

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 849 Session of 2023

INTRODUCED BY SCHLOSSBERG, BENHAM, BIZZARRO, BRADFORD, CIRESI, DALEY, T. DAVIS, FRANKEL, FREEMAN, HANBIDGE, HARKINS, HILL-EVANS, HOHENSTEIN, HOWARD, ISAACSON, KINKEAD, KINSEY, KRUEGER, MADDEN, MALAGARI, McNEILL, D. MILLER, O'MARA, OTTEN, PASHINSKI, PISCIOTTANO, SAMUELSON, SANCHEZ, SCOTT, SHUSTERMAN, STURLA, TOMLINSON AND D. WILLIAMS, APRIL 10, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 10, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled  
 2 "An act relating to the finances of the State government;  
 3 providing for cancer control, prevention and research, for  
 4 ambulatory surgical center data collection, for the Joint  
 5 Underwriting Association, for entertainment business  
 6 financial management firms, for private dam financial  
 7 assurance and for reinstatement of item vetoes; providing for  
 8 the settlement, assessment, collection, and lien of taxes,  
 9 bonus, and all other accounts due the Commonwealth, the  
 10 collection and recovery of fees and other money or property  
 11 due or belonging to the Commonwealth, or any agency thereof,  
 12 including escheated property and the proceeds of its sale,  
 13 the custody and disbursement or other disposition of funds  
 14 and securities belonging to or in the possession of the  
 15 Commonwealth, and the settlement of claims against the  
 16 Commonwealth, the resettlement of accounts and appeals to the  
 17 courts, refunds of moneys erroneously paid to the  
 18 Commonwealth, auditing the accounts of the Commonwealth and  
 19 all agencies thereof, of all public officers collecting  
 20 moneys payable to the Commonwealth, or any agency thereof,  
 21 and all receipts of appropriations from the Commonwealth,  
 22 authorizing the Commonwealth to issue tax anticipation notes  
 23 to defray current expenses, implementing the provisions of  
 24 section 7(a) of Article VIII of the Constitution of  
 25 Pennsylvania authorizing and restricting the incurring of  
 26 certain debt and imposing penalties; affecting every  
 27 department, board, commission, and officer of the State  
 28 government, every political subdivision of the State, and  
 29 certain officers of such subdivisions, every person,  
 30 association, and corporation required to pay, assess, or

1 collect taxes, or to make returns or reports under the laws  
2 imposing taxes for State purposes, or to pay license fees or  
3 other moneys to the Commonwealth, or any agency thereof,  
4 every State depository and every debtor or creditor of the  
5 Commonwealth," in emergency COVID-19 response, providing for  
6 adult mental health program funding; and making  
7 appropriations.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 Section 1. The act of April 9, 1929 (P.L.343, No.176), known  
11 as The Fiscal Code, is amended by adding a section to read:

12 Section 164-C. Adult mental health program funding.

13 (a) Findings and purpose.--The General Assembly finds and  
14 declares as follows:

15 (1) The Behavioral Health Commission for Adult Mental  
16 Health established under section 163-C was charged with  
17 making recommendations for the allocation of funding in the  
18 following 10 priority areas:

19 (i) Delivery of services by telemedicine.

20 (ii) Behavioral health rates, network adequacy and  
21 mental health payment parity.

22 (iii) Workforce development and retention.

23 (iv) Expansion of certified peer support specialist  
24 services and peer-run services.

25 (v) The development and provision of crisis  
26 services.

27 (vi) The integration of behavioral health and  
28 substance use disorder treatment.

29 (vii) Cultural competencies when providing  
30 behavioral health care.

31 (viii) The impact of social determinants of health  
32 on behavioral health.

33 (ix) The intersection of behavioral health and the

1 criminal justice system.

2 (x) Establishing an integrated care model that can  
3 deliver timely psychiatric care in a primary care  
4 setting.

5 (2) The Behavioral Health Commission for Adult Mental  
6 Health determined that intersectionality between the 10  
7 priority areas indicates that investment in one sector will  
8 have impacts in others and recommended that funding awards  
9 should prioritize culturally responsive initiatives that  
10 promote equity in historically under-resourced communities.

11 (3) The Behavioral Health Commission for Adult Mental  
12 Health recommended categorizing the 10 priority areas in  
13 three overarching categories:

14 (i) Increasing workforce development programs and  
15 incentives.

16 (ii) Expanding criminal justice and public safety  
17 programs.

18 (iii) Expanding mental health services and supports.

