

**CHAPTER 4305. LIABILITY FOR COMMUNITY MENTAL HEALTH  
AND INTELLECTUAL DISABILITY SERVICES**

**GENERAL PROVISIONS**

- Sec.  
4305.1. General.  
4305.2. Purpose.  
4305.3. Applicability.  
4305.4. Definitions.  
4305.5. Legal base.  
4305.6. [Reserved].  
4305.7. [Reserved].  
4305.8. [Reserved].  
4305.9. [Reserved].  
4305.10. [Reserved].

**GENERAL REQUIREMENTS**

- 4305.11. Exempt services.  
4305.12. Exemptions from liability.  
4305.13. Nonexempt service.  
4305.14. Application of Internal Revenue Service regulations.  
4305.15. Delegation of authority.  
4305.16. Copy of this chapter to client.  
4305.17. Eligibility of expenditures.  
4305.18. Review and audit by the Department.  
4305.19. Quarterly reports.  
4305.19a. Quarterly liability summaries—statement of policy.  
4305.20. Missed mental health appointments.  
4305.21. Contributions.

**DETERMINATION OF LIABILITY**

- 4305.31. Determinations.  
4305.32. Exemptions from determinations.  
4305.33. Income to be considered.  
4305.34. Income not considered.  
4305.35. Income.  
4305.36. Deductions.  
4305.37. Adjusted family income.  
4305.38. Verification.  
4305.39. Failure to provide verification.  
4305.40. Redeterminations.  
4305.41. Liability.  
4305.42. More than one client receiving service.  
4305.43. Client receiving more than one service.

4305-1

4305.44. Notice of liability.

#### **BILLING FOR LIABILITY**

4305.51. Billing.  
4305.52. Insurance.

#### **ADJUSTMENT OF LIABILITY**

4305.61. Request for adjustment of liability.  
4305.62. Review of requests for adjustment of liability.  
4305.63. Reason for adjustment of liability—loss of benefits.  
4305.64. Reason for adjustment of liability—substantial financial hardship.  
4305.65. Reason for adjustment of liability—financial burden upon Commonwealth.  
4305.66. Reason for adjustment of liability—nullify result of care.  
4305.67. Decisions on requests for adjustment of liability.  
4305.68. Notification of adjustment decision.  
4305.69. Appeals.

#### **COLLECTION OF PAST DUE ACCOUNTS**

4305.81. Payment plans.  
4305.82. Identification of past due account.  
4305.83. Cost of service.  
4305.84. Collection process.

#### **WRITE-OFF OF PAST DUE ACCOUNT**

4305.91. Write-off conditions.  
4305.92. Justification of write-offs.  
4305.93. Approval of write-offs.  
4305.94. Write-off of past due account.

#### **MENTAL HEALTH CLIENT FEE SCHEDULES**

4305.101. Applicability.  
4305.102. Content of the mental health client fee schedule.  
4305.103. Audit of the mental health client fee schedule.

**Authority**

The provisions of this Chapter 4305 amended and reissued under sections 201(2) and 504(d) of the Mental Health and Mental Retardation Act of 1966 (50 P.S. §§ 4201(2) and 4504(d)), unless otherwise noted.

**Source**

The provisions of this Chapter 4305 amended and reissued January 2, 1987, effective January 3, 1987, 17 Pa.B. 47, unless otherwise noted. Immediately preceding text appears at serial pages (109612), (98059) to (98060), (88841), (79353) to (79354), (88843) to (88844), (79357) to (79358), (105529) to (105534), (88847) to (88848) and (79365) to (79372).

**Cross References**

This chapter cited in 55 Pa. Code § 4210.113 (relating to client liability); 55 Pa. Code § 4300.117 (relating to computation of reimbursement); 55 Pa. Code § 4300.118 (relating to special limitations on unit of service funding); 55 Pa. Code § 4300.148 (relating to uncollected revenue); and 55 Pa. Code § 6350.16 (relating to waiver option).

**GENERAL PROVISIONS****§ 4305.1. General.**

One of the primary goals of the public mental health and intellectual disability program is to provide easy access to treatment or habilitation services and to encourage people to seek help.

**Authority**

The provisions of this § 4305.1 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.1 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211837).

**§ 4305.2. Purpose.**

The purpose of this chapter is to specify the liability and describe the procedures for establishing and collecting liability for clients receiving community mental health or intellectual disability services funded in whole or in part through the county mental health and intellectual disability program.

**Authority**

The provisions of this § 4305.2 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.2 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211837).

**§ 4305.3. Applicability.**

(a) This chapter applies to county mental health and intellectual disability programs.

(b) This chapter does not apply to a client who is receiving services covered by Medical Assistance under the Commonwealth's Medical Assistance Program.

**Authority**

The provisions of this § 4305.3 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.3 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211837).

**§ 4305.4. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Base service unit*—The functional unit responsible for assessing and evaluating client needs, planning comprehensive treatment programs and making available the necessary services on a continuing basis.

*County administrator*—The administrator of the county mental health and intellectual disability program, or a designee.

*Intellectual disability professional*—A case manager or an individual who is responsible for the clinical treatment program for the client.

*Liability*—The maximum monthly amount the liable person is charged toward the cost of service for the client. The term does not include the cost of the client's room or board.

