

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 613 Session of 2015

INTRODUCED BY VANCE, BAKER, MENSCH, AUMENT, HUTCHINSON, ARGALL, BROOKS, STEFANO, GORDNER, TARTAGLIONE, RAFFERTY, WOZNIAK, VULAKOVICH AND McGARRIGLE, MARCH 13, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 24, 2016

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 human services block
4 grant pilot program, further providing for definitions, for
5 establishment of human services block grant, for powers and
6 duties of the department and, for powers and duties of <--
7 counties, FOR ALLOCATION, FOR USE OF BLOCK GRANT FUNDS, FOR <--
8 APPLICABILITY OF OTHER STATUTES, FOR APPEALS, FOR LIMITATIONS
9 AND FOR CONSTRUCTION and making editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The heading of Article XIV-B OF the act of June <--
13 13, 1967 (P.L.31, No.21), known as the Public Welfare Code HUMAN <--
14 SERVICES CODE, added June 30, 2012 (P.L.668, No.80), is amended
15 to read:

Article XIV-B

Human Services Block Grant [Pilot] Program

17 Section 2. The definitions of "block grant" and "county-
18 based human services" in section 1401-B of the act, added June
19 30, 2012 (P.L.668, No.80), are amended to read:
20

1 Section 1401-B. Definitions.

2 The following words and phrases when used in this article
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Block grant." The Human Services Block Grant [Pilot]
6 Program established in section 1402-B.

7 "County-based human services." Programs approved by the
8 Department of [Public Welfare] Human Services and provided by
9 county governments through direct or contracted services,
10 supportive services and service coordination. The term includes
11 services designed to meet service needs of the following:

12 (1) Individuals in need of behavioral health services.

13 (2) Individuals with intellectual disabilities.

14 (3) Individuals in need of drug and alcohol treatment
15 services.

16 (4) Individuals who are homeless or at immediate risk of
17 becoming homeless.

18 [(5) Dependent and delinquent children as defined in 42 <--
19 Pa.C.S. § 6302 (relating to definitions).] <--

20 (6) Low-income adults eligible to receive services under
21 the act of October 5, 1994 (P.L.531, No.78), known as the
22 Human Services Development Fund Act.

23 (7) Older individuals as provided for under section
24 2206-A of the act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, and eligible to receive
26 services under the Human Services Development Fund Act.

27 * * *

28 ~~Section 3. Sections 1402 B, 1403 B(b) and 1404 B(5) of the <--~~
29 ~~act, added June 30, 2012 (P.L.668, No.80), are amended to read:~~
30 ~~Section 1402 B. Establishment of Human Services Block Grant~~

1 ~~{Pilot} Program.~~

2 ~~The following shall apply to the Human Services Block Grant~~
3 ~~{Pilot} Program:~~

4 ~~(1) The Human Services Block Grant {Pilot} Program is~~
5 ~~established for the purpose of allocating block grant funds~~
6 ~~to county governments to provide locally identified county~~
7 ~~based human services that will meet the service needs of~~
8 ~~county residents. A county's request to participate in the~~
9 ~~block grant shall be on a form and contain such information~~
10 ~~as the department may prescribe.~~

11 ~~(2) The department may approve a county's request based~~
12 ~~on the county's plan to provide human services and integrate~~
13 ~~its human service programs. A county with a history of~~
14 ~~participation or application to participate in the block~~
15 ~~grant shall have priority over a county which has not~~
16 ~~previously applied for the block grant. The department shall~~
17 ~~also consider diversity in representation of counties,~~
18 ~~regarding such factors as:~~

19 ~~(i) Geographic location.~~

20 ~~(ii) Total population.~~

21 ~~(iii) Urban, rural and suburban population.~~

22 ~~(iv) Proximity to a large urban area.~~

23 ~~(v) County class.~~

24 ~~(vi) Form of county government.~~

25 ~~(vii) Whether the county is part of a local~~
26 ~~collaborative arrangement.~~

