

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1), amends § 1187.94 (relating to peer grouping for price setting).

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to amend § 1187.94 to provide for a distinct method of calculating peer group medians and prices between the initial four special rehabilitation facilities (SRF) and the facilities classified as SRFs after 2000.

The final-form rulemaking is needed to amend the manner in which the peer group medians and peer group prices are set for facilities classified as SRFs as defined in § 1187.2 (relating to definitions).

Summary

A complete description of the amendment was included in the proposed rulemaking published at 43 Pa.B. 4599 (August 10, 2013).

Affected Individuals and Organizations

This final-form rulemaking primarily affects the initial SRFs enrolled in the Medical Assistance Program. This change in rate methodology provides three of the four initial SRFs an estimated additional \$0.736 million in revenue for the period November 1, 2011, through June 30, 2012. For Fiscal Year (FY) 2012-2013 and beyond, this change in rate methodology provides an estimated decrease of \$1.191 million in revenue for the initial four SRFs. Other nonpublic nursing facilities may see a minimal positive impact estimated to be an average of 7¢ per bed day or \$2,006 per nonpublic nursing facility. This change does not adversely impact the facilities classified as SRFs after July 1, 2000.

Accomplishments and Benefits

This final-form rulemaking provides a distinct method of calculating peer group medians and prices between the initial four SRFs and the facilities classified as SRFs after 2000. In addition, this change ensures that residents with chronic impairments continue to have access to medically necessary nursing facility services.

Fiscal Impact

The estimated fiscal impact to the Commonwealth for the change in payment rates related to the initial four special rehabilitation nursing facilities for the period November 1, 2011, through June 30, 2012, is \$0.331 million in State funds. There is no fiscal impact associated with this final-form rulemaking for FY 2012-2013 and beyond. Adjustments to peer groups do not have a fiscal impact because of the Budget Adjustment Factor.

Paperwork Requirements

There are no new or additional paperwork requirements needed to comply with the final-form rulemaking.

Public Comment

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a

30-day period following publication of the proposed rulemaking. No public comments were received within the 30-day time frame. The Independent Regulatory Review Commission (IRRC) did not comment on the proposed rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 31, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 4599, to IRRC and the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 9, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective April 9, 2014.

Findings

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code, orders that:

(1) The regulations of the Department, 55 Pa. Code Chapter 1187, are amended by amending § 1187.94 to read as set forth at 43 Pa.B. 4599.

(2) The Secretary of the Department shall submit this order and 43 Pa.B. 4599 to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(3) The Secretary of the Department shall certify and deposit this order and 43 Pa.B. 4599 with the Legislative Reference Bureau as required by law.

(4) This order shall take effect November 1, 2011.

BEVERLY D. MACKERETH,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2592 (April 26, 2014).)

Fiscal Note: Fiscal Note 14-537 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 14-1197. Filed for public inspection June 6, 2014, 9:00 a.m.]