*Liable person*—The person responsible for payment of the liability. The term includes the following persons:

(i) If the client is 18 years of age or older, the client is not married and the client does not have a legal guardian of estate or a representative payee, the client is the liable person.

(ii) If the client is married, and the client does not have a legal guardian of estate or a representative payee, the client and the client's spouse are the liable persons.

(iii) If the client is under 18 years of age, the client is not married, the client is not an emancipated minor and the client does not have a legal guardian of estate or a representative payee, both of the client's parents are the liable persons.

(iv) If the client is under 18 years of age, the client is not married, the client is an emancipated minor and the client does not have a legal guardian of estate or a representative payee, the client is the liable person.

(v) If the client has a legal guardian of estate or a representative payee, the legal guardian of estate or the representative payee is the liable person.

*Mental health client fee schedule*—A list of the provider's usual and customary charges to the general public for a unit of service.

*Mental health professional*—An individual practicing in a generally recognized clinical discipline including, but not limited to, psychiatry, social work, psychology, nursing, rehabilitation or activity therapies, who has a graduate degree and clinical experience.

*Net charge*—The amount the provider bills for services provided.

*Outpatient unit of service*—One-half hour of treatment in a licensed mental health outpatient clinic/program.

*Parent*—A biological or adoptive mother or father of the client.

*Partial hospitalization unit of service*—Three hours per day of treatment in a licensed mental health partial hospitalization program.

*Representative payee*—A person or an organization selected by a benefit issuing agency to receive and manage benefits on behalf of a beneficiary.

#### Authority

The provisions of this § 4305.4 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

#### Source

The provisions of this § 4305.4 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (211837) to (211838).

#### Cross References

This section cited in 55 Pa. Code § 4300.117 (relating to computation of reimbursement).

### § 4305.5. Legal base.

The legal authority for this chapter is sections 201(2) and 504(d) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and 4504(d)).

**Authority**

The provisions of this § 4305.5 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.5 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211838).

§ 4305.6. [Reserved].

§ 4305.7. [Reserved].

§ 4305.8. [Reserved].

§ 4305.9. [Reserved].

§ 4305.10. [Reserved].

**GENERAL REQUIREMENTS****§ 4305.11. Exempt services.**

The following mental health and intellectual disability community services are exempt from liability requirements specified in the chapter:

- (1) Vocational, as defined in Chapter 2390 (relating to vocational facilities).
- (2) Early intervention, as defined in Chapter 4226 (relating to early intervention services).
- (3) Adult day care, as defined in Chapter 2380 (relating to adult training facilities).
- (4) Respite care, as defined in Chapters 6350 and 6400 (relating to family resource services; and community homes for individuals with an intellectual disability).
- (5) Family aid services, as defined in Chapter 6350.
- (6) In-home therapy, as defined in Chapter 6350.
- (7) Homemaker services, as defined in Chapter 6350.
- (8) Family education and training, as defined in Chapter 6350.
- (9) Recreation/leisure activities, as defined in Chapter 6350.
- (10) Specialized vocational training services that are outside the scope of Chapter 2390.
- (11) Other intellectual disability family support services including and limited to sitter and companionship services, parent and family training, speech therapy, aural rehabilitation, hearing aid evaluations, dactylogic therapy, physi-

cal therapy, occupational therapy, mobility training, behavioral programming, adaptive appliances, special diets and home rehabilitation.

**Authority**

The provisions of this § 4305.11 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.11 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (296229).

**Cross References**

This section cited in 55 Pa. Code § 4305.13 (relating to nonexempt service); 55 Pa. Code § 4305.31 (relating to determinations); and 55 Pa. Code § 4305.32 (relating to exemptions from determinations).

**§ 4305.12. Exemptions from liability.**

(a) No liability may be charged for the initial contact. The initial contact is defined as the face-to-face interview or another contact made with a person authorized to determine the need for diagnostic and treatment services, to make arrangements for services and to complete the initial liability determination process.

(b) In addition to the initial contact, six psychiatric outpatient or five partial hospitalization units of service to children and adolescents will be exempt from liability. One exemption period will be allowed for each 3 years from the date of first entry into the service until the age of 18, if the following conditions are met:

- (1) The liable person has no third party coverage for psychiatric outpatient or partial hospitalization services.
- (2) The liable person has an adjusted family income liability of \$100 or less per month.

**§ 4305.13. Nonexempt service.**

Liability requirements specified in this chapter apply to a mental health and intellectual disability community service not listed in § 4305.11 (relating to exempt services).

**Authority**

The provisions of this § 4305.13 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

4305-7

**Source**

The provisions of this § 4305.13 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (296230).

**§ 4305.14. Application of Internal Revenue Service regulations.**

Internal Revenue Service statutes, regulations or standards in this chapter are defined as those in effect in calendar year 1986. Subsequent changes in those statutes, regulations or standards are not incorporated by reference. Changes will be incorporated by amendment to this chapter.

**§ 4305.15. Delegation of authority.**

(a) The county administrator has the authority to delegate the functions required in this chapter to base service units or providers of community mental health and intellectual disability services, except for the functions of adjusting liability amounts specified in §§ 4305.61—4305.69 (relating to adjustment of liability) and write-off of past due accounts specified in §§ 4305.91—4305.94 (relating to write-off of past due account).