27 ~~(viii) The county's human services administrative~~
28 ~~structure.~~

29 ~~(3) [No more than 30 counties may participate in the~~
30 ~~block grant in any fiscal year.] A county's participation in~~

1 ~~the block grant is voluntary.~~

2 SECTION 3. SECTION 1402-B OF THE ACT, AMENDED JULY 9, 2013 <--
3 (P.L.369, NO.55), IS AMENDED TO READ:

4 SECTION 1402-B. ESTABLISHMENT OF HUMAN SERVICES BLOCK GRANT
5 [PILOT] PROGRAM.

6 THE FOLLOWING SHALL APPLY TO THE HUMAN SERVICES BLOCK GRANT
7 [PILOT] PROGRAM:

8 (1) THE HUMAN SERVICES BLOCK GRANT [PILOT] PROGRAM IS
9 ESTABLISHED FOR THE PURPOSE OF ALLOCATING BLOCK GRANT FUNDS
10 TO COUNTY GOVERNMENTS TO PROVIDE LOCALLY IDENTIFIED COUNTY-
11 BASED HUMAN SERVICES THAT WILL MEET THE SERVICE NEEDS OF
12 COUNTY RESIDENTS. A COUNTY'S REQUEST TO PARTICIPATE IN THE
13 BLOCK GRANT SHALL BE ON A FORM AND CONTAIN SUCH INFORMATION
14 AS THE DEPARTMENT MAY PRESCRIBE. THE APPLICATION TO THE
15 DEPARTMENT SHALL BE ADOPTED BY A MAJORITY VOTE OF THE
16 GOVERNING BODY AND TRANSMITTED TO THE DEPARTMENT ACCOMPANIED
17 BY THE SIGNATURE OF THE CHAIR OF THE BOARD OF COMMISSIONERS
18 AND ATTESTED BY THE CHIEF CLERK OF THE COUNTY OR, IN THE CASE
19 OF A HOME RULE COUNTY, BY THE EQUIVALENT CONSISTENT WITH THE
20 PROVISIONS OF THE COUNTY CHARTER.

21 (2) THE DEPARTMENT MAY APPROVE A COUNTY'S REQUEST BASED
22 ON THE COUNTY'S PLAN TO PROVIDE HUMAN SERVICES AND INTEGRATE
23 ITS HUMAN SERVICE PROGRAMS. [A COUNTY WITH A HISTORY OF
24 PARTICIPATION OR APPLICATION TO PARTICIPATE IN THE BLOCK
25 GRANT SHALL HAVE PRIORITY OVER A COUNTY WHICH HAS NOT
26 PREVIOUSLY APPLIED FOR THE BLOCK GRANT. THE DEPARTMENT SHALL
27 ALSO CONSIDER DIVERSITY IN REPRESENTATION OF COUNTIES,
28 REGARDING SUCH FACTORS AS] THE DEPARTMENT SHALL CONSIDER SUCH
29 FACTORS AS:

30 [(I) GEOGRAPHIC LOCATION.

- 1 (II) TOTAL POPULATION.
- 2 (III) URBAN, RURAL AND SUBURBAN POPULATION.
- 3 (IV) PROXIMITY TO A LARGE URBAN AREA.
- 4 (V) COUNTY CLASS.
- 5 (VI) FORM OF COUNTY GOVERNMENT.]
- 6 (VII) WHETHER THE COUNTY IS PART OF A LOCAL
- 7 COLLABORATIVE ARRANGEMENT.
- 8 †(VIII) THE COUNTY'S HUMAN SERVICES ADMINISTRATIVE <--
- 9 STRUCTURE.† <--
- 10 (IX) THE COUNTY'S HISTORY OF HUMAN SERVICES FISCAL
- 11 MANAGEMENT.
- 12 (X) THE COUNTY'S HISTORY OF COMPLIANCE WITH
- 13 STATUTORY AND REGULATORY REQUIREMENTS REGARDING THE
- 14 OPERATION OF ITS HUMAN SERVICES PROGRAMS.

