AN ACT

Providing for a Statewide comprehensive health care system; establishing the Pennsylvania Health Care Plan and providing for eligibility, services, coverages, subrogation, participating providers, cost containment, reduction of errors, tort remedies, administrative remedies and procedures, attorney fees, quality assurance, nonparticipating providers, transitional support and training; and establishing the Pennsylvania Health Care Agency, the Employer Health Services Levy, the Individual Wellness Tax and the Pennsylvania Health Care Board and providing for their powers and duties.

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

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title. This act shall be known and may be cited as the Family and Business Healthcare Security Act.

Section 102. Definitions. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Health Care Agency established under this act.

"Board." The Pennsylvania Health Care Board established under this act.

"Certificate of need." A notice of approval issued by the Department of Health under the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, including those notices of approval issued as an amendment to an existing certificate of need.

"Department." The Department of Health of the Commonwealth.

"Executive director." The Executive Director of the Pennsylvania Health Care Board.

"Fund." The Pennsylvania Health Care Trust Fund established
under this act.

"Individual Fair Share Health and Wellness Tax." The Individual Fair Share Health and Wellness Tax established under this act.

"Plan." The Pennsylvania Health Care Plan established under this act.

"Tax." The Employer Fair Share Health and Wellness Tax established under this act.

CHAPTER 3

ADMINISTRATION AND OVERSIGHT OF THE

PENNSYLVANIA HEALTH CARE PLAN

SUBCHAPTER A

PENNSYLVANIA HEALTH CARE BOARD

Section 301. Organization.

(a) Composition.--The Pennsylvania Health Care Board shall be composed of 11 voting members. It shall be chaired by the executive director who may vote only in the event of a tie vote.

(b) Appointments.--

(1) The executive director shall be appointed by the Governor. The members of the board shall be appointed by the Governor, the President pro tempore of the Senate, and the Speaker of the House of Representatives who collectively shall make appointments of members from individuals representative of each of the following constituencies:

(i) Hospitals.

(ii) Organized labor, private sector.

(iii) Consumers.

(iv) Business.

(v) Agriculture.

(vi) Physicians.
(vii) Public sector employees.
(viii) Nurses.
(ix) Pharmacists.
(x) Long-term care facilities.
(xi) Social workers.

(2) The Governor shall initially appoint the executive director, who shall serve as chair of the board, appointments of the members shall thereafter be made in a rotating fashion beginning with the President pro tempore of the Senate, then the Speaker of the House of Representatives and then the Governor, with each in turn making an appointment from a constituency category not previously filled.

(c) Terms of members.—Each member appointed or reappointed under this section shall hold office for three years, starting on the first day of the first month following the member's appointment. A serving member of the board shall continue to serve following the expiration of the member's term until a successor takes office or a period of 90 days has elapsed, whichever occurs first.

(d) Midterm vacancies.—Midterm vacancies shall be filled by the same appointer and the individual appointed to fill a vacancy occurring prior to the expiration of the term for which a member is appointed shall hold office for the remainder of the predecessor's term.

(e) Compensation, benefits and expenses.—The executive director and members of the board shall receive an annual salary, benefits and expense reimbursement established by the board, to be paid from the fund. The initial board shall establish its own compensation. No increase or decrease in salary or benefits adopted by the board for the executive
director or members shall become effective within the same
three-year term.

(f) Meetings.--
   (1) The executive director shall set the time, place and
date for the initial and subsequent meetings of the board and
shall preside over its meetings. The initial meeting shall be
set not sooner than 50 nor later than 100 days after the
appointment of the executive director. Subsequent meetings
shall occur at least monthly thereafter.
   (2) All meetings of the board are open to the public
unless questions of patient confidentiality arise. The board
may go into closed executive session with regard to issues
related to confidential patient information.

(g) Quorum.--Two-thirds of the appointed members of the
board shall constitute a quorum for the conducting of business
at meetings of the board. Decisions at ordinary meetings of the
board shall be reached by majority vote of those actually
present or, in the event of emergency meeting, those also
present by electronic or telephonic means. Where there is a tie
vote, the executive director shall be granted an additional vote
to break the tie.

(h) Ethics.--The executive director, the members and their
immediate families are prohibited from having any pecuniary
interest in any business with a contract or in negotiation for a
contract with the agency. The board shall also adopt rules of
ethics and definitions of irreconcilable conflicts of interest
that will determine under what circumstances members must recuse
themselves from voting.