(b) If functions required in this chapter are delegated to providers of community mental health and intellectual disability services, the county administrator shall retain responsibility for compliance with the requirements of this chapter.

**Authority**

The provisions of this § 4305.15 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.15 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (296230).

**§ 4305.16. Copy of this chapter to client.**

The county administrator shall offer the liable person a copy of this chapter during the initial liability determination meeting and advise of the right to appeal a liability determination.

**§ 4305.17. Eligibility of expenditures.**

Expenditures by a county mental health and intellectual disability program on behalf of a client are eligible for reimbursement by the Department only if a liability has been billed and collection has been pursued according to the requirements specified in this chapter.



**Authority**

The provisions of this § 4305.17 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.17 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211841).

**§ 4305.18. Review and audit by the Department.**

The liability determination, billing and collection process and forms and documents required in this chapter, are subject to review and audit by the Department.

**§ 4305.19. Quarterly reports.**

The county administrator shall submit a summary of adjustments of liability and write-offs of liability to the Department on a quarterly basis. The summary shall be submitted on forms prescribed by the Department.

**§ 4305.19a. Quarterly liability summaries—statement of policy.**

(a) Form MH/MR 877, titled “Liability Decision Summary Face Sheet” and Form MH/MR 883, titled “Summary of Write-Offs” shall be submitted by counties to the following addresses:

*Office of Mental Health:*

Office of Community Programs  
Liability Write-Off Reports  
Room 308, Health and Welfare Building  
Harrisburg, Pennsylvania 17120

*Office of Mental Retardation:*

The following appropriate Regional Mental Retardation Program Manager:

Regional Mental Retardation Program Manager  
Southeast Region  
306 State Office Building  
1400 Spring Garden Street  
Philadelphia, Pennsylvania 19130

Regional Mental Retardation Program Manager  
Northeast Region  
100 Lackawanna Avenue  
Third Floor, Room 315  
Scranton, Pennsylvania 18503

Regional Mental Retardation Program Manager  
Central Region  
2330 Ararat Boulevard  
Post Office Box 2675  
Harrisburg, Pennsylvania 17105

Regional Mental Retardation Program Manager  
Western Region  
1403 State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

(b) Forms MH/MR 877 and MH/MR 883 are due on a quarterly basis on July 10, October 10, January 10 and April 10 of each year. If there are no write-offs or adjustments, reports indicating “none” shall be submitted.

**Source**

The provisions of this § 4305.19a adopted February 5, 1988, effective January 29, 1988, 18 Pa.B. 596.

**§ 4305.20. Missed mental health appointments.**

If there is failure to give 24-hour notice of cancellation of a mental health service appointment, the service provider has the authority to bill the liable person the client fee schedule amount for the mental health service. This billing may not be deducted from the liability.

**§ 4305.21. Contributions.**

Contributions made to the county mental health and intellectual disability program or the provider by charitable organizations, friends or neighbors on behalf of the client toward the cost of care shall be treated as payment by the liable person. Contributions may not be counted as income to the client as part of the total family income.

**Authority**

The provisions of this § 4305.21 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.21 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211842).

4305-10

**DETERMINATION OF LIABILITY****§ 4305.31. Determinations.**

(a) The county administrator shall determine a liability for clients receiving a community mental health or intellectual disability service funded in whole or in part through the county mental health or intellectual disability program that is not listed as an exempt service in § 4305.11 (relating to exempt services).

(b) The liability shall be determined prior to client referral to or placement into community mental health and intellectual disability services, except for emergency referrals or placements in which the liability shall be determined within 15 days after emergency referral or placement.

**Authority**

The provisions of this § 4305.31 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.31 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211842).

**§ 4305.32. Exemptions from determinations.**

The county administrator may not determine a liability if a client is receiving or is expected to receive only services listed as exempt services in § 4305.11 (relating to exempt services).

**§ 4305.33. Income to be considered.**

(a) If the client is 18 years of age or older and the client is not married, the client's income alone shall be considered the total family income.

(b) If the client is married, the client's income and the client's spouse's income shall be combined to determine the total family income.

(c) If the client is under 18 years of age, the client is not married, and the client is not an emancipated minor, the client's income that is in excess of the Internal Revenue Service tax threshold, and both parents' income shall be combined to determine the total family income.

(d) If the client is under 18 years of age, the client is not married, and the client is an emancipated minor, the client's income alone shall be considered the total family income.

(e) If the parents of an unmarried, nonemancipated client under 18 years of age are separated or divorced and have a legally binding financial agreement, the parents are individually financially responsible in accordance with the terms of that financial agreement. If the client earns more than the Internal Revenue Service tax threshold, the client's income that is in excess of the Internal Revenue

Service tax threshold shall be included in the total family income of the parent who has legal custody of the client. If there is joint custody, the client's income that is in excess of the Internal Revenue Service tax threshold shall be divided equally and included in the total family income of both parents.

(f) If the parents of an unmarried, nonemancipated client under 18 years of age are separated or divorced and there is no legally binding financial agreement, a separate total family income shall be determined for each parent. If the client earns more than the Internal Revenue Service tax threshold, the client's income that is in excess of the Internal Revenue Service tax threshold shall be included in the total family income of the parent who has legal custody of the client. If there is joint custody, the client's income that is in excess of the Internal Revenue Service tax threshold shall be divided equally and included in the total family income of both parents.