15 (3) [NO MORE THAN 30 COUNTIES MAY PARTICIPATE IN THE
 16 BLOCK GRANT IN ANY FISCAL YEAR.] A COUNTY'S PARTICIPATION IN
 17 THE BLOCK GRANT IS VOLUNTARY.

18 SECTION 4. SECTION 1403-B(B) OF THE ACT, ADDED JUNE 30, 2012
 19 (P.L.668, NO.80), IS AMENDED TO READ:

20 Section 1403-B. Powers and duties of the department.

21 * * *

22 (b) Administration of [pilot] program.--The department shall
 23 have the power and duty to:

24 (1) Monitor county governments' administration of the
 25 block grant to ensure compliance with applicable Federal and
 26 State requirements.

27 (2) Allocate and disburse block grant funds to counties
 28 on a quarterly basis in accordance with section 1405-B.

29 (3) Provide technical support and assistance to
 30 counties.

1 (4) Require counties to submit reports containing such
2 information pursuant to the implementation of this article
3 and in the form and by the deadline prescribed by the
4 department. THE DEPARTMENT SHALL ISSUE INSTRUCTIONS FOR THE <--
5 COMPLETION OF COUNTY REPORTS. THE INSTRUCTIONS SHALL BE
6 ISSUED NO LATER THAN AUGUST 31 OF EACH YEAR FOLLOWING THE
7 FISCAL YEAR FOR THE REPORT.

8 (5) Monitor, inspect or audit the financial, operating
9 and accounting records of any county agency or contracted
10 entity that receives any block grant funds if deemed
11 necessary by the department.

12 (6) Withhold, recover or reduce any block grant funds of
13 a county agency or contracted entity determined to have been
14 spent or disbursed in violation of Federal or State
15 requirements.

16 (6.1) WITHHOLD, RECOVER OR REDUCE BY NO MORE THAN 5% THE <--
17 ALLOCATION OF FUNDS UNDER THIS ARTICLE TO ANY COUNTY THAT
18 DOES NOT TIMELY FILE A COMPLETE PLAN OR REPORT UNDER SECTION
19 1404-B(4) AND (5). THE DEPARTMENT MAY WITHHOLD, RECOVER OR
20 REDUCE THE ALLOCATION OF FUNDS UNTIL A COMPLETE PLAN OR
21 REPORT IS SUBMITTED.

22 (6.2) REQUIRE SUBMISSION AND IMPLEMENTATION OF AN
23 ACCEPTABLE CORRECTIVE ACTION PLAN OR TERMINATE A COUNTY'S
24 PARTICIPATION IN THE HUMAN SERVICES BLOCK GRANT PROGRAM FOR A
25 VIOLATION OF THIS ARTICLE.

26 (7) Establish procedures for the annual submission,
27 review and approval process of county block grant plans for
28 the expenditure of block grant funds and the delivery of
29 county-based human services submitted under section 1404-
30 B(5). THE DEPARTMENT SHALL ISSUE INSTRUCTIONS FOR COUNTY <--

1 BLOCK GRANT PLANS FOR THE NEXT FISCAL YEAR NO LATER THAN
2 MARCH 1 OF EACH YEAR. THE DEPARTMENT SHALL ALLOW COUNTIES TO
3 SUBMIT REVISED BLOCK GRANT PLANS FOLLOWING THE ENACTMENT OF
4 THE GENERAL APPROPRIATION ACT FOR THE CURRENT FISCAL YEAR.

5 The department shall not approve a county plan which proposes
6 the elimination of any of the following county-based human
7 services:

8 (i) Community-based mental health services.

9 (ii) Intellectual disability services.

10 [(iii) Child welfare services.] <--

11 (iv) Drug and alcohol treatment and prevention
12 services.