(i) Prohibitions.--
   (1) No member of the board, except for the executive
director, may receive any additional salary or benefits by virtue of serving on the board.

(2) No member of the board may hold any other salaried Commonwealth public position, either elected or appointed, during the member's tenure on the board, including, but not limited to, the position of State legislator or member of the United States Congress.

(3) The executive director may not be a State legislator or member of the United States Congress.

Section 302. Duties of board.

(a) General duties.--The board is responsible for directing the agency in the performance of all duties, the exercise of all powers, and the assumption and discharge of all functions vested in the agency. The board shall adopt and publish its rules and procedures in the Pennsylvania Bulletin no later than 180 days after the first meeting of the board.

(b) Specific duties.--The duties and functions of the board include, but are not limited to, the following:

(1) Implementing statutory eligibility standards for benefits.

(2) Annually adopting a benefits package for participants of the plan.

(3) Acting directly or through one or more contractors as the single payer administrator for all claims for health care services made under the plan.

(4) At least annually, reviewing the appropriateness and sufficiency of reimbursements and considering whether a charge is fair and reasonable for its geographic region or location.

(5) Providing for timely payments to participating
providers through a structure that is well organized and that eliminates unnecessary administrative costs.

(6) Implementing standardized claims and reporting methods for use by the plan.

(7) Developing a system of centralized electronic claims and payments accounting.

(8) Establishing an enrollment system that will ensure that those who travel frequently and cannot read or speak English are aware of their right to health care and are formally enrolled in the plan.

(9) Reporting annually to the General Assembly and to the Governor, on or before the first day of October, on the performance of the plan, the fiscal condition of the plan, recommendations for statutory changes, the receipt of payments from the Federal Government, whether current year goals and priorities were met, future goals and priorities, and major new technology or prescription drugs that may affect the cost of the health care services provided by the plan.

(10) Administering the revenues of the fund.

(11) Obtaining appropriate liability and other forms of insurance to provide coverage for the plan, the board, the agency and their employees and agents.

(12) Establishing, appointing and funding appropriate staff, office space, equipment, training and administrative support for the agency throughout this Commonwealth, all to be paid from the fund.

(13) Administering aspects of the agency by taking actions that include, but are not limited to, the following:

(i) Establishing standards and criteria for the
allocation of operating funds.

(ii) Meeting regularly to review the performance of the agency and to adopt and revise its policies.

(iii) Establishing goals for the health care system established pursuant to the plan in measurable terms.

(iv) Establishing Statewide health care databases to support health care services planning.

(v) Implementing policies and developing mechanisms and incentives to assure culturally and linguistically sensitive care.

(vi) Establishing rules and procedures for implementation and staffing of a no-fault compensation system for iatrogenic injuries or complications of care whereby a patient's condition is made worse or an opportunity for cure or improvement is lost due to the health care or medications provided or appropriate care not provided by participating providers under the plan.

(vii) Establishing standards and criteria for the determination of appropriate transitional support and training for residents of this Commonwealth who are displaced from work during the first two years of the implementation of the plan.

(viii) Evaluating the state of the art in proven technical innovations, medications and procedures and adopting policies to expedite the rapid introduction thereof in this Commonwealth.

(ix) Establishing methods for the recovery of costs for health care services provided pursuant to the plan to a beneficiary who is also covered under the terms of a policy of insurance, a health benefit plan or other
collateral source available to the participant under
which the participant has a right of action for
compensation. Receipt of health care services pursuant to
the plan shall be deemed an assignment by the participant
of any right to payment for services from any such
policy, plan or other source. The other source of health
care benefits shall pay to the trust all amounts it is
obligated to pay to, or on behalf of, the participant for
covered health care services. The board may commence any
action necessary to recover the amounts due.

(14) Recruiting the Health Advisory Panel of seven
members made up of a cross section of the medical and
provider community. The members of the advisory panel shall
be paid a per diem rate, established by the board, for
attendance at meetings and further be reimbursed for actual
and necessary expenses incurred in the performance of their
duties, which shall include:

(i) Advising the board on the establishment of
policy on medical issues, population-based public health
issues, research priorities, scope of services, expansion
of access to health care services and evaluation of the
performance of the plan.

(ii) Investigating proposals for innovative
approaches to the promotion of health, the prevention of
disease and injury, patient education, research and
health care delivery.