(g) Parents who adopt children under the Pennsylvania Adoption Assistance program, § 3140.207 (relating to entitlement to other services and benefits), have no liability for mental health and intellectual disability services. The child shall be considered a family of one and liability shall be determined based on the income of the child.

#### Authority

The provisions of this § 4305.33 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

#### Source

The provisions of this § 4305.33 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211843).

#### Cross References

This section cited in 55 Pa. Code § 4305.34 (relating to income not considered).

### § 4305.34. Income not considered.

(a) Income that is not specified in § 4305.33 (relating to income to be considered) may not be considered as part of the total family income.

(b) Income of the financial guardian or representative payee may not be considered as part of the total family income unless the financial guardian or representative payee is the spouse of the client or the parent of a client under 18 years of age.

### § 4305.35. Income.

The following income from the previous calendar year shall be combined to determine the total family income.

- (1) Wages, salaries, fees, commissions, tips, bonuses, net rental income, net business income and other income subject to Federal income taxation.
- (2) Interest income including, but not limited to, interest received from accounts with banks, savings and loan associations, money market funds, credit unions or bonds.
- (3) Dividends received from corporate stock holdings or cash dividends from life insurance policies.
- (4) Benefits, including but not limited to unemployment compensation, Social Security payments, Supplemental Security Income received by clients 18 years or older, public assistance, pensions, black lung benefits and railroad retirement pensions. Restricted benefits are counted as income only if the benefit is paid on behalf of the client. Food Stamps are not counted as income.
- (5) Alimony payments.
- (6) One hundred percent of a net capital gain. The net capital gain is considered as the total capital gain less the total capital loss for the year.

#### Cross References

This section cited in 55 Pa. Code § 4305.37 (relating to adjusted family income).

### § 4305.36. Deductions.

- (a) The following amounts from the previous calendar year shall be deducted from the total family income.
  - (1) Actual Federal, State and local taxes paid.
  - (2) Mandatory payroll deductions.
  - (3) Real estate taxes on the principal residence.
  - (4) Health insurance premiums.
  - (5) Verified medical expenses exceeding 5.0% of total family income.
  - (6) Verified child care costs, up to Internal Revenue Service limits.
  - (7) Child support payments for the client made directly to the facility in which the child is in residence.
  - (8) Net business losses claimed on the previous year's Internal Revenue Service form.
  - (9) A family living allowance of \$9,000.
- (b) An individual allowance equal to the prevailing Internal Revenue Service dependent deduction amount for a person who is currently eligible to be claimed as a dependent on this calendar year's Internal Revenue Service form, shall also be deducted from the total family income.

#### Cross References

This section cited in 55 Pa. Code § 4305.37 (relating to adjusted family income); and 55 Pa. Code § 4305.64 (relating to reason for adjustment of liability—substantial financial hardship).

**§ 4305.37. Adjusted family income.**

The adjusted family income shall be the total family income specified in § 4305.35 (relating to income) minus the deductions specified in § 4305.36 (relating to deductions).

**§ 4305.38. Verification.**

Income and deductions shall be verified by written documentation, such as income tax statements, pay stubs, written employer statements or by affidavit. Copies of these verification documents shall be kept on file.

**§ 4305.39. Failure to provide verification.**

If the liable person fails to provide written verification of income and deductions, the county administrator shall bill for the full cost of service.

**§ 4305.40. Redeterminations.**

(a) The county administrator shall inform the liable person in writing that increases or decreases in monthly income of greater than 5.0% shall be reported by the liable person to the county within 30 days of the income change.

(b) The county administrator shall complete a redetermination of the liability for a client at least once every 12 months.

(c) The county administrator shall complete a redetermination of the liability for a client more frequently than every 12 months if the adjusted family income amount increases or decreases by more than 5.0% on an annualized basis. The redetermination shall be based upon the revised adjusted family income. The liability resulting from redetermination shall be retroactive to the date of the income change.

**§ 4305.41. Liability.**

(a) The liability shall be the amount listed in Appendixes A and B based on the adjusted family income.

(b) If the liability amount listed in Appendixes A or B—nonresidential services or residential and short-term inpatient services—exceeds 12.5% of the total monthly family income, the liability shall be 12.5% of the total monthly income. Total monthly family income shall be determined on an annualized basis.

(c) The amount billed may not exceed the actual cost of the service provided.

**§ 4305.42. More than one client receiving service.**

(a) If more than one client in the family is receiving services, only one liability shall be determined and billed.

(b) If at least one client in the family is receiving community mental health or intellectual disability residential services or short-term inpatient services, the liability shall be the amount listed in Appendix B.

(c) If clients in the family are receiving only community mental health or intellectual disability nonresidential services, the liability shall be the amount listed in Appendix A.

**Authority**

The provisions of this § 4305.42 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.42 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211846).

**§ 4305.43. Client receiving more than one service.**

(a) If services received by the client in a calendar month are community mental health and intellectual disability nonresidential services or noninpatient services, the liability shall be the amount listed in Appendix A.

(b) If services received by the client in a calendar month are community mental health and intellectual disability residential services or short-term inpatient services, even if community mental health and intellectual disability nonresidential services or short-term inpatient services are also provided, the liability shall be the amount listed in Appendix B.

