

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1417 Session of
2023

INTRODUCED BY INNAMORATO, GAYDOS, KINKEAD, HILL-EVANS, McNEILL, SAMUELSON, RABB, HOWARD, MADDEN, SCHLOSSBERG, SANCHEZ, WARREN, KINSEY, DELLOSO, KHAN, SMITH-WADE-EL, STURLA, TAKAC, D. WILLIAMS, MULLINS, CERRATO, DONAHUE, ISAACSON, FRANKEL, KRAJEWSKI, BOROWSKI, O'MARA, T. DAVIS, SCHWEYER, KIM, FLEMING, YOUNG, KULIK, WAXMAN, GERGELY, MERSKI, STEELE, KAZEEM, GUENST, HANBIDGE, GREEN, CEPEDA-FREYTIJZ, FIEDLER, FREEMAN AND SHUSTERMAN, JUNE 14, 2023

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,
AS AMENDED, OCTOBER 18, 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 reimbursement for certain medical
5 assistance items and services; and abrogating regulations.

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

8 Section 1. Section 443.6(g) of the act of June 13, 1967
9 (P.L.31, No.21), known as the Human Services Code, is amended

10 and the section is amended by adding a subsection to read:

11 Section 443.6. Reimbursement for Certain Medical Assistance
12 Items and Services.--* * *

13 (g) The department shall establish a benefit [packages]
14 package for [dental and] pharmacy services for medical
15 assistance recipients twenty-one years of age or older, and any
16 exceptions to [such] the benefit [packages] package as the

1 department determines are appropriate. Notwithstanding any other
2 provision of law, including this section, during State fiscal
3 year 2011-2012, the department shall establish such benefit
4 [~~packages~~] package, limits and exceptions thereto by publication
5 of one or more notices in the Pennsylvania Bulletin. A notice
6 shall describe the available benefit [~~packages~~] package or
7 limits and any exceptions thereto. The benefit [~~packages~~]
8 package, limits and exceptions thereto shall take effect as
9 specified in the notice and remain in effect until changed by a
10 subsequent notice issued on or before June 30, 2012, or
11 thereafter by department regulation.

12 (h) The department shall establish a benefit package for
13 dental services for medical assistance recipients twenty-one
14 years of age or older. Notwithstanding any other provision of
15 law, including this section, during State fiscal year 2023-2024, <--
16 the department shall establish the benefit package by
17 publication of one or more notices in the Pennsylvania Bulletin.
18 A notice shall describe the available benefit package. The
19 benefit package shall take effect as specified in the notice and
20 remain in effect until changed by department regulation. THE <--
21 DEPARTMENT SHALL REVISE THE BENEFIT PACKAGE FOR DENTAL SERVICES
22 BY PUBLICATION OF A NOTICE IN THE PENNSYLVANIA BULLETIN. THE
23 BENEFIT PACKAGE SHALL TAKE EFFECT AS SPECIFIED IN THE NOTICE.
24 The department shall seek a State plan amendment or Federal
25 waiver from the Centers for Medicare and Medicaid Services, if
26 needed, to allow the medical assistance program to provide
27 coverage for dental services in accordance with this section.
28 The SUBJECT TO AVAILABLE FUNDING, THE benefit package under this <--
29 subsection:

30 (1) shall include all coverages for dental services provided <--

1 prior to the dental benefit package changes announced under 41
2 Pa.B. 5133 (September 24, 2011); AND <--
3 ~~(2) may not remove any existing coverage for dental services~~ <--
4 ~~or include a benefit limitation for covered dental services; and~~
5 ~~(3) (2) may include additional coverages for dental services~~ <--
6 beyond those currently provided and those provided prior to the
7 dental benefit package changes announced under 41 Pa.B. 5133
8 (September 24, 2011).

9 Section 2. All regulations and parts of regulations are
10 abrogated to the extent of any inconsistency with this act.

11 Section 3. If a Federal waiver under section 443.6(h) of the
12 act or a State plan amendment is approved by the Centers for
13 Medicare and Medicaid Services, the Secretary of Human Services
14 shall transmit notice of the approval to the Legislative
15 Reference Bureau for publication in the next available issue of
16 the Pennsylvania Bulletin.

17 Section 4. This act shall take effect as follows:

18 (1) Section 2 of this act shall take effect immediately
19 following publication of the notice under section 3 of this
20 act.

21 (2) The remainder of this act shall take effect
22 immediately.