19 (4) In accordance with section 1730-F.1(24), the purpose  
20 of this section is to allocate funds based on the  
21 recommendations of the Behavioral Health Commission for Adult  
22 Mental Health to address adult behavioral health needs in the  
23 areas of workforce development programs and incentives,  
24 criminal justice and expanding mental health services and  
25 supports.

26 (b) Use of money.--From money appropriated for COVID-Relief  
27 - ARPA - Adult Mental Health Programs, the sum of \$100,000,000  
28 shall be used for the purposes specified in subsections (c),  
29 (d), (e) and (f).

30 (c) Workforce.--The sum of \$34,000,000 is to be used for the

1 purpose of retaining existing behavioral health staff and  
2 providers, incentive programs and opportunities for staff to  
3 develop skills as follows:

4 (1) The sum of \$15,000,000 to the Department of Labor  
5 and Industry to establish a program to award competitive  
6 grants, in consultation with the Department of Human  
7 Services, the Department of Health and the Department of  
8 Education, to partnerships of eligible applicants for  
9 training, recruiting and retention strategies for  
10 professionals in behavioral health settings. The following  
11 apply:

12 (i) Eligible applicants include:

13 (A) Employers of behavioral health  
14 professionals.

15 (B) County mental health administrations.

16 (C) Local workforce development boards.

17 (D) Institutions of higher education, including  
18 community colleges.

19 (E) School districts.

20 (F) Area career and technical schools.

21 (G) Local education providers.

22 (H) Training providers.

23 (I) Community-based organizations.

24 (J) Community health workers, as defined in 42  
25 U.S.C. § 280g-11(k)(1) (relating to grants to promote  
26 positive health behaviors and outcomes).

27 (ii) Grant money may be used to:

28 (A) Develop, expand or enhance training  
29 programs, including apprenticeships or other earn and  
30 learn models, scholarships, tuition assistance and

1 paid field placements, including internships,  
2 residencies and fellowships.

3 (B) Assist with costs relating to supervision,  
4 certifications, tests and other fees.

5 (C) Develop recruitment and retention  
6 strategies, including one-time payments and other  
7 recruitment and retention initiatives.

8 (iii) The Department of Labor and Industry shall  
9 develop grant guidelines, a grant application and a  
10 process to review applications.

11 (iv) Priority shall be given to grant applications  
12 that support underserved populations and communities and  
13 demonstrate high need for partnerships in behavioral  
14 health settings.

15 (2) The sum of \$12,000,000 to the Pennsylvania Higher  
16 Education Assistance Agency to expand the School-based Mental  
17 Health Internship Grant Program established under section  
18 1318-B of the act of March 10, 1949 (P.L.30, No.14), known as  
19 the Public School Code of 1949, to include internships,  
20 fellowships, residencies and other paid workforce  
21 opportunities with behavioral health preparation programs and  
22 behavioral health settings as follows:

23 (i) The Pennsylvania Higher Education Assistance  
24 Agency shall administer the expanded program and, in its  
25 sole discretion, award grants to individuals who submit a  
26 completed application and satisfy eligible criteria.

27 (ii) The Pennsylvania Higher Education Assistance  
28 Agency shall establish eligible criteria in order for an  
29 individual or program setting to receive a grant under  
30 the expanded program.

1           (iii) An eligible individual under this paragraph  
2 shall, at a minimum:

3           (A) Be a Commonwealth resident as defined by the  
4 Pennsylvania Higher Education Assistance Agency.

5           (B) Be enrolled in an eligible program.

6           (C) Enter into a contract with the Pennsylvania  
7 Higher Education Assistance Agency to work in this  
8 Commonwealth for a minimum of three years following  
9 completion of the eligible individual's respective  
10 program.

11          (iv) Eligible program settings shall be determined  
12 by the Pennsylvania Higher Education Assistance Agency,  
13 in consultation with the Department of Human Services,  
14 and shall include:

15           (A) Residential and outpatient behavioral health  
16 providers.

17           (B) Psychiatric hospitals and psychiatric  
18 practices.

19           (C) County mental health administrations.

20           (D) Service providers that contract with county  
21 mental health administrations to deliver behavioral  
22 health services.

23           (E) Community-based organizations providing  
24 behavioral health services.

25           (F) Federally Qualified Health Centers.

26           (G) County jails and State correctional  
27 institutions.

28          (v) Grant money may be used:

29           (A) For tuition assistance.

30           (B) To support paid internships, residency and

1 fellowship placements.

2 (C) For supervision fees and training expenses.

