

THE GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER No. 2008-05]

Transition Period for the Pennsylvania Health Care Cost Containment Council

July 8, 2008

Whereas, the act of July 8, 1986 (P. L. 480, No. 89), as re-enacted and amended by act of June 28, 1993 (P. L. 146, No. 34), as re-enacted by act of July 18, 2003 (P. L. 31, No. 14), known as the Health Care Cost Containment Act (the "Act"), sunset on June 30, 2008 without being reauthorized by the General Assembly;

Whereas, the sunset of the Act eliminated the Pennsylvania Health Care Cost Containment Council ("PHC4") and terminated its more than 40 Commonwealth employees (the "Staff");

Whereas, PHC4 and its Staff collect and analyze data for the production of hundreds of public reports that help inform consumers and purchasers about the quality and cost of health care in the Commonwealth;

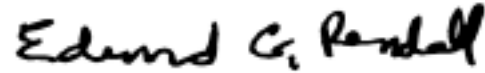
Whereas, upon sunset of the Act, the Governor's Office of Administration ("OA") took immediate action to secure the 20 years of PHC4 data to ensure its integrity and to preserve confidentiality of the records in compliance with State and Federal laws as well as in compliance with PHC4 contractual obligations and internal policies and protocols; and

Whereas, the Act lacked provision for a transition period or mechanics for winding up the affairs of PHC4.

Now Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby declare the following:

1. The members of PHC4 on the date the Act sunset shall continue to comprise PHC4 and shall hold their offices as members of PHC4 as provided in the Act.
2. Those individuals employed by PHC4 on the date the Act sunset shall continue to be employed by PHC4.
3. PHC4 members and its Staff shall work to prepare the agency for reauthorization or for permanent dissolution, as appropriate.
4. All permissions granted by hospitals for PHC4 to view hospital specific data reported to the National Healthcare Safety Network pursuant to Chapter 4 of the act of March 20, 2002 (P. L. 154, No. 13), known as the Medical Care Availability and Reduction of Error (Mcare) Act ("Act 13"), are hereby vested in PHC4 and the Staff during the term of this Executive Order. PHC4 and the Staff shall use such data in accordance with Act 13 and solely for the purpose of analysis and reporting on hospital acquired infections.
5. PHC4 shall be deemed a continuation of the PHC4 as established under the Act. PHC4 members and Staff shall continue to operate under, and shall continue to possess all of the authority and duties provided in, the Act, associated regulations, contractual obligations and PHC4 internal policies and protocols, including the confidentiality provisions governing the data and material in possession of PHC4.
6. OA shall provide administrative and technical support to PHC4. The Governor's Office of the Budget shall provide accounting services to PHC4.

7. This Executive Order shall take effect immediately and shall expire on November 30, 2008, or the date upon which the PHC4 is reauthorized by the General Assembly, whichever occurs first.



Governor

Fiscal Note: GOV 2008-05. (1) General Fund; (2) Implementing Year 2008-09 is \$2,230,000; (3) 1st Succeeding Year 2009-10 is \$0; 2nd Succeeding Year 2010-11 is \$0; 3rd Succeeding Year 2011-12 is \$0; 4th Succeeding Year 2012-13 is \$0; 5th Succeeding Year 2013-14 is \$0; (4) 2007-08 Program—NA; 2006-07 Program—NA; 2005-06 Program—NA; (7) Pennsylvania Health Care Cost Containment Council; (8) recommends adoption. This cost estimate represents 5 months of funding based on the appropriation included in Act 38A—the General Assembly Appropriations Act of 2008 for the Pennsylvania Health Care Cost Containment Council.

[Pa.B. Doc. No. 08-1695. Filed for public inspection September 19, 2008, 9:00 a.m.]