**Authority**

The provisions of this § 4305.431 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.43 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211846).

**§ 4305.44. Notice of liability.**

At the time the liability is determined, a written notice of the liability shall be given to the liable person on a form prescribed by the Department.

**BILLING FOR LIABILITY**

**§ 4305.51. Billing.**

(a) The county administrator shall bill the liable person each month that community mental health and intellectual disability services are received.

(b) If the liability exceeds the actual cost of intellectual disability services or the net charge for mental health services received for a month, the county admin-

istrator shall bill the liable person for the actual cost of intellectual disability services or the net charge for mental health services received.

**Authority**

The provisions of this § 4305.51 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.51 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211846).

**§ 4305.52. Insurance.**

(a) If a client is receiving or is expected to receive a community mental health or intellectual disability service, or both, that is eligible for insurance, the county administrator or the provider of service shall bill the insurance company for the service prior to billing the liable person. The amount received from the insurance company for services provided over a calendar month shall be deducted from the liability for intellectual disability services or the client fee schedule per unit times the number of units delivered that month for mental health services. The liable person shall be billed the remainder up to the liability.

(b) If insurance benefits are not assignable, the provider shall bill the liable person for the total amount of the liability or the amount the insurance company will pay, whichever is greater, and shall assist the person in completing the insurance forms if necessary or requested.

**Authority**

The provisions of this § 4305.52 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.52 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (211846) to (211847).

**ADJUSTMENT OF LIABILITY**

**§ 4305.61. Request for adjustment of liability.**

- (a) The liable person has the right to request adjustment of liability.
- (b) Requests for adjustment of liability shall be made within 30 calendar days of the time that conditions warranting the adjustment occur.
- (c) Requests for adjustment of liability shall be made by the liable person, the client, or the mental health or intellectual disability professional.



(d) Requests for adjustment of liability shall be submitted to the county administrator on a form prescribed by the Department.

**Authority**

The provisions of this § 4305.61 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.61 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (211847).

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.62. Review of requests for adjustment of liability.**

The county administrator shall review requests for adjustment of liability.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.63. Reason for adjustment of liability—loss of benefits.**

The county administrator shall have the power to reduce or eliminate the liability if the payment of the liability would make the client ineligible for benefits or payments.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority); and 55 Pa. Code § 4305.67 (relating to decisions on requests for adjustment of liability).

**§ 4305.64. Reason for adjustment of liability—substantial financial hardship.**

(a) The county administrator shall have the power to reduce or eliminate the liability if the payment of the liability would cause substantial financial hardship on the client, a person owing a legal duty to support the person or the family of either.

(b) The following debt payments may not be considered when deciding if there is a substantial financial hardship.

- (1) Mortgage or rent on principal residence.
- (2) Utility payments.
- (3) Automobile payments.
- (4) Medical expenses already deducted under § 4305.36(5) (relating to deductions).
- (5) Insurance premiums.

- (6) A debt payment for which the liable person has not incurred a legal obligation to pay.
- (7) Retail charge purchases for personal items, food and commodities.
- (8) Debts incurred after treatment has begun if services are provided for less than 365-consecutive days.
- (9) Debts not paid on a regularly scheduled basis.
- (c) A debt not listed in subsection (b) shall be considered as allowable debt payments in reviewing the request for adjustment of the liability based upon substantial financial hardship.
- (d) Debts caused by the cost of college or graduate school education may be considered as allowable debt payments in reviewing the request for adjustment of liability based upon substantial financial hardship.
- (e) Debts caused by unforeseen circumstances over which the person has no control, such as loss from fire or flood not covered by insurance, shall be considered in reviewing the request for adjustment of the liability based upon substantial financial hardship.
- (f) The county administrator shall compute the liability adjustment for substantial financial hardship as follows:
- (1) If the amount of annual allowable debt payments divided by the adjusted family income amount exceeds or is equal to .8, the liability shall be eliminated.
- (2) If the amount of annual allowable debt payments divided by the adjusted family income amount is less than .8, but greater than or equal to .7, the liability shall be reduced by 75%.
- (3) If the amount of annual allowable debt payments divided by the adjusted family income amount is less than .7, but greater than or equal to .6, the liability shall be reduced by 50%.
- (4) If the amount of annual allowable debt payments divided by the adjusted family income amount is less than .6, but greater than or equal to .5, the liability shall be reduced by 25%.
- (5) If the amount of annual allowable debt payments divided by the adjusted family income amount is less than .5, the liability may not be adjusted.

#### Notes of Decisions

Since the regulations providing for determination of parents' liability for mentally retarded son's care in State institution have a rational basis, relating payment to discretionary income of liable party, the regulations do not violate equal protection. *Faix v. Department of Public Welfare*, 499 A.2d 411 (Pa. Cmwlth. 1985).

Regulations providing for determination of parent's liability for mentally retarded son's care in State institution are valid since they were promulgated to recover public funds whenever possible under section 501 of the Mental Health and Mental Retardation Act of 1966 (50 P.S. § 4501), thus evincing a rational relationship to a legitimate governmental interest. *Faix v. Department of Public Welfare*, 499 A.2d 411 (Pa. Cmwlth. 1985).