13 (v) Homeless assistance services.

14 (vi) Behavioral health services.

15 (7.1) REVIEW AND APPROVE OR DISAPPROVE A COUNTY'S <--
16 REQUEST TO REVISE ITS PLAN DURING THE FISCAL YEAR PURSUANT TO
17 SECTION 1404-B(5.2).

18 (7.2) CONSULT WITH A STATEWIDE ASSOCIATION REPRESENTING
19 COUNTIES TO SELECT THE DATA ELEMENTS AND OUTCOME MEASURES TO
20 BE INCLUDED IN COUNTY PLANS UNDER SECTION 1404-B(5) BEGINNING
21 WITH THE REPORT FOR FISCAL YEAR 2018-2019. THE DEPARTMENT AND
22 THE STATEWIDE ASSOCIATION SHALL REVIEW AND UPDATE THE DATA
23 ELEMENTS AND OUTCOME MEASURES AT LEAST EVERY FOUR YEARS.

24 (8) Prepare and submit by January 1, 2014, and by
25 [November 30] DECEMBER 15 each year thereafter, a report to <--
26 the chairman and minority chairman of the Public Health and
27 Welfare Committee of the Senate, the chairman and minority
28 chairman of the Appropriations Committee of the Senate, the
29 chairman and minority chairman of the Health Committee of the
30 House of Representatives, the chairman and minority chairman

1 of the Human Services Committee of the House of
2 Representatives and the chairman and minority chairman of the
3 Appropriations Committee of the House of Representatives of
4 the expenditures of block grant funds by county governments
5 to include:

6 (i) The allocation levels.

7 (ii) The expenditure levels.

8 (iii) The number of individuals served by the human
9 services provided.

10 (III.1) THE EFFORTS BETWEEN COUNTIES, STAKEHOLDERS, <--
11 ASSOCIATIONS AND THE DEPARTMENT TO DETERMINE THE DATA
12 ELEMENTS AND OUTCOME MEASURES REQUIRED FOR PLANS UNDER
13 SECTION 1404-B(5).

14 (iv) Any other information deemed necessary by the
15 department, including any information which would
16 determine the effectiveness of the block grant.

17 (9) The annual report under paragraph (8) shall be made
18 available for public inspection and posted on the
19 department's publicly accessible Internet website.

20 (10) Promulgate regulations as may be necessary to carry
21 out this article.

22 (11) CONSULT WITH A STATEWIDE ASSOCIATION REPRESENTING <--
23 COUNTIES TO DEVELOP A METHOD TO INFORMALLY RESOLVE DISPUTES
24 UNDER PARAGRAPHS (6), (6.1) AND (6.2) OR A DISAPPROVAL OF A
25 PLAN UNDER PARAGRAPH (7).

26 SECTION 5. SECTION 1404-B(4), (5) AND (6) OF THE ACT,
27 AMENDED JULY 9, 2013 (P.L.369, NO.55), ARE AMENDED AND THE
28 SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

29 Section 1404-B. Powers and duties of counties.

30 The local county officials of each county government

1 participating in the block grant shall have the power and duty
2 to:

3 * * *

4 (4) SUBMIT REQUIRED REPORTS UNDER SECTION 1403-B(B) (4) <--
5 NO LATER THAN SEPTEMBER 30 OF EACH YEAR FOLLOWING THE FISCAL
6 YEAR OF THE REPORT.

