

**HB** \_\_\_\_\_

Legislative Reference Bureau

**INTRODUCED** \_\_\_\_\_

By Venkat, Arvind District NO. 30

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

<b>Referred to Committee on</b>	
<b>Date</b>	_____
<b>Reported</b>	_____
<b>As Committed-Amended</b>	
<b>Recomendation</b>	_____
<b>By Hon.</b>	_____

## 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:

14 (1) the determination of an initial application of medical  
15 assistance has not been made; or

16 (2) the initial medical assistance application was denied  
17 and an appeal was submitted and received by the department to  
18 amend the application,

1 the provider may request an uncompensated care payment from the  
2 department.

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.