRACTICE FOR A CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE OR  
16 MEDICATION WHICH IS DISPENSED FOR USE BY A CONSUMER.

17 SECTION 1402-A. INMATE MEDICAL COST CONTAINMENT.

18

(A) INPATIENT CARE.--A HEALTH CARE PROVIDER WHO PROVIDES

19 INPATIENT CARE TO AN INMATE SHALL NOT CHARGE THE STATE OR COUNTY  
20 CORRECTIONAL INSTITUTION OR ITS MEDICAL SERVICES CONTRACTOR MORE  
21 THAN THE MAXIMUM ALLOWABLE RATE PAYABLE FOR THE GOODS, SERVICES  
22 AND SUPPLIES UNDER THE MEDICAL ASSISTANCE PROGRAM. THIS  
23 SUBSECTION SHALL INCLUDE GOODS AND SERVICES FURNISHED BY THE  
24 HEALTH CARE PROVIDER TO THE INMATE, INCLUDING THE COST OF  
25 MEDICATIONS AND PRESCRIPTION DRUGS.

26 (B) OUTPATIENT CARE.--A HEALTH CARE PROVIDER WHO PROVIDES  
27 OUTPATIENT CARE TO AN INMATE SHALL NOT CHARGE THE STATE OR  
28 COUNTY CORRECTIONAL INSTITUTION OR ITS MEDICAL SERVICES  
29 CONTRACTOR MORE THAN THE MAXIMUM ALLOWABLE RATE PAYABLE FOR  
30 GOODS, SERVICES AND SUPPLIES UNDER THE MEDICARE PROGRAM. THIS

20110HB0960PN2258

- 46 -

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1 SUBSECTION INCLUDES GOODS AND SERVICES FURNISHED BY THE HEALTH  
2 CARE PROVIDER TO THE INMATE, INCLUDING THE COST OF MEDICATIONS  
3 AND PRESCRIPTION DRUGS.

4 (C) LIMITATION.--NOTHING IN THIS ARTICLE SHALL BE CONSTRUED  
5 TO PREVENT A HEALTH CARE PROVIDER FROM CONTRACTING WITH A  
6 CORRECTIONAL INSTITUTION TO PROVIDE OUTPATIENT CARE TO INMATES  
7 AT RATES HIGHER THAN THOSE ESTABLISHED BY THIS ARTICLE.

8 SECTION 12. THE ADDITION OF SECTION 443.1(1.5)(I) OF THE ACT  
9 SHALL BE RETROACTIVE TO JULY 1, 2010.

10 SECTION 13. THIS ACT SHALL TAKE EFFECT JULY 1, 2011, OR  
11 IMMEDIATELY, WHICHEVER IS LATER.

20110HB0960PN2258

- 47 -