

# **WEEKLY SESSION NOTES**

**SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN**

## **Monday, April 6, 2020**

House Bill 775 (Diamond) would amend the State Lottery Law to require the Department of Aging to coordinate with the Department of Health to establish a method to be used at least once per calendar month to cross-reference the roster of claimants in the PACE and PACENET programs with death records information from the Department of Health. If a death record is found for an enrollee, immediate cancellation of benefits would occur. **Passed: 50-0.**

## **Tuesday, April 7, 2020**

Senate Bill 841 (Martin) would amend Title 35 (Health and Safety) and Title 72 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to re-enact and update the Health Care Cost Containment Act and to enact provisions related to the COVID-19 Disaster Emergency.

### *Health Care Cost Containment Council*

The measure would add Chapter 33 to Title 35 to re-enact the Health Care Cost Containment Act. Among other provisions, the measure would:

- Modernize the Health Care Cost Containment Council by providing for more flexibility in issuing reports and using new technologies;
- Change the composition of the Council by adding four members of the General Assembly appointed by the legislative leaders, adding two members appointed by the Governor with expertise in health economics and outcomes research and removing the health maintenance organization representative;
- Authorize attendance at Council meetings through electronic means as long as real time communication with other members is available. Meetings could be posted on the Council's website. The meetings would have to be compliant with the Sunshine Act;
- Direct the Council to form a new technical advisory group composed of professionals nominated by council members to respond to issues presented to it by the Council;
- Grant the Council the following additional powers and duties:
  - Provide regional trends related to the cost of health care and health insurance premiums in the annual report to the General Assembly,
  - Conduct studies and publish reports analyzing the effects that outpatient, alternative health care delivery systems have on health care costs,

- Provide an annual report on its financial expenditures to certain legislative committees, and
- Provide information on the allowed and paid costs of medical services in terminology that may be reasonably understood by the average individual consumer of health care services;
- Direct the Council to prepare a report to provide a Pennsylvania-perspective on the effect of the COVID-19 disaster emergency on hospitals and health care facilities in the Commonwealth by aggregating data related to COVID-19 expenses and lost revenue reported by hospitals and health care facilities in order to qualify for federal and state assistance;
- Clarify that payor discounts and allowances are confidential proprietary information and, as such, are not records subject to public access under the Right-to-Know Law. Raw data disclosing discounts or allowances between identified payors and providers could be disclosed if it is released in a statewide, aggregate format that does not identify any individual payor or class of payors through the use of a market share and is not prejudicial or inequitable to any individual payor or provider or group of individual payors or providers; and
- Stipulate that the chapter would expire ten years after the effective date.

Actions taken by the Health Care Cost Containment Council between June 30, 2014 and the effective date of the legislation would be validated. There would be no lapse in the employment relationship for employees of the Council, including salary, seniority, benefits and retirement eligibility.

#### *COVID-19 Disaster Emergency Provisions*

The COVID-19 Emergency provisions would:

- Allow a taxing district (including a city, county, borough, town, township or incorporated town), by majority vote of its governing body, to, with regard to taxes on real property that are due December 31, 2020, collect the tax at the district's prescribed discount rate, if any, until August 31, 2020 or waive any fee or penalty associated with the late payment of the tax if paid in full by December 31, 2020;
- Extend the time period for a business firm to make a contribution to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization until the end of the business firm's applicable tax year. Business firms, fulfilling year two of a two-year commitment, that are impacted by the COVID-19 disaster emergency would be permitted to receive a tax credit up to 90 percent of the amount contributed in year two. The Department of Community and Economic Development would be prohibited from reducing the credit authorized in year one of the two-year agreement, if the year two contribution is less than the year one contribution for business firms in a two-year commitment;

- Direct the Department of State to immediately authorize a notary public to conduct notarial acts with remotely located individuals, in the manner outlined in the section; and
- Allow any agency, authority, commission, board, council, governing body or other entity of a political subdivision to conduct business remotely during the disaster declaration related to COVID-19, without establishing a physical quorum, so long as a quorum is otherwise established through remote participation. The entity would have to post advance notice of all meetings conducted remotely on its publicly accessible website, a newspaper of general circulation, or both. Draft minutes of any meeting called under exigent circumstances, without advance notice to the public, to address issues related to COVID-19 would have to be posted within 20 days after the meeting or before the entity's next regularly scheduled meeting, whichever is earlier. The entity would have to provide for public participation in a meeting, hearing or proceeding through either an authorized telecommunication device or written comments submitted via U.S. mail or an email account designated by the entity to receive such comments.

*Uniform Unsworn Declarations Act*

Finally, the legislation would amend Chapter 62 of Title 42 (Judiciary and Judicial Procedure) so that it would apply whether the declarant is within or outside the boundaries of the United States. The revised chapter would be entitled the Uniform Unsworn Declarations Act.

**Concurrence in House Amendments, as Amended: 50-0.**

(2020-041)