(iii) Advising the board on the establishment of
standards and criteria to evaluate requests from health
care facilities for capital improvements.

(iv) Evaluating and advising the board on requests
from providers, or their representatives, for adjustments
to reimbursements.

(15) Establishing a secure and centralized electronic
health record system wherein a beneficiary's entire health
record can be readily and reliably accessed by authorized
persons with the objective of eliminating the errors and
expense associated with paper records and diagnostic films.
The system shall ensure the privacy of all health records it
contains.

SUBCHAPTER B

 PENNSYLVANIA HEALTH CARE AGENCY

Section 321. Pennsylvania Health Care Agency.

(a) Establishment of agency.--There is hereby established
the Pennsylvania Health Care Agency. The agency shall administer
the plan and is the sole agency authorized to accept applicable
It shall use such funds in order to secure full compliance with
provisions of Federal and State law and to carry out the
purposes established under this act. All grants-in-aid accepted
by the agency shall be deposited into the Pennsylvania Health
Care Trust Fund established under this act, together with other
revenues raised within this Commonwealth to fund the plan.

(b) Appointment of executive director.--The executive
director of the agency shall be appointed by the Governor for a
term of three years and is the chief administrator of the plan.

(c) Personnel and employees.--The board shall employ and fix
the compensation of agency personnel as needed by the agency to
properly discharge the agency's duties. The employment of
personnel by the board is subject to the civil service laws of
this Commonwealth. The executive director shall oversee the
operation of the agency and the agency's performance of any
duties assigned by the board.

SUBCHAPTER C
(Reserved)

SUBCHAPTER D
(Reserved)

SUBCHAPTER E
(Reserved)

SUBCHAPTER F

IMMUNITY

Section 371. Immunity.

In the absence of fraud or bad faith, the advisory panel, the
board and agency and their respective members and employees
shall incur no liability in relation to the performance of their
duties and responsibilities under this act. The Commonwealth
shall incur no liability in relation to the implementation and
operation of the plan.

CHAPTER 5

PENNSYLVANIA HEALTH CARE PLAN

Section 501. General provisions.

(a) Establishment of plan.--There is hereby established the
Pennsylvania Health Care Plan that shall be administered by the
independent Pennsylvania Health Care Agency under the direction
of the Pennsylvania Health Care Board.

(b) Coverage.--The plan shall provide health care coverage
for all citizens of this Commonwealth and for certain eligible
visitors. The agency shall work simultaneously to control health
care costs, achieve measurable improvement in health care
outcomes, promote a culture of health awareness and develop an
integrated health care database to support health care planning
and quality assurance.
(c) Reforms.--The board shall implement the reforms adopted
by the General Assembly hereby within one year of the effective
date of the plan.
Section 502. Universal health care access eligibility.
(a) Eligibility.--All Pennsylvania citizens, including an
alien or immigrant lawfully given admission to the United States
under the Immigration and Nationality Act (66 Stat. 163, 8
U.S.C. § 1101 et seq.), full-time out-of-State students
attending school in this Commonwealth, homeless persons and
migrant agricultural workers and their accompanying families are
eligible beneficiaries under the plan. The board shall establish
standards and a simple procedure to demonstrate proof of
eligibility.
(b) Enrollment.--Enrollment in the plan shall be automatic
and beneficiaries shall be provided with access cards with
appropriate proof of identity technology and privacy protection.
(c) Waivers.--If waivers are not obtained from the medical
assistance and/or Medicare programs operated under Title XVIII
or XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301
et seq.), the medical assistance and Medicare nonwaived programs
shall act as the primary insurers for those eligible for such
coverage, and the plan shall serve as the secondary or
supplemental plan of health coverage. Until such time as waivers
are obtained, the plan will not pay for services for persons
otherwise eligible for the same benefits under Medicare or
Medicaid. The plan shall also be secondary to benefits provided
to military veterans except where reasonable and timely access,
as defined by the board, is denied or unavailable through the
United States Veterans' Administration, in which instance the
plan will be primary and will seek reasonable reimbursement from
the United States Veterans' Administration for the services
provided to veterans.

(d) Priority of plans.--A plan of employee health coverage
provided by an out-of-State employer to a Pennsylvania resident
working outside of this Commonwealth shall serve as the
employee's primary plan of health coverage, and the plan shall
serve as the employee's secondary plan of health coverage.