7 (5) Submit to the department an annual Human Services
8 Block Grant [Pilot] Plan [to] FOR THE NEXT FISCAL YEAR NO <--
9 LATER THAN MAY 1 EACH YEAR. THE PLAN SHALL include the
10 intended delivery of county-based human services by client
11 population to be served, including a detailed description of
12 how the county intends to serve its residents in the least
13 restrictive setting appropriate to their needs and the
14 distribution and the projected expenditure level of block
15 grant funds by county-based human services allocated under
16 this article in such form and containing such information as
17 the department may require. Prior to submitting the annual
18 Human Services Block Grant [Pilot] Plan to the department,
19 the county shall hold at least two public hearings on the
20 plan under 65 Pa.C.S. Ch. 7 (relating to open meetings),
21 which shall include an opportunity for individuals and
22 families who receive services to testify about the plan.
23 PRIOR TO SUBMITTING ITS PLAN TO THE DEPARTMENT, A COUNTY <--
24 SHALL PROVIDE THE PLAN TO ITS HUMAN SERVICES ADVISORY BOARDS
25 FOR THEIR REVIEW AND COMMENT.

26 (5.1) FOLLOW AND IMPLEMENT THE PLAN SUBMITTED PURSUANT
27 TO PARAGRAPH (5).

28 (5.2) DURING THE FISCAL YEAR, SUBMIT TO THE DEPARTMENT
29 FOR PRIOR APPROVAL ANY CHANGE IN EXPENDITURE LEVEL OF A
30 COUNTY-BASED HUMAN SERVICE LISTED UNDER SECTION ~~1403-B(7.1)~~ <--

1 1403-B(7) OF 10% OR MORE FROM THE PLAN SUBMITTED PURSUANT TO <--
2 PARAGRAPH (5).

3 * * *

4 (6) SUBMIT TO THE DEPARTMENT A WRITTEN NOTICE IF A <--
5 COUNTY INTENDS TO OPT OUT OF THE BLOCK GRANT. SUCH OPT OUT
6 SHALL BE SUBMITTED AT LEAST 30 DAYS PRIOR TO THE END OF THE
7 STATE FISCAL YEAR AND TAKE EFFECT AT THE BEGINNING OF THE
8 NEXT STATE FISCAL YEAR.

9 SECTION 6. SECTIONS 1405-B(A) AND 1406-B(B) OF THE ACT,
10 AMENDED JULY 9, 2013 (P.L.369, NO.55), ARE AMENDED TO READ:
11 SECTION 1405-B. ALLOCATION.

12 (A) ALLOCATION.--THE DEPARTMENT SHALL ALLOCATE STATE BLOCK
13 GRANT FUNDS TO COUNTIES AS FOLLOWS:

14 (1) THE DEPARTMENT SHALL ALLOCATE STATE BLOCK GRANT
15 FUNDS ACCORDING TO EACH COUNTY'S PROPORTIONAL SHARE OF THE
16 AGGREGATE AMOUNT OF THE FOLLOWING STATE FUNDS ALLOCATED FOR
17 [FISCAL YEAR 2011-2012] THE PREVIOUS FISCAL YEAR:

18 (I) FUNDS ALLOCATED TO COUNTIES UNDER THE ACT OF
19 OCTOBER 5, 1994 (P.L.531, NO.78), KNOWN AS THE HUMAN
20 SERVICES DEVELOPMENT FUND ACT.

21 (II) FUNDS ALLOCATED TO COUNTIES FOR MENTAL HEALTH
22 AND INTELLECTUAL DISABILITY SERVICES UNDER THE ACT OF
23 OCTOBER 20, 1966 (3RD SP.SESS., P.L.96, NO.6), KNOWN AS
24 THE MENTAL HEALTH AND INTELLECTUAL DISABILITY ACT OF
25 1966.

26 (III) FUNDS ALLOCATED TO COUNTIES FOR BEHAVIORAL
27 HEALTH SERVICES.

28 (IV) FUNDS ALLOCATED TO COUNTIES FOR DRUG AND
29 ALCOHOL SERVICES UNDER SECTION 2334 OF THE ACT OF APRIL
30 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE

1 CODE OF 1929.

2 (V) FUNDS ALLOCATED TO COUNTIES FOR THE PROVISION OF
3 SERVICES TO THE HOMELESS.

