
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49 Session of
2021

INTRODUCED BY SCHEMEL, GROVE, RYAN, DOWLING, KAUFFMAN, KEEFER
AND MOUL, JANUARY 11, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 11, 2021

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, providing for
3 Department of Health and Human Services and transferring
4 specific powers and duties from the Department of Health and
5 the Department of Human Services to the Department of Health
6 and Human Services.

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

9 Section 1. Part V of Title 71 of the Pennsylvania
10 Consolidated Statutes is amended by adding a chapter to read:

11 CHAPTER 49

12 DEPARTMENT OF HEALTH AND HUMAN SERVICES

13 Subchapter

14 A. General Provisions

15 B. Departmental Administration

16 SUBCHAPTER A

17 GENERAL PROVISIONS

18 Sec.

19 4901. Scope of chapter.

20 4902. Definitions.

1 § 4901. Scope of chapter.

2 This chapter relates to the Department of Health and Human
3 Services.

4 § 4902. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Continuous improvement process system." A management
9 methodology system that combines tools to improve process speed
10 and reduce waste with data-driven project analysis to provide
11 products and services with improved quality at a lower cost. The
12 term may involve any of the following strategies:

13 (1) Developing a process map that describes the lean
14 government principles or another widely accepted business
15 process improvement system by which an executive agency
16 engages in specific activities that have the purpose of
17 increasing efficiency and eliminating waste in the processes
18 used to deliver goods and services to taxpayers and customers
19 of this Commonwealth. This strategy includes the measurement
20 of the outcomes regarding increased efficiency and the
21 elimination of waste and procedures by which the executive
22 agency produces goods or serves its customers.

23 (2) Engaging in specific activities to rapidly improve
24 an executive agency's processes that will increase value or
25 decrease staff time, inventory, defects, overproduction,
26 complexity, delays or excessive movement.

27 (3) Involving executive agency employees at all levels
28 to map the executive agency's processes and recommend
29 improvements, with specific importance placed on the
30 involvement of executive agency employees closest to the

1 customer or end user of the State government product or
2 service.

3 (4) Providing the means to measure each process in order
4 to demonstrate the effectiveness of each process or process
5 improvement.

6 (5) Training executive agency employees to mentor and
7 train other executive agency employees in continuous
8 improvement process systems.

9 "Department." The Department of Health and Human Services
10 established under section 4911 (relating to establishment of
11 department).

12 "Secretary." The Secretary of Health and Human Services.

13 SUBCHAPTER B

14 DEPARTMENTAL ADMINISTRATION

15 Sec.

16 4911. Establishment of department.

17 4912. Organization of department.

18 4913. General duties of department and transfer provisions.

19 4914. Redesignation.

20 4915. (Reserved).

21 4916. Secretary.

22 4917. Strategic plan.

23 § 4911. Establishment of department.

24 The Department of Health and Human Services is established as
25 an administrative department within the executive branch of the
26 government of this Commonwealth.

27 § 4912. Organization of department.

28 (a) Division of responsibilities.--The department shall be
29 divided into the following:

30 (1) The Bureau of Child Development.

- 1 (2) The Bureau of Children, Youth and Families.
- 2 (3) The Bureau of Developmental Programs.
- 3 (4) The Bureau of Eligibility and Self-Sustainability.
- 4 (5) The Bureau of Health Care Quality and Licensure.
- 5 (6) The Bureau of Public Health.
- 6 (7) The Bureau of Medical Programs and Pharmacy
- 7 Services.

8 (b) Supervision.--

9 (1) Each bureau of the department shall be headed by a
10 deputy secretary appointed by the secretary.

11 (2) Each deputy secretary shall be under the supervision
12 of the secretary.

13 § 4913. General duties of department and transfer provisions.

14 (a) Authority.--The department shall exercise the authority
15 and perform the duties of the following as specified in this
16 chapter:

17 (1) The Department of Health.

18 (2) The Department of Human Services.

19 (b) Transfer of powers and duties.--

20 (1) The powers and duties vested in the Secretary of
21 Health and the Secretary of Human Services are transferred to
22 the secretary, who shall exercise the powers and perform the
23 duties that those secretaries exercised or performed prior to
24 the effective date of this section. Any reference to the
25 Secretary of Health or the Secretary of Human Services shall
26 be a reference to the secretary on or after the effective
27 date of this section.