(e) Reimbursement.--The plan shall reimburse providers
practicing outside of this Commonwealth at plan rates, or the
reasonable prevailing rate of the locale where the service is
provided, for health care services rendered to a beneficiary
while the beneficiary is out of this Commonwealth. Services
provided to a beneficiary out of this Commonwealth by other than
a participating provider shall be reimbursed to the beneficiary
or to the provider at a fair and reasonable rate for that
location.

(f) Presumption of eligibility.--Any individual who arrives
at a health care facility unconscious or otherwise unable due to
their mental or physical condition to document eligibility for
coverage shall be presumed to be eligible, and emergency care
shall be provided without delay occasioned over issues of
ability to pay.

(g) Rules.--The board shall adopt rules assuring that any
participating provider who renders humanitarian emergency or
urgent care within this Commonwealth to a not actually eligible
recipient shall nevertheless be reimbursed for such care from
the plan subject to such rules as will reasonably limit the
frequency of such events to protect the fiscal integrity of the
plan. It shall be the agency's responsibility to secure
reimbursement for the costs paid for such care from any
appropriate third party funding source, or from the individual
to whom the services were rendered.

Section 503. Covered services.

(a) Benefits package.--The board shall establish a single
health benefits package within the plan that shall include, but
not be limited to, all of the following:

(1) All medically necessary inpatient and outpatient
care and treatment, both primary and secondary.

(2) Emergency services.

(3) Emergency and other medically necessary transport to
covered health services.

(4) Rehabilitation services, including speech,
occupational, physical and massage therapy.

(5) Inpatient and outpatient mental health services and
substance abuse treatment.

(6) Hospice care.

(7) Prescription drugs and prescribed medical nutrition.

(8) Vision care, aids and equipment.

(9) Hearing care, hearing aids and equipment.

(10) Diagnostic medical tests, including laboratory
tests and imaging procedures.

(11) Medical supplies and prescribed medical equipment.

(12) Immunizations, preventive care, health maintenance
care and screening.

(13) Dental care.

(14) Home health care services.

(15) Chiropractic and massage therapy.

(16) Complementary and alternative modalities that have
been shown by the National Institute of Health's Division of
Complementary and Alternative Medicine to be safe and effective for possible inclusion as covered benefits.

(17) Long-term care for those unable to care for themselves independently and including assisted and skilled care.

(b) Exclusions for preexisting conditions.--The plan shall not exclude or limit coverage due to preexisting conditions.

(c) Copayments, deductibles, etc.--Beneficiaries of the plan are not subject to copayments, deductibles, point-of-service charges or any other fee or charge for a service within the package and shall not be directly billed nor balance billed by participating providers for covered benefits provided to the beneficiary. Where a beneficiary has directly paid for nonemergency services of a nonparticipating provider, the beneficiary may submit a claim for reimbursement from the plan for the amount the plan would have paid a participating provider for the same service. Where emergency services are rendered by a nonparticipating provider, the beneficiary shall receive reimbursement of the full amount paid to such nonparticipating provider not to exceed 125% of the amount the plan would have paid a participating provider for the same service.

(d) Exclusions of coverage.--

(1) The board shall remove or exclude procedures and treatments, equipment and prescription drugs from the plan benefit package that the board finds unsafe or that add no therapeutic value.

(2) The board shall exclude coverage for any surgical, orthodontic or other procedure or drug that the board determines was or will be provided primarily for cosmetic purposes unless required to correct a congenital defect, to
(e) Choice by beneficiary.--Beneficiaries shall normally be granted free choice of the participating providers, including specialists, without preapprovals or referrals. However, the board shall adopt procedures to restrict such free choice for those individuals who engage in patterns of wasteful or abusive self-referrals to specialists. Specialists who provide primary care to a self-referred beneficiary will be reimbursed at the board-approved primary care rate established for the service in that community.

(f) Service.--No participating provider shall be compelled to offer any particular service so long as the refusal is consistent with the provider's practice and is in no way discriminatory.

(g) Discrimination.--The plan and participating providers shall not discriminate on the basis of race, ethnicity, national origin, gender, age, religion, sexual orientation, health status, mental or physical disability, employment status, veteran status or occupation.

Section 504. Excess and collective bargaining agreement health insurance coverage.

Subject to the regulations of the Insurance Commissioner and all applicable laws, private health insurers shall be authorized to offer coverage supplemental to the package approved and provided automatically under this act.

Section 505. Duplicate coverage.

