

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1611 Session of 2015

INTRODUCED BY GIBBONS, KINSEY, DRISCOLL, COHEN, DAVIS, McNEILL,  
V. BROWN, GOODMAN AND DONATUCCI, OCTOBER 15, 2015

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 15, 2015

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 general powers and  
4 duties of Department of Human Services, providing for  
5 unlicensed residential habilitation waiver services and  
6 reimbursement.

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

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
10 as the Public Welfare Code, is amended by adding a section to  
11 read:

12 Section 211.1. Unlicensed Residential Habilitation Waiver  
13 Services.--Subject to Federal approval of such amendments as may  
14 be necessary to the Commonwealth's approved Title XIX State  
15 Plan, the department shall do all of the following:

16 (1) Permit a relative or legal guardian of an individual  
17 with an intellectual disability to provide unlicensed  
18 residential habilitation waiver services to the individual in a  
19 residential setting approved by the department. A residential  
20 setting may include the private home of an individual with an

1 intellectual disability and the private home of a relative or  
2 legal guardian of an individual with an intellectual disability.

3 (2) Promulgate regulations that establish the process and  
4 criteria to be used to determine eligibility for a relative or  
5 legal guardian of an individual with an intellectual disability  
6 to provide unlicensed residential habilitation waiver services  
7 to the individual in residential settings approved by the  
8 department. The relative or legal guardian must meet the  
9 qualifications criteria for providers of residential  
10 habilitation waiver services set forth by the department as of  
11 the effective date of this section.

12 (3) Establish reimbursement rates for eligible relatives or  
13 legal guardians providing unlicensed residential habilitation  
14 waiver services.

15 Section 2. Within 90 days of the effective date of this  
16 section, the Department of Human Services shall submit to the  
17 appropriate Federal agency a request for necessary waivers of  
18 Federal law and regulations and for any other approvals by the  
19 Federal Government necessary for the implementation of the  
20 changes and additions made by the addition of section 211.1 of  
21 the act. It is the obligation of the department to enter into  
22 good faith negotiations with the appropriate Federal authorities  
23 and to make every effort to obtain the necessary Federal waivers  
24 and approvals.

25 Section 3. This act shall take effect immediately.