
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1335 Session of
2023

INTRODUCED BY BIZZARRO, VENKAT, HANBIDGE, SCHLOSSBERG, MADDEN,
HILL-EVANS, CERRATO, SANCHEZ, GUENST, CEPEDA-FREYTIZ, CIRESI,
BOROWSKI, KHAN, PARKER AND SCOTT, JUNE 7, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 7, 2023

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.

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

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

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

14 * * *

15 "LIFE program" means a managed care program that provides
16 all-inclusive care for elderly individuals in this Commonwealth
17 as established in accordance with 42 CFR Pt. 460 (relating to
18 programs of all-inclusive care for the elderly (PACE)).

19 * * *

1 "Older adult daily living center" means a premises operated
2 for profit or not-for-profit in which older adult daily living
3 services are simultaneously provided for four or more clients
4 who are not relatives of the operator for part of a twenty-four-
5 hour day.

6 * * *

7 Section 2. Sections 403.1 and 404 of the act are amended by
8 adding subsections to read:

9 Section 403.1. Administration of Assistance Programs.--* * *

10 (f) The following apply:

11 (1) To ensure proper placement of applicants in Medicaid
12 managed care, the department shall, immediately after an
13 applicant is referred for Functional Eligibility Determination
14 or has completed a PA-600 L:

15 (i) provide information necessary to determine eligibility
16 for home-based and community-based programs to LIFE program
17 organizations and older adult daily living center programs in
18 accordance with section 404; and

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

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

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

30 (4) For the purposes of this subsection:

1 "Applicant" means an individual applying for medical
2 assistance who is in need of long-term care.

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

10 Section 404. Regulations for Protection of Information.--* *

11 *

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

17 * * *

18 Section 3. This act shall take effect in 60 days.