

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2320 Session of
2024

INTRODUCED BY VENKAT, HILL-EVANS, GUENST, PROBST, HADDOCK,
ROZZI, STEHR, KENYATTA, HANBIDGE, GIRAL, SANCHEZ AND
D. WILLIAMS, MAY 22, 2024

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MAY 22, 2024

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 providing for pending medical assistance applications.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Human Services Code, is amended by adding a section to
9 read:

10 Section 449.3. Pending Medical Assistance Applications.--(a)
11 When a medical assistance application for an individual residing
12 at a long-term care provider has been pending at the department
13 for at least sixty days for either of the following reasons, the
14 provider may request an uncompensated care payment from the
15 department:

16 (1) the determination of an initial or renewal application
17 of medical assistance has not been made; or

18 (2) the initial medical assistance application was denied

1 and an appeal was submitted and received by the department to
2 amend the application.

3 (b) The department shall make payment to the provider for
4 the uncompensated care as though the application were approved,
5 beginning on the date of request. Payment under this subsection
6 shall not be made for the period prior to the provider's
7 request, but shall continue thereafter until the department
8 makes a final determination on the application.

9 (c) In the event the determination for benefits is denied,
10 the department shall have the right of recovery, offset or
11 recoupment with respect to payments made for the period
12 beginning with initial application through sixty days following
13 the request of the provider to receive payment. The department
14 may not recover, offset or recoup payments received after sixty
15 days of the provider's request for payment. In the event the
16 application is approved, the department may offset payments due
17 for the period between the date of the provider's request and
18 the final determination by amounts already paid.

19 (d) A provider providing uncompensated care to a medical
20 assistance applicant may inquire of the secretary or designee as
21 to the status of the individual's application, and the secretary
22 or designee shall respond within five business days as follows:

23 (1) If the provider has not obtained a signed release, the
24 secretary or designee shall provide the following information,
25 only, in writing:

26 (i) whether or not the application has been approved;
27 (ii) the identity of any authorized representative; and
28 (iii) if the application has not yet been decided, whether
29 or not the application is a complete application.

30 (2) If the provider has obtained a signed release, the

1 secretary or designee shall, in addition to the information
2 listed in paragraph (1), provide any other information requested
3 by the provider, to the extent that the release permits its
4 disclosure of the information.

5 (e) For purposes of this definition, the term "long-term
6 care provider" or "provider" means a long-term care nursing
7 facility that is:

8 (1) licensed by the Department of Health;

9 (2) enrolled in the Medical Assistance Program as a provider
10 of nursing facility services; and

11 (3) owned by an individual, partnership, association or
12 corporation and operated on a profit or nonprofit basis.

13 The term does not include an intermediate care facility for
14 persons with an intellectual disability, Federal or State-owned
15 long-term care nursing facility, veterans' home or county
16 nursing facility.

17 Section 2. This act shall take effect in 60 days.