4 [(VI) FUNDS ALLOCATED TO COUNTY CHILD WELFARE
5 AGENCIES AS CERTAIN ADDITIONAL GRANTS UNDER SECTION
6 704.1(B).]

7 (2) THE DEPARTMENT SHALL ALLOCATE FEDERAL BLOCK GRANT
8 FUNDS TO COUNTIES ACCORDING TO EACH COUNTY'S [FISCAL YEAR
9 2011-2012] PREVIOUS FISCAL YEAR PROPORTIONAL SHARE OF EACH
10 FEDERAL APPROPRIATION ASSOCIATED WITH THE FUNDS IDENTIFIED IN
11 PARAGRAPH (1).

12 (3) FUNDS IDENTIFIED IN PARAGRAPHS (1) AND (2) THAT WERE
13 ALLOCATED TO COUNTY LOCAL COLLABORATIVE ARRANGEMENTS SHALL BE
14 ALLOCATED TO INDIVIDUAL COUNTIES BASED ON THE INDIVIDUAL
15 COUNTY POPULATION.

16 (4) THE DEPARTMENT MAY REVISE THE ALLOCATION OF FEDERAL
17 FUNDS IDENTIFIED IN PARAGRAPH (2) AS NECESSARY TO COMPLY WITH
18 APPLICABLE FEDERAL REQUIREMENTS.

19 * * *

20 SECTION 1406-B. USE OF BLOCK GRANT FUNDS.

21 * * *

22 (B) REINVESTMENT.--A COUNTY PARTICIPATING IN THE BLOCK GRANT
23 MAY SUBMIT TO THE DEPARTMENT A WRITTEN PLAN TO REINVEST UP TO
24 [3%] 5% OF ITS BLOCK GRANT ALLOCATION FOR ANY STATE FISCAL YEAR
25 TO BE EXPENDED ON COUNTY-BASED HUMAN SERVICES IN THE NEXT STATE
26 FISCAL YEAR. [THE 3% LIMITATION MAY BE WAIVED BY THE DEPARTMENT
27 UPON A SHOWING BY THE COUNTY THAT IT HAS A SPECIFIC AND DETAILED
28 PLAN TO REINVEST THE FUNDS TO EXPAND ACCESS TO HUMAN SERVICES
29 BASED ON LOCAL NEED AND THAT ADEQUATE AND AVAILABLE HUMAN
30 SERVICES WILL REMAIN AVAILABLE IN THE COUNTY. A REQUEST FOR A

1 WAIVER UNDER THIS SUBSECTION SHALL INCLUDE ALL OF THE FOLLOWING:

2 (1) THE SPECIFIC AMOUNT OF FUNDS THE COUNTY SEEKS TO
3 REINVEST.

4 (2) AN EXPLANATION WHY THE FUNDS WERE NOT EXPENDED FOR
5 HUMAN SERVICES DURING THE FISCAL YEAR.

6 (3) AN EXPLANATION HOW THE REINVESTMENT WILL SUPPORT THE
7 PLAN SUBMITTED UNDER SECTION 1404-B(5).

8 (4) THE PROJECTED TIME PERIOD FOR EXPENDITURE OF THE
9 FUNDS.]

10 * * *

11 SECTION 7. SECTIONS 1407-B, 1408-B, 1409-B AND 1410-B OF THE
12 ACT, ADDED JUNE 30, 2012 (P.L.668, NO.80), ARE AMENDED TO READ:

13 SECTION 1407-B. APPLICABILITY OF OTHER STATUTES.

14 (A) DEPARTMENT.--THE DEPARTMENT'S ALLOCATION OF BLOCK GRANT
15 FUNDS TO COUNTIES PARTICIPATING IN THE BLOCK GRANT UNDER THIS
16 ARTICLE SHALL FULLY DISCHARGE ITS RESPONSIBILITIES AND
17 LIABILITIES WITH RESPECT TO THOSE COUNTIES UNDER[:

18 (1) SECTION 704.1(B).