28 (2) The following are transferred to the department:

29 (i) All bureaus, organizations and divisions in the
30 Department of Health and the Department of Human Services

1 responsible for the functions specified in this chapter.

2 (ii) All personnel, allocations, appropriations,
3 equipment, files, records, contracts, agreements,
4 obligations and other materials which are used, employed
5 or expended by the Department of Health or the Department
6 of Human Services in connection with the functions
7 transferred by this chapter to the department in the
8 first instance and as if these contracts, agreements and
9 obligations had been incurred or entered into by the
10 department.

11 (c) Apportionment.--The personnel, appropriations, equipment
12 and other items and material transferred to the department by
13 this section shall include an appropriate portion of the general
14 administrative, overhead and supporting personnel,
15 appropriations, equipment and other material of the Department
16 of Health or the Department of Human Services and shall also
17 include, where applicable, Federal grants and funds and other
18 benefits from any Federal program.

19 (d) Status of employees.--All personnel transferred under
20 this chapter shall retain any civil service employment status
21 assigned to the personnel.

22 § 4914. Redesignation.

23 (a) Department of Health.--

24 (1) The Department of Health shall be known as the
25 Bureau of Health under the department.

26 (2) A reference to the Department of Health in a statute
27 or regulation shall be deemed a reference to the department.

28 (3) To provide an efficient and cost-minimizing
29 transition, licenses, contracts, deeds and other official
30 actions of the department or any bureau specified in this

1 subsection shall not be affected by the use of the
2 designation as Bureau of Health. The Department of Health may
3 continue to use the name "Department of Health" on badges,
4 licenses, contracts, deeds, stationery and other official
5 documents until existing supplies are exhausted. The
6 department may substitute the title "Department of Health and
7 Human Services" for "Department of Health" on its documents
8 and materials on a schedule that is deemed appropriate.

9 (4) The department shall not replace existing signage at
10 its locations with the redesignated name until the signs are
11 worn and in need of replacement. This transition shall be
12 coordinated with changes in administration.

13 (5) The department shall continue to use the name
14 "Department of Health" on its computer systems until the time
15 of routine upgrades in each computer system in the
16 department. The change in name shall be made at the time of
17 the routine upgrade to the computer systems.

18 (b) Department of Human Services.--

19 (1) The Department of Human Services shall be known as
20 the Bureau of Human Services under the department.

21 (2) A reference to the Department of Human Services in a
22 statute or regulation shall be deemed a reference to the
23 department.

24 (3) To provide an efficient and cost-minimizing
25 transition, licenses, contracts, deeds and other official
26 actions of the department or any bureau specified in this
27 subsection shall not be affected by the use of the
28 designation as Bureau of Human Services. The department may
29 continue to use the name "Department of Human Services" on
30 badges, licenses, contracts, deeds, stationery and other

1 official documents until existing supplies are exhausted. The
2 department may substitute the title "Department of Health and
3 Human Services" for "Department of Human Services" on its
4 documents and materials on a schedule that is deemed
5 appropriate.

6 (4) The department shall not replace existing signage at
7 its locations with the redesignated name until the signs are
8 worn and in need of replacement. This transition shall be
9 coordinated with changes in administration.

10 (5) The department shall continue to use the name
11 "Department of Human Services" on its computer systems until
12 the time of routine upgrades in each computer system in the
13 department. The change in name shall be made at the time of
14 the routine upgrade to the computer systems.

15 § 4915. (Reserved).

16 § 4916. Secretary.

17 (a) Nomination.--No later than 30 days after the effective
18 date of this section, the Governor shall nominate an individual
19 to serve as acting secretary until the individual or another
20 individual is confirmed as secretary by the Senate under section
21 8 of Article IV of the Constitution of Pennsylvania. The acting
22 secretary shall have the same authority as the secretary.

23 (b) Appointments.--The secretary shall appoint the deputy
24 secretaries. Each deputy secretary shall possess appropriate
25 qualifications to serve in that capacity.

26 § 4917. Strategic plan.

27 (a) Development.--Subject to subsection (b), within 120 days
28 of the effective date of this section, the Governor shall
29 contract with a qualified third party to develop a strategic
30 plan under this section.