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority); and 55 Pa. Code § 4305.67 (relating to decisions on requests for adjustment of liability).

**§ 4305.65. Reason for adjustment of liability—financial burden upon Commonwealth.**

The county administrator shall have the power to reduce or eliminate the liability if the payment of the liability would result in greater financial burden upon the Commonwealth.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority); and 55 Pa. Code § 4305.67 (relating to decisions on requests for adjustment of liability).

**§ 4305.66. Reason for adjustment of liability—nullify result of care.**

(a) The county administrator shall have the power to reduce or eliminate the liability if the imposition of the liability would create a financial burden upon the client as to nullify the results of care, treatment, service or other benefits.

(b) Requests for an adjustment of the liability due to nullification of the result of care shall include documentation by a mental health/intellectual disability professional justifying the clinical reasons for the request and how the client's welfare would be seriously harmed if the liability is not adjusted.

**Authority**

The provisions of this § 4305.66 amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this § 4305.66 amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial page (375695).

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority); and 55 Pa. Code § 4305.67 (relating to decision on requests for adjustment of liability).

**§ 4305.67. Decisions on requests for adjustment of liability.**

(a) The county administrator shall make a decision on a request for adjustment of the liability within 30 calendar days of receipt of the request.

(b) The county administrator shall make a decision on requests for adjustment of the liability based upon the requirements specified in §§ 4305.63—4305.66.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.68. Notification of adjustment decision.**

(a) The county administrator shall notify the liable person of the adjustment decision in writing within 30 calendar days of receipt of the request.

(b) The written notice of the adjustment decision shall include the decision, the reasons for decision, the new liability if applicable, the length of time the new liability will be in effect not to exceed 12 months, a copy of the prescribed appeal form and the appeal rights and procedures in accordance with § 4305.69 (relating to appeals).

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.69. Appeals.**

(a) The liable person has the right to file a written appeal for a fair hearing to review the county administrator's adjustment decision within 30 calendar days of the date the decision is mailed.

(b) The written request for appeal and reasons for the appeal shall be submitted directly to the Office of Hearings and Appeals, Department of Human Services, Post Office Box 2675, Harrisburg, Pennsylvania 17105, on a form prescribed by the Department.

(c) The county administrator shall participate in any fair hearings conducted by the Office of Hearings and Appeals.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority); and 55 Pa. Code § 4305.68 (relating to notification of adjustment decision).

**COLLECTION OF PAST DUE ACCOUNTS****§ 4305.81. Payment plans.**

The county administrator shall attempt to establish a payment plan for a liable person who is unable to pay the bill immediately upon receipt of the bill.

**§ 4305.82. Identification of past due account.**

An account is considered past due if the following exist:

- (1) A bill was sent and payment was not received within 90 calendar days.
- (2) Request for adjustment of liability has not been received or no payment plan has been agreed to and followed.

**§ 4305.83. Cost of service.**

If there is a past due account for a client, the Department will not participate in the cost of future service for that client.

**§ 4305.84. Collection process.**

(a) The county administrator shall attempt to collect a past due account by mailing three successive dunning statements notifying the liable person that the account is past due and requesting payment. The statements shall be mailed at 10 day intervals. During a period not to exceed 45 calendar days after mailing the first dunning statement, effort shall be made by telephone or personal contact with the liable person concerning the past due account.

(b) If the requirements in subsection (a) have been completed and the past due account exceeds \$150, the past due account shall be referred to a private collection agency familiar with the collection of debts arising from medical or social services for collection.

(c) If the requirements in subsection (a) have been completed and the past due account amount is \$150 or less, the past due account may be written off.

**Cross References**

This section cited in 55 Pa. Code § 4305.91 (relating to write-off conditions).

**WRITE-OFF OF PAST DUE ACCOUNT****§ 4305.91. Write-off conditions.**

The past due account may be considered for write-off if the following conditions are met:

- (1) The requirements of § 4305.84 (relating to collection process) have been met.
- (2) An account balance continues to exist.
- (3) No payment plan has been agreed to or the agreed-to payment plan is not being followed.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.92. Justification of write-offs.**

The write-off of a past due account shall be justified by at least one of the following considerations:

- (1) There is an adverse court decision under similar factual situations or an adverse legal opinion prepared by the county solicitor or a designee.
- (2) There is doubt as to collectibility.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.93. Approval of write-offs.**

(a) The county administrator is responsible for approving write-offs. By approving a write-off, the county administrator is certifying that the requirements in this chapter have been met and the account is deemed uncollectible.

(b) The county administrator shall respond in writing to a request for a write-off within 15 days of receipt of the request.

(c) Documentation supporting the county administrator's decision to approve or deny a write-off shall be kept. This shall include a record of the collection effort and relevant comments and recommendations.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**§ 4305.94. Write-off of past due account.**

The write-off of a past due account does not absolve the liable person from payment of a past due account.

**Cross References**

This section cited in 55 Pa. Code § 4305.15 (relating to delegation of authority).

**MENTAL HEALTH CLIENT FEE SCHEDULES****§ 4305.101. Applicability.**

The requirements specified in §§ 4305.102 and 4305.103 (relating to content of the mental health client fee schedule; and audit of the mental health client fee schedule) are applicable only for clients receiving community mental health services.