19 (2) SECTIONS] SECTIONS 201(1) AND (7), 503, 509, 510 AND
20 511 OF THE ACT OF OCTOBER 20, 1966 (3RD SP.SESS., P.L.96,
21 NO.6), KNOWN AS THE MENTAL HEALTH AND INTELLECTUAL DISABILITY
22 ACT OF 1966.

23 (B) COUNTY.--

24 (1) EXCEPT AS SPECIFIED IN PARAGRAPH (2), EACH COUNTY'S
25 PROVISION OF COUNTY-BASED HUMAN SERVICES THROUGH THE
26 EXPENDITURE OF BLOCK GRANT FUNDS, IN COMBINATION WITH
27 REQUIRED LOCAL MATCHING FUNDS, SHALL FULLY DISCHARGE THE
28 COUNTY'S RESPONSIBILITIES AND LIABILITIES TO PROVIDE OR FUND
29 COUNTY-BASED HUMAN SERVICES UNDER:

30 [(I) SECTION 704.1(B).]

1 (II) SECTIONS 301(D), 503, 509, 510 AND 511 OF THE
2 ACT OF OCTOBER 20, 1966 (3RD SP.SESS., P.L.96, NO.6),
3 KNOWN AS THE MENTAL HEALTH AND MENTAL INTELLECTUAL
4 DISABILITY ACT OF 1966.

5 (III) SECTION 401 OF THE ACT OF JUNE 24, 1937
6 (P.L.2017, NO.396), KNOWN AS THE COUNTY INSTITUTION
7 DISTRICT LAW.

8 (2) THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT THE
9 OBLIGATION OF ANY COUNTY TO PROVIDE FUNDS FOR CARE IN ANY
10 COUNTY NURSING HOME UNDER SECTION 443.1 OR 472, CARE IN ANY
11 STATE INSTITUTION AS DEFINED BY SECTION 901, MEDICAL
12 ASSISTANCE FOR INMATES PURSUANT TO SECTION 441.1 OR ARTICLE
13 XIV-A OR MENTAL HEALTH OR INTELLECTUAL DISABILITY SERVICES
14 PROVIDED BY THE DEPARTMENT UNDER SECTION 505(B) OR 508(C) OF
15 THE MENTAL HEALTH AND INTELLECTUAL DISABILITY ACT OF 1966.

16 (C) ALLOCATIONS.--THIS ARTICLE SHALL NOT BE CONSTRUED TO
17 PROHIBIT THE DEPARTMENT FROM MAKING SPECIFIC GRANTS OR
18 ALLOCATIONS OF FUNDS IDENTIFIED IN SECTION 1405-B(A) (1) TO
19 COUNTIES FOR SPECIFIC HUMAN SERVICES IN ADDITION TO THEIR
20 ALLOCATIONS OF BLOCK GRANT FUNDS UNDER THIS ARTICLE.

21 SECTION 1408-B. APPEALS.

22 A COUNTY AGENCY OR CONTRACTED ENTITY AGGRIEVED BY A
23 DEPARTMENT DETERMINATION MADE UNDER SECTION 1403-B(B) (6), (6.1)
24 OR (6.2) OR A DISAPPROVAL OF A PLAN UNDER SECTION 1403-B(B) (7)
25 MAY FILE A REQUEST FOR A REVIEW WITH THE DEPARTMENT'S BUREAU OF
26 HEARINGS AND APPEALS, WHICH SHALL HAVE EXCLUSIVE JURISDICTION IN
27 SUCH MATTERS. THE PROCEDURES AND REQUIREMENTS OF 2 PA.C.S. CH. 5
28 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
29 AGENCIES) AND 1 PA. CODE PT. II (RELATING TO GENERAL RULES OF
30 ADMINISTRATIVE PRACTICE AND PROCEDURE) SHALL APPLY TO REQUESTS

1 FOR REVIEW FILED UNDER THIS SECTION, EXCEPT THAT IN A REQUEST
2 FOR A REVIEW, THE COUNTY AGENCY OR CONTRACTED ENTITY MAY NOT
3 CHALLENGE THE BLOCK GRANT FUNDS ALLOCATION UNDER SECTION 1405-B.
4 SECTION 1409-B. LIMITATIONS.