1 (b) Third-party contract.--The Governor may enter into a
2 contract with a qualified third-party organization under this
3 section if the organization:

4 (1) has experience with large corporate mergers of a
5 company which has more than 500 employees;

6 (2) has experience assisting in the merging of
7 government agencies in other states; and

8 (3) utilizes continuous improvement process systems to
9 strengthen the efficiency and delivery of service of agencies
10 or corporations undergoing a merger.

11 (c) Parameters.--The strategic plan under this section shall
12 detail the merger of the Department of Health and the Department
13 of Human Services, in accordance with the provisions of this
14 chapter, and shall provide for:

15 (1) A reduction of at least 20% in administrative costs.

16 (2) A reduction of at least 20% in regulations
17 promulgated by the Department of Health and the Department of
18 Human Services.

19 (3) Establishment of a Regulatory Advisory Committee
20 consisting of members of the regulated communities for
21 activities regulated or overseen by the department.

22 (4) Establishment of a Statewide and uniform
23 interpretation of regulations and laws from inspectors used
24 by the department.

25 (5) Establishment of an independent office separate from
26 the department to oversee any medical assistance program
27 operated by the Commonwealth.

28 (6) Improvement of agency services to residents of this
29 Commonwealth at a lower cost to taxpayers.

30 (7) Consolidation of redundant rules and regulations

1 promulgated by the Department of Health and the Department of
2 Human Services.

3 (8) Development of expected outcomes to improve the
4 health and well-being of residents of this Commonwealth.

5 (9) Value-based purchasing for agency programs.

6 (10) Use of evidence-based programs.

7 (11) A proposal for the development of medical homes.

8 (12) Development of a plan to establish a uniform
9 coordinated delivery of services.

10 (13) Recommendations to maximize the amount of Federal
11 funds received by the Commonwealth.

12 (14) A detailed analysis of Federal funding for the
13 department, including, but not limited to, long-term costs to
14 the Commonwealth required for maintenance of effort
15 agreements.

16 (15) Apportionment of personnel, appropriations,
17 equipment and other items and material transferred to the
18 department under section 4913 (relating to general duties of
19 department and transfer provisions).

20 (d) Submittal.--No later than 240 days after the effective
21 date of this section, the strategic plan under this section
22 shall be submitted to the General Assembly for review and any
23 hearings deemed necessary.

24 Section 2. All other acts or parts of acts are repealed
25 insofar as they are inconsistent with this act.

26 Section 3. Except as otherwise provided in 71 Pa.C.S. Ch.
27 49, all activities regarding the powers and duties under 71
28 Pa.C.S. Ch. 49 which were initiated under the Department of
29 Health or the Department of Human Services shall continue and
30 remain in full force and effect and may be completed under 71

1 Pa.C.S. Ch. 49. Orders, regulations, rules and decisions which
2 were made under the authority of the Department of Health or the
3 Department of Human Services regarding the powers and duties
4 under 71 Pa.C.S. Ch. 49 and which are in effect on the effective
5 date of 71 Pa.C.S. Ch. 49 shall remain in full force and effect
6 until revoked, vacated or modified under 71 Pa.C.S. Ch. 49.
7 Contracts, obligations and collective bargaining agreements
8 entered into under the authority of the Department of Health or
9 the Department of Human Services are not affected nor impaired
10 by the transfer of powers and duties under 71 Pa.C.S. Ch. 49.

11 Section 4. Any expenditures needed to implement this act
12 shall be paid using encumbered funds of the respective executive
13 agency.

14 Section 5. Within 10 days of the nomination under 71 Pa.C.S.
15 § 4916(a), the Secretary of the Commonwealth shall provide
16 notice of the nomination to the Legislative Reference Bureau,
17 which shall publish the notice in the Pennsylvania Bulletin.

18 Section 6. This act shall take effect as follows:

19 (1) The following shall take effect immediately:

20 (i) This section and section 5 of this act.

21 (ii) The addition of 71 Pa.C.S. §§ 4901, 4902, 4916
22 and 4917.

23 (2) The remainder of this act shall take effect 30 days
24 after publication in the Pennsylvania Bulletin of the notice
25 under section 5 of this act.