3 (D) For equipment, training and technical  
4 assistance to support the eligible individual or  
5 program setting, including to expand service delivery  
6 using telemedicine.

7 (vi) Priority shall be given to behavioral health  
8 preparation programs and behavioral health settings in  
9 designated medically underserved or health care shortage  
10 areas.

11 (vii) The Pennsylvania Higher Education Assistance  
12 Agency shall consult with the Department of Human  
13 Services in the implementation of the expanded program  
14 instead of the advisory committee established under  
15 section 1318-B(b) (5) of the Public School Code of 1949.

16 (viii) The Pennsylvania Higher Education Assistance  
17 Agency may take a reasonable administrative fee of no  
18 more than 5% for direct costs associated with the  
19 implementation, administration and servicing of this  
20 paragraph. The fee shall be taken from the funding  
21 received under this paragraph.

22 (3) The sum of \$7,000,000 to the Department of Health to  
23 establish or expand a loan repayment program for eligible  
24 applicants serving in designated medically underserved or  
25 health care shortage areas. The following apply:

26 (i) The program shall be designed to increase the  
27 number of mental health care practitioners in designated  
28 areas, including activities such as:

29 (A) Reviewing and updating on a regular basis  
30 the practice sites eligible for the program.

1           (B) Promoting the recruitment and retention of  
2           mental health care practitioners in designated  
3           medically underserved or health care shortage areas.

4           (C) To the extent possible, maximizing the  
5           Federal funding to achieve the purposes of this  
6           paragraph.

7           (ii) An eligible applicant includes an individual  
8           who works in an eligible behavioral health services  
9           setting as defined by the Department of Health and:

10           (A) has a medical degree from an accredited  
11           medical school or osteopathic medical college, has  
12           completed an approved residency or fellowship program  
13           in psychiatry, is licensed to practice medicine in  
14           this Commonwealth and is board certified or board  
15           eligible in psychiatry;

16           (B) holds a nursing degree from an accredited  
17           nursing program, has completed a training program for  
18           nurse practitioners and holds a license in nursing  
19           and psychiatry or a related mental health field in  
20           this Commonwealth;

21           (C) has graduated from an accredited program for  
22           physician assistants and holds a license as a  
23           physician assistant in psychiatry or a related mental  
24           health field in this Commonwealth; or

25           (D) is licensed to practice in this Commonwealth  
26           as a psychologist, licensed clinical social worker,  
27           licensed professional counselor or licensed marriage  
28           and family therapist.

29           (iii) Eligible behavioral health services settings  
30           as defined by the Department of Health must accept

1 reimbursement from Medicaid.

2 (iv) Repayment assistance may not be made for a loan  
3 that is in default at the time of the application or for  
4 a loan being repaid through any other loan repayment  
5 assistance program. Repayment shall be made directly to  
6 the recipient who shall then repay the financial lending  
7 institution.

8 (v) A recipient of loan repayment assistance under  
9 this paragraph shall enter into an agreement with the  
10 Department of Health, which shall be considered a legally  
11 binding agreement with the Commonwealth and shall include  
12 the terms of the Department of Health's Primary Care Loan  
13 Repayment Program.

14 (vi) Loan repayment assistance may be provided as  
15 follows:

16 (A) An individual under subparagraph (ii)(A) and  
17 a psychologist under subparagraph (ii)(D) shall be  
18 eligible to receive up to \$80,000 in loan repayment  
19 assistance.

20 (B) An individual, except for a psychologist,  
21 under subparagraph (ii)(B), (C) or (D) shall be  
22 eligible to receive up to \$48,000 in loan repayment  
23 assistance.

24 (d) Expanding criminal justice and public safety programs.--  
25 The sum of \$25,500,000 is to be used for the purpose of  
26 expanding criminal justice and public safety programs as  
27 follows:

28 (1) The sum of \$13,500,000 to the Pennsylvania  
29 Commission on Crime and Delinquency to establish a program or  
30 programs to award competitive grants to eligible applicants.

1 The following apply:

2 (i) Eligible applicants include:

3 (A) Counties.

4 (B) Nonprofit and community-based organizations.

5 (C) County reentry coalitions.

6 (D) Mental health and substance use disorder  
7 providers.

8 (E) Housing authorities.

9 (ii) Grant money may be used to:

10 (A) Provide comprehensive evidence-based mental  
11 health and substance use disorder treatment and  
12 support services for incarcerated persons or services  
13 for reentrants.

14 (B) Establish or support existing specialty  
15 courts and services.

16 (C) Create or expand co-responder models or  
17 first responder crisis intervention training.