5 (A) CALCULATION OF STATE APPROPRIATION.--NO FUNDS ALLOCATED
6 FOR THE BLOCK GRANT MAY BE CONSIDERED AS PART OF THE BASE FOR
7 THE CALCULATION OF ANY STATE APPROPRIATION FOR ANY FISCAL YEAR,
8 INCLUDING THE COUNTY CHILD WELFARE NEEDS-BASED BUDGET.

9 (B) NON-STATE MATCH.--NO FUNDS ALLOCATED FOR THE BLOCK GRANT
10 MAY BE USED AS THE NON-STATE MATCH FOR OTHER STATE FUNDS,
11 PROGRAMS OR GRANTS.

12 [(C) OTHER REIMBURSEMENT.--NO FUNDS ALLOCATED TO THE BLOCK
13 GRANT MAY BE USED FOR SERVICES REIMBURSABLE PURSUANT TO SECTION
14 704.1(A) IN EXCESS OF A COUNTY'S MINIMUM EXPENDITURE FOR CHILD
15 WELFARE SERVICES REQUIRED UNDER SECTION 1405-B(B) UNTIL THE
16 COUNTY HAS EXHAUSTED ITS ALLOCATION OF STATE FUNDS PURSUANT TO
17 SECTION 709.3 FOR THE STATE FISCAL YEAR. THIS PROVISION EXCLUDES
18 CONGREGATE CARE AND INSTITUTIONAL PLACEMENTS FOR DEPENDENT AND
19 DELINQUENT CHILDREN WHICH ARE NOT REIMBURSABLE WITH BLOCK GRANT
20 FUNDS.

21 (D) CERTAIN RESIDENTIAL SERVICE.--NO FUNDS ALLOCATED TO THE
22 BLOCK GRANT MAY BE USED FOR RESIDENTIAL SERVICE FOR DEPENDENT OR
23 DELINQUENT CHILDREN OTHER THAN FOSTER CARE.]

24 SECTION 1410-B. CONSTRUCTION.

25 (A) FEDERAL MONEYS.--THIS ARTICLE SHALL BE CONSTRUED SO AS
26 TO MAINTAIN AND NOT DECREASE OR LIMIT THE ELIGIBILITY OF ANY
27 PERSON OR FACILITY OR THE COMMONWEALTH OR ANY POLITICAL
28 SUBDIVISION OF THE COMMONWEALTH TO RECEIVE ANY FEDERAL
29 ASSISTANCE, GRANT OR FUNDS.

30 (B) AVAILABILITY OF SERVICES.--NOTHING IN THIS ARTICLE

1 CREATES OR PROVIDES AN INDIVIDUAL WITH AN ENTITLEMENT TO
2 SERVICES OR BENEFITS. SERVICES UNDER THIS ARTICLE SHALL ONLY BE
3 AVAILABLE FROM COUNTY GOVERNMENTS TO THE EXTENT THAT FUNDS ARE
4 APPROPRIATED.

5 [(C) COUNTY CHILD WELFARE SERVICES.--THIS ARTICLE APPLIES
6 NOTWITHSTANDING THE PROVISIONS OF ARTICLE VII.]

7 Section ~~4~~ 8. This act shall take effect ~~in 60 days.~~ AS <--
8 FOLLOWS:

9 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
10 IMMEDIATELY:

11 (I) THIS SECTION.

12 (II) THE ADDITION OF SECTION 1403-B(B) (7.2) OF THE
13 ACT.

14 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
15 2017, OR IMMEDIATELY, WHICHEVER IS LATER.