**§ 4305.102. Content of the mental health client fee schedule.**

(a) A provider of service and a county mental health program providing services to county mental health program clients shall establish a fee schedule of charges known as "client fee schedule". This client fee schedule shall state a rate per unit of service and shall reflect as accurately as possible the cost of service. The cost of providing service is expected to vary from provider to provider depending on the nature of the services provided, the combination of personnel who provide these services and the client target group being served.

(b) The client fee schedule may not be higher than the fee schedule used by the provider for its private clients.

(c) The client fee schedule rate may exceed the county program rate of reimbursement.

**Cross References**

This section cited in 55 Pa. Code § 4305.101 (relating to applicability).

**§ 4305.103. Audit of the mental health client fee schedule.**

Cost of service and client fee schedules based on these costs are subject to audit by the Commonwealth.

**Cross References**

This section cited in 55 Pa. Code § 4305.101 (relating to applicability).

**APPENDIX A**

Monthly Liability for Community Mental Health  
and Intellectual Disability Nonresidential Services

<i>Adjusted Family Income</i>	<i>Number of Dependents</i>									
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
0- 499	0	0	0	0	0	0	0	0	0	0
500- 999	10	9	8	7	6	5	4	3	2	1
1000-1499	20	17	14	12	10	8	6	5	4	3
1500-1999	30	25	20	16	13	11	9	7	5	4
2000-2499	40	34	29	25	22	19	16	13	11	9
2500-2999	50	43	37	32	28	24	20	17	15	12
3000-3499	60	52	45	39	34	29	25	22	19	16
3500-3999	70	61	53	46	40	34	30	26	22	19
4000-4499	80	69	61	53	46	40	35	31	27	24
4500-4999	90	78	68	59	52	44	38	33	29	25
5000-5499	100	87	76	66	58	50	44	39	35	31
5500-5999	115	100	88	77	68	59	52	46	40	35
6000-6499	130	114	100	88	77	68	60	53	47	41
6500-6999	145	127	112	98	87	76	67	59	53	47
7000-7499	160	140	123	109	96	84	75	66	58	52
7500-7999	175	153	135	119	105	92	81	72	64	56
8000-8499	190	166	146	128	113	99	88	77	68	60
8500-8999	205	179	157	138	121	106	93	82	72	63
9000-9499	220	192	168	147	129	113	99	87	76	66
9500-9999	235	205	179	156	136	119	104	91	79	69
10000-10499	255	223	195	170	149	130	113	99	86	75
10500-10999	275	240	210	184	161	141	123	107	94	82
11000-11499	295	258	225	197	172	151	132	115	101	88
11500-11999	315	275	240	210	184	161	140	123	107	94
12000-12499	335	292	255	223	195	170	148	129	113	98
12500-12999	355	310	270	236	206	179	156	136	118	103
13000-13499	375	327	285	248	216	188	163	142	123	107
13500-13999	395	344	299	260	226	197	171	148	128	111
14000-14499	415	361	313	272	236	205	177	153	132	113
14500-14999	435	378	328	284	246	212	183	158	135	116
15000-15499	455	394	342	295	255	220	189	162	138	117
15500-15999	475	411	355	306	264	227	194	165	140	119
16000-16499	495	428	369	318	273	233	199	169	143	121
16500-16999	515	444	382	328	281	240	204	172	144	124

<i>Adjusted Family Income</i>	<i>Number of Dependents</i>									
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
17000-17499	535	462	398	343	294	252	214	182	153	128
17500-17999	555	480	414	357	307	263	225	191	162	136
18000-18499	575	498	430	372	320	275	236	201	171	144
18500-18999	595	516	447	386	333	287	247	211	180	153
19000-19499	615	534	463	401	346	299	257	221	189	161
19500-19999	635	551	479	415	359	311	268	231	198	169
20000-20499	655	569	495	430	373	323	279	241	207	178
20500-20999	675	587	511	444	386	335	290	251	216	186
21000-21499	695	605	527	458	399	346	300	260	225	194
21500-21999	715	623	543	473	412	358	312	271	235	203
22000-22499	735	641	559	488	425	370	322	280	244	211
22500-22999	755	659	575	502	438	382	333	290	252	220
23000-23499	775	677	591	517	451	394	344	300	262	228
23500-23999	795	695	607	531	464	406	355	310	271	236
24000-24499	815	713	623	545	477	418	365	320	280	245
24500-24999	835	731	640	560	491	430	376	330	289	253
25000-25499	855	749	656	575	504	441	387	340	298	261

*Formulae if Adjusted Family Income Exceeds \$25,499*

The liability for 1 dependent is adjusted family income times 0.0336  
The liability for 2 dependents is adjusted family income times 0.0294  
The liability for 3 dependents is adjusted family income times 0.0257  
The liability for 4 dependents is adjusted family income times 0.0225  
The liability for 5 dependents is adjusted family income times 0.0197  
The liability for 6 dependents is adjusted family income times 0.0172  
The liability for 7 dependents is adjusted family income times 0.0150  
The liability for 8 dependents is adjusted family income times 0.0132  
The liability for 9 dependents is adjusted family income times 0.0115  
The liability for 10 dependents is adjusted family income times 0.0101

**Authority**

The provisions of this Appendix A amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this Appendix A amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (211853) to (211854).

