

AMENDMENTS TO SENATE BILL NO. 922

Sponsor:

Printer's No. 1112

1 Amend Bill, page 1, line 3, by inserting after "for"
2 establishment of county boards and expenses and for
3 Amend Bill, page 1, line 4, by striking out "exempt
4 hospital" and inserting
5 "general acute care hospital"; providing for a definition
6 Amend Bill, page 1, line 5, by inserting after "for"
7 authorization, for
8 Amend Bill, page 1, line 5, by inserting after
9 "administration"
10 , for no hold harmless, for tax exemption and for
11 cessation
12 Amend Bill, page 1, lines 8 through 10, by striking out all
13 of said lines and inserting
14 Section 1. Section 415 of the act of June 13, 1967 (P.L.31,
15 No.21), known as the Public Welfare Code, is amended to read:
16 Section 415. Establishment of County Boards; Expenses.--For
17 each county of the Commonwealth, there is hereby established a
18 county board of assistance, to be known as the County Board of
19 Assistance and referred to in this Article IV as the "county
20 board," which shall be composed of men and women, to be
21 appointed by the Governor [with the advice and consent of two-
22 thirds of all members of the Senate]. Each appointment by the
23 Governor shall bear the endorsement of the senator of the
24 district in which the nominee resides. In the case of a vacancy
25 in that senatorial district, the nominee shall be endorsed by
26 the senator of an adjacent district. The county boards shall be
27 composed as far as possible of persons engaged or interested in
28 business, social welfare, labor, industry, education or public
29 administration. The members of the county boards shall serve
30 without compensation, but shall be reimbursed for necessary
31 expenses. No member of a county board shall hold office in any

1 political party. Not all of the members of a county board shall
2 belong to the same political party.

3 Section 2. Section 441.4 of the act, added July 7, 2005
4 (P.L.177, No.42), is amended to read:

5 Amend Bill, page 2, line 8, by striking out "are" and
6 inserting

7 shall be

8 Amend Bill, page 2, lines 19 through 21, by striking out all
9 of said lines and inserting

10 Section 3. The definition of "general acute care hospital"
11 in section 801-E of the act, added July 4, 2008 (P.L.557,
12 No.44), is amended and the section is amended by adding a
13 definition to read:

14 Amend Bill, page 2, lines 27 through 30; page 3, lines 1
15 through 11, by striking out all of said lines on said pages and
16 inserting

17 "General acute care hospital." A hospital other than [an
18 exempt hospital.] a hospital that the Secretary of Public
19 Welfare has determined meets one of the following:

20 (1) Is excluded under 42 CFR 412.23(a), (b), (d), (e) and
21 (f) (relating to excluded hospitals: Classifications) as of
22 March 20, 2008, from reimbursement of certain Federal funds
23 under the prospective payment system described by 42 CFR 412
24 (relating to prospective payment systems for inpatient hospital
25 services).

26 (2) Is a Federal veterans' affairs hospital.

27 (3) Is a high volume Medicaid hospital.

28 (4) Provides care, including inpatient hospital services, to
29 all patients free of charge.

30 "High volume Medicaid hospital." A hospital that the
31 Secretary of Public Welfare has determined meets all of the
32 following:

33 (1) Is a nonprofit hospital subsidiary of a State-related
34 institution as that term is defined in 62 Pa.C.S. § 103
35 (relating to definitions); and

36 (2) Provides more than 90,000 days of care to medical
37 assistance patients annually.

38 Amend Bill, page 3, lines 13 and 14, by striking out all of
39 said lines and inserting

40 Section 4. Sections 802-E, 804-E, 805-E, 807-E and 808-E of
41 the act, added July 4, 2008 (P.L.557, No.44), are amended to
42 read:

1 Section 802-E. Authorization.

2 (a) General rule.--In order to generate additional revenues
3 for the purpose of assuring that medical assistance recipients
4 have access to hospital services and that all citizens have
5 access to emergency department services, and subject to the
6 conditions and requirements specified under this article, a
7 municipality may, by ordinance, [impose] do the following:

8 (1) Impose a monetary assessment on the net operating
9 revenue reduced by all revenues received from Medicare of each
10 general acute care hospital located in the municipality [subject
11 to the conditions and requirements specified under this
12 article].

13 (2) Beginning on or after July 1, 2009, and subject to the
14 advance written approval by the secretary, impose a monetary
15 assessment on the net operating revenues reduced by all revenues
16 received from Medicare of each high volume Medicaid hospital
17 located in the municipality.

18 (b) Administrative provisions.--The [ordinance] ordinances
19 adopted pursuant to subsection (a) may include appropriate
20 administrative provisions including, without limitation,
21 provisions for the collection of interest and penalties.

22 (c) Maximum assessment.--In each year in which the
23 assessment is implemented, the assessment shall be subject to
24 the maximum aggregate amount that may be assessed under 42 CFR
25 433.68(f)(3)(i) (relating to permissible health care-related
26 taxes) or any other maximum established under Federal law.

27 Amend Bill, page 4, by inserting between lines 5 and 6

28 Section 805-E. No hold harmless.

29 No general acute care hospital or high volume Medicaid
30 hospital shall be directly guaranteed a repayment of its
31 assessment in derogation of 42 CFR 433.68(f) (relating to
32 permissible health care-related taxes), except that, in each
33 fiscal year in which an assessment is implemented, the
34 department shall use a portion of the funds received under
35 section 804-E(a) for the purposes outlined under section 804-
36 E(b) to the extent permissible under Federal and State law or
37 regulation and without creating an indirect guarantee to hold
38 harmless, as those terms are used under 42 CFR 433.68(f)(i). The
39 secretary shall submit any State Medicaid plan amendments to the
40 United States Department of Health and Human Services that are
41 necessary to make the payments authorized under section 804-
42 E(b).

43 Section 807-E. Tax exemption.

44 Notwithstanding any exemptions granted by any other Federal,
45 State or local tax or other law, including section 204(a)(3) of
46 the act of May 22, 1933 (P.L.853, No.155), known as The General
47 County Assessment Law, no general acute care hospital or high
48 volume Medicaid hospital in the municipality shall be exempt
49 from the assessment.

1 Section 808-E. [Cessation] Time period.

2 (a) Cessation.--The assessment authorized under this article
3 shall cease June 30, 2013.

4 (b) Assessment.--A municipality shall have the power to
5 enact the assessment authorized in section 802-E(a)(2) either
6 prior to or during its fiscal year ending June 30, 2010.

7 Amend Bill, page 4, line 6, by striking out "4" and inserting

8 5

Provides that an appointment to a County Board of Assistance bear the endorsement of the Senator in which the nominee resides, while removing the requirement for Senate confirmation;

Authorizes the City of Philadelphia to extend the Hospital assessment to Temple University Hospital. If the Secretary of Public Welfare provides written approval, the assessment will be extended to Temple Hospital for the entire fiscal year for 2009-2010.