18 (iii) The Pennsylvania Commission on Crime and  
19 Delinquency, in consultation with the Department of Human  
20 Services, shall develop grant guidelines, a grant  
21 application and a process to review applications.

22 (2) The sum of \$7,000,000 to the Pennsylvania Commission  
23 on Crime and Delinquency for prearrest diversion.

24 (3) The sum of \$5,000,000 to the Department of Human  
25 Services for a one-time payment to each county mental health  
26 administration as follows:

27 (i) Divide:

28 (A) the population of a county mental health  
29 administration catchment area under the 2020 Federal  
30 decennial census; by

1           (B) the total State population.

2           (ii) Multiply:

3           (A) the quotient under subparagraph (i); by

4           (B) \$5,000,000.

5           (iii) A county mental health administration shall  
6 not receive less than \$20,000.

7           (iv) A county may use money received under this  
8 paragraph:

9           (A) For comprehensive evidence-based mental  
10 health and substance use disorder services and  
11 supports for incarcerated persons, services for  
12 reentry, including partnerships with community-based  
13 organizations providing reentry services or supports,  
14 case management and service coordination for  
15 individuals incarcerated in county jails.

16           (B) To create or expand partnerships with county  
17 jails or local law enforcement.

18           (v) Each county mental health administration shall  
19 submit a quarterly report accounting for all money  
20 received under this paragraph. The accounting shall:

21           (A) Be in a form prescribed by the Department of  
22 Human Services.

23           (B) Include a listing of all expenditures, the  
24 status of all unspent money and the impact of money  
25 spent.

26           (e) Strengthening and expanding mental health services and  
27 supports.--The sum of \$40,000,000 is to be used to ensure the  
28 stability and expansion of mental health services and supports  
29 as follows:

30           (1) The sum of \$15,000,000 to the Department of Human

1 Services to award competitive grants to county-provider  
2 partnerships that support suicide prevention and the crisis  
3 continuum of care through investments in mobile crisis teams,  
4 medical mobile crisis teams, crisis walk-in centers and  
5 crisis stabilization units. The following apply:

6 (i) The Department of Human Services shall develop a  
7 grant application and a process to review applications.  
8 The process shall give priority to applications that  
9 demonstrate innovative and collaborative partnerships  
10 between counties or partnerships of counties and other  
11 system partners and providers, including area agencies on  
12 aging, children and youth services, substance use  
13 treatment providers, autism and intellectual and  
14 developmental disabilities service providers, existing  
15 providers of crisis services, including family and peer  
16 advocates, victim services, first responders or criminal  
17 and juvenile justice system leadership.

18 (ii) (Reserved).

19 (2) The sum of \$10,000,000 to the Department of Human  
20 Services for a third-party contractor to award grants to  
21 support primary care practitioners and primary care practices  
22 in establishing or expanding the use of the collaborative  
23 care model. A third-party contractor selected may take an  
24 administrative fee of no more than 5% for direct costs  
25 associated with the implementation, administration and  
26 servicing of the grants under this paragraph. The following  
27 apply:

28 (i) Grants under this paragraph shall be awarded to  
29 primary care practitioners and primary care practices to  
30 establish and expand the use of the collaborative care

1 model and to entities to provide technical assistance to  
2 primary care practitioners and primary care practices on  
3 providing behavioral health integration services through  
4 the collaborative care model or primary care behavioral  
5 health model.

6 (ii) Primary care practitioners and primary care  
7 practices may collaborate with a larger health system for  
8 the purposes of applying for and implementing grants  
9 under this paragraph.

10 (iii) A primary care practitioner or primary care  
11 practice that receives a grant under this paragraph may  
12 use money received under this paragraph for such purposes  
13 as establishing and delivering behavioral health  
14 integration services through the collaborative care model  
15 or primary care behavioral health model and utilizing  
16 telemedicine to deliver behavioral health integration  
17 services.

18 (iv) For the purposes of this paragraph, the term  
19 "collaborative care model" means the evidence-based,  
20 integrated behavioral health service delivery method  
21 described in 81 Fed. Reg. 220, 80230 (November 15, 2016).

22 (3) The sum of \$8,000,000 shall be used by the  
23 Department of Human Services for a one-time payment to each  
24 county mental health administration as follows:

25 (i) Divide:

26 (A) the population of a county mental health  
27 administration catchment area under the 2020 Federal  
28 decennial census; by

29 (B) the total State population.

30 (ii) Multiply:

1                   (A) the quotient under subparagraph (i); by

2                   (B) \$8,000,000.

