

## 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 administration of assistance programs  
5 and for regulations for protection of information.

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

8 Section 1. Sections 403.1 and 404 of the act of June 13,  
9 1967 (P.L.31, No.21), known as the Human Services Code, are  
10 amended by adding subsections to read:

11 Section 403.1. Administration of Assistance Programs.--\* \* \*

12 (f) The following apply:

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

17 (i) provide information necessary to determine eligibility  
18 for home-based and community-based programs to LIFE program  
19 organizations in accordance with section 404; and

1 (ii) ensure that the applicant receives information about  
2 the requirements and eligibility for programs offered by LIFE  
3 program organizations.

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

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

11 (4) For the purposes of this section:

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

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

18 "Medicaid managed care" means services provided by a Medicaid  
19 managed care organization as defined in 42 U.S.C. § 1396b(m)(1)  
20 (A) (relating to payment to states) that is a party to a  
21 Medicaid managed care contract with the department. The term  
22 shall not include a behavioral health managed care organization  
23 that is a party to a Medicaid managed care contract with the  
24 department.

25 Section 404. Regulations for Protection of Information.--\* \*

26 \*

27 (a.1) The regulations for protection of information shall  
28 permit the distribution of information to a LIFE program, for  
29 the purpose of determining eligibility for home-based and  
30 community-based services.

1 \* \* \*

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