4305-24



**Cross References**

This appendix cited in 55 Pa. Code § 4305.41 (relating to liability); 55 Pa. Code § 4305.42 (relating to more than one client receiving service); and 55 Pa. Code § 4305.43 (relating to client receiving more than one service).

**APPENDIX B**

Monthly Liability for Community Mental Health and Intellectual Disability  
Residential and Short-Term Inpatient Services

<i>Adjusted Family Income</i>	<i>Number of Dependents</i>									
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
500- 999	13	11	10	9	8	6	5	4	3	2
1000-1499	25	21	18	15	13	10	8	6	5	4
1500-1999	38	31	25	20	16	14	11	9	6	5
2000-2499	50	43	36	31	28	24	20	16	14	11
2500-2999	63	54	46	40	35	30	25	21	19	15
3000-3499	75	65	56	49	43	36	31	28	24	20
3500-3999	88	76	66	58	50	43	38	33	28	24
4000-4499	100	86	76	66	58	50	44	39	34	30
4500-4999	113	98	85	74	65	55	48	41	36	31
5000-5499	125	109	95	83	73	63	55	49	44	39
5500-5999	144	125	110	96	85	74	65	58	50	44
6000-6499	163	143	125	110	96	85	75	66	59	51
6500-6999	181	159	140	125	109	95	84	74	66	59
7000-7499	200	175	154	136	120	105	94	83	73	65
7500-7999	219	191	169	149	131	115	101	90	80	70
8000-8499	238	208	183	160	141	124	110	96	85	75
8500-8999	256	224	196	173	151	133	116	103	90	79
9000-9499	275	240	210	184	161	141	124	109	95	83
9500-9999	294	256	224	195	170	149	130	114	99	86
10000-10499	319	279	244	213	186	163	141	124	108	94
10500-10999	344	300	265	230	201	176	154	134	118	103
11000-11499	369	323	281	246	215	189	165	144	126	110
11500-11999	394	343	300	263	230	201	175	154	134	118
12000-12499	419	365	319	279	244	213	185	161	141	123
12500-12999	444	388	338	295	258	224	195	170	148	129
13000-13499	469	409	356	310	270	235	204	178	154	134
13500-13999	494	430	374	325	283	246	214	185	160	139
14000-14499	519	451	391	340	295	256	221	191	165	141
14500-14999	544	473	410	355	308	265	229	198	169	145
15000-15499	569	493	428	369	319	275	236	203	173	146
15500-15999	594	514	444	383	330	284	243	206	175	149
16000-16499	619	535	461	398	341	291	249	211	179	151
16500-16999	644	555	478	410	351	300	255	215	180	155
17000-17499	669	578	498	429	368	315	268	228	191	160
17500-17999	694	600	518	446	384	329	281	239	203	170
18000-18499	719	623	538	465	400	344	295	251	214	180
18500-18999	744	645	559	483	416	359	309	264	225	191

	<i>Adjusted Family Income</i>		<i>Number of Dependents</i>							
19000-19499	769	668	579	501	433	374	321	276	236	201
19500-19999	794	689	599	519	449	389	335	289	248	211
20000-20499	819	711	619	538	466	404	349	301	259	223
20500-20999	844	734	639	555	483	419	363	313	270	233
21000-21499	869	756	659	573	499	433	375	325	281	243
21500-21999	894	779	679	591	515	448	390	339	294	254
22000-22499	919	801	699	610	531	463	403	350	305	264
22500-22999	944	824	719	628	548	478	416	363	315	275
23000-23499	969	846	739	646	564	493	430	375	328	285
23500-23999	994	869	759	664	580	508	444	388	339	295
24000-24499	1019	891	779	681	596	523	456	400	350	306
24500-24999	1044	914	800	700	614	538	470	413	361	316
25000-25499	1069	936	820	719	630	551	484	425	373	326

*Formulae if Adjusted Family Income Exceeds \$25,499*

The liability for 1 dependent is adjusted family income times 0.0420  
 The liability for 2 dependents is adjusted family income times 0.0368  
 The liability for 3 dependents is adjusted family income times 0.0321  
 The liability for 4 dependents is adjusted family income times 0.0281  
 The liability for 5 dependents is adjusted family income times 0.0246  
 The liability for 6 dependents is adjusted family income times 0.0215  
 The liability for 7 dependents is adjusted family income times 0.0188  
 The liability for 8 dependents is adjusted family income times 0.0165  
 The liability for 9 dependents is adjusted family income times 0.0144  
 The liability for 10 dependents is adjusted family income times 0.0126  
 The liability for 11 dependents is adjusted family income times 0.0110

**Authority**

The provisions of this Appendix B amended under sections 201(2) and (8) and 202 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4201(2) and (8) and 4202).

**Source**

The provisions of this Appendix B amended June 17, 2016, effective June 18, 2016, 46 Pa.B. 3177. Immediately preceding text appears at serial pages (211855) to (211856).

**Cross References**

This appendix cited in 55 Pa. Code § 4305.41 (relating to liability); 55 Pa. Code § 4305.42 (relating to more than one client receiving service); and 55 Pa. Code § 4305.43 (relating to client receiving more than one service).

[Next page is 4310-1.]

4305-26