3                   (iii) A county mental health administration shall  
4 not receive less than \$30,000.

5                   (iv) A county may use money received under this  
6 paragraph to expand behavioral health services and  
7 supports with particular attention to:

8                   (A) The utilization of telemedicine to expand  
9 the delivery of supports and services.

10                   (B) Suicide prevention and crisis intervention.

11                   (C) The impact of social determinants of health  
12 on behavioral health, including supportive housing.

13                   (v) Each county mental health administration shall  
14 submit a quarterly report accounting for all money  
15 received under this paragraph. The accounting shall:

16                   (A) Be in a form prescribed by the Department of  
17 Human Services.

18                   (B) Include a listing of all expenditures, the  
19 status of all unspent money and the impact of money  
20 spent.

21                   (4) The sum of \$6,000,000 to the Department of Drug and  
22 Alcohol Programs to award grants to eligible applicants to  
23 develop and implement peer-led mental health and substance  
24 use disorder services or develop recruitment and retention  
25 programs, including training, for the mental health and  
26 substance abuse peer workforce. The following apply:

27                   (i) Eligible applicants include:

28                   (A) Peer-run organizations.

29                   (B) Crisis intervention service providers.

30                   (C) Treatment providers in partnership with

1 peer-run organizations.

2 (D) County mental health administrations.

3 (ii) The Department of Drug and Alcohol Programs  
4 shall develop grant guidelines, a grant application and a  
5 process to review applications.

6 (5) The sum of \$1,000,000 to the Office of Mental Health  
7 and Substance Abuse Services in the Department of Human  
8 Services to award competitive grants to qualified providers  
9 to invest in technology and training for behavioral health  
10 telehealth providers. The following apply:

11 (i) To be eligible for funding, an entity must be a  
12 provider with a service location in this Commonwealth and  
13 serving clients or patients in this Commonwealth, of  
14 which no less than 51% are Pennsylvania medical  
15 assistance enrolled beneficiaries. The Department of  
16 Human Services may not restrict eligible applicants to  
17 entities with no more than 50 employees across the  
18 provider's entire organization.

19 (ii) Funding shall be used to implement one or more  
20 of the following activities:

21 (A) Purchasing equipment for providers,  
22 including computers, monitors, tablets, webcams,  
23 microphones, mobile medical devices for providers,  
24 telemedicine carts and telemedicine kiosks.

25 (B) Purchasing equipment for service recipients,  
26 including computers, monitors, tablets, webcams,  
27 microphones and other similar equipment.

28 (C) Purchasing or maintaining HIPAA-compliant  
29 software or platforms, including telemedicine  
30 software and online patient portals, including setup

1 fees and telehealth system maintenance.

2 (D) Support for increased broadband speed.

3 (E) Purchasing Wi-Fi hotspots.

4 (F) Purchasing provider training on telehealth  
5 best practices, beyond what is offered by the Office  
6 of Mental Health and Substance Abuse Services in the  
7 Department of Human Services.

8 (G) Telehealth technical assistance.

9 (iii) The Department of Human Services shall develop  
10 grant guidelines, a grant application and a process to  
11 review applications.

12 (f) Study.--

13 (1) The sum of \$500,000 is to be used by the Department  
14 of Human Services, in coordination with the Department of  
15 Labor and Industry, the Department of Drug and Alcohol  
16 Programs, the Department of Health, the Pennsylvania Higher  
17 Education Assistance Agency, the Department of Education and  
18 the Pennsylvania Commission on Crime and Delinquency, to  
19 study the impact of initiatives supported by the funding  
20 distributed under this section.

21 (2) No later than June 30, 2026, the Department of Human  
22 Services shall issue a report containing the results of the  
23 study under paragraph (1) to the Governor and the General  
24 Assembly.

25 (g) Obligations.--The following apply to a department or  
26 agency under this section:

27 (1) A payment received under this section shall be  
28 obligated by July 1, 2024, and spent by December 31, 2026.

29 (2) Entities receiving money under this section shall  
30 comply with any applicable Federal or State law or guidance.

1 (h) Recoupment.--A department or agency under this section  
2 may recover:

3 (1) All or a portion of money disbursed under this  
4 section from any individual or entity that fails to comply  
5 with this section or with Federal or State law or guidance.

6 (2) Unobligated money after July 1, 2024, which may be  
7 subject to recoupment and reallocation. Money subject to  
8 recoupment shall be reallocated in a manner to ensure that  
9 the money is spent by the Federal deadline for the use of the  
10 money.

11 Section 2. This act shall take effect immediately.