The agency is subrogated to and shall be deemed an assignee of all rights of a beneficiary who has received duplicate health
care benefits, or who has a right to such benefits, under any
other policy or contract of health care or under any government
program.

Section 506. Subrogation.
The agency shall have no right of subrogation against a
beneficiary's third-party claims for harm or losses not covered
under this act. Nor shall any beneficiary under this act have a
claim against a third-party tortfeasor for the services provided
or available to the beneficiary under this act. In all personal
injury actions accruing and prosecuted by a beneficiary on or
after January 1, 2008, the presiding judge shall advise any jury
that all health care expenses have been or will be paid under
the plan, and, therefore, no claim for past or future health
care benefits is pending before the court.

Section 507. Eligible participating providers and availability
of services.
(a) General rule.--All licensed health care providers and
facilities are eligible to become a participating provider in
the plan in which instance they shall enjoy the rights and have
the duties as set forth in the plan as stated in this section or
as adopted by the board from time to time. Nonparticipating
providers shall not enjoy the rights nor bear the duties of
participating providers.
(b) Required notice.--In advance of initially providing
services to a beneficiary, nonparticipating providers shall
advise the beneficiary at the time the appointment is made that
the person or entity is a nonparticipating provider and that the
recipient of the service will be initially personally
responsible for the entire cost of the service and ultimately
responsible for the cost in excess of the reimbursement approved
by the board for participating providers. Failure to make such
financial disclosure will be deemed a fraud on the beneficiary
and entitle the beneficiary to a refund from the provider equal
to 200% of the amount paid to the nonparticipating provider in
excess of the board-approved reimbursement for the services
rendered, plus all reasonable fees for collection. The burden of
proof that such disclosure was made shall be on the
nonparticipating provider.

c) Plan by board.--The board shall assess the number of
primary and specialty providers needed to supply adequate health
care services in this Commonwealth generally and in all
geographic areas and shall develop a plan to meet that need. The
board shall develop financial incentives for participating
providers in order to maintain and increase access to health
care services in underserved areas of this Commonwealth.
d) Reimbursements.--Reimbursements shall be determined by
the board in such a fashion as to assure that a participating
provider receives compensation for services that fairly and
fully reflect the skill, training, operating overhead included
in the costs of providing the service, capital costs of
facilities and equipment, cost of consumables and the expense of
safely discarding medical waste, plus a reasonable profit
sufficient to encourage talented individuals to enter the field
and for investors to make capital available for the construction
of state-of-the-art health care facilities in this Commonwealth.
e) Adjustments to reimbursements.--Participating providers
shall have the right alone or collectively to petition the board
for adjustments to reimbursements believed to be too low. Such
petitions shall be initially evaluated by the administrator of
provider services, with input from the Health Advisory Panel,
who shall submit a report to the executive director within 30
days. The executive director will then submit a recommendation
to the board for action at the next scheduled board meeting.
Participating providers who remain dissatisfied after the board
has ruled may appeal the board's determination to Commonwealth
Court, which shall review the action of the board on an abuse of
discretion standard.

(f) Evaluation of access to care.--The board annually shall
evaluate access to trauma care, diagnostic imaging technology,
emergency transport and other vital urgent care requirements and
shall establish measures to assure beneficiaries have equitable
and ready access to such resources regardless of where in this
Commonwealth they may be.

(g) Performance reports.--The board, with the assistance of
the Health Advisory Panel, shall define performance criteria and
goals for the plan and shall make a written report to the
General Assembly at least annually on the plan's performance.
All such reports, including the survey results obtained, shall
be made publicly available with the goal of total transparency
and open self-analysis as a defining quality of the agency. The
board shall establish a system to monitor the quality of health
care and patient and provider satisfaction and to adopt a system
to devise improvements and efficiencies to the provision of
health care services.

(h) Data reporting.--All participating providers shall, in a
prompt and timely manner, provide existing and ongoing data to
the agency upon its request.

(i) Coordination of services.--The board shall coordinate
the provision of health care services with any other
Commonwealth and local agencies that provide health care
services directly to their charges or residents.

Section 508. Rational cost containment.

(a) Approval of expenditures.--As part of its cost containment mission and based on the certificate of need, the board shall screen and approve or disapprove private or public expenditures for new health care facilities and other capital investments that may lead to redundant and inefficient health care provider capacity. Procedures shall be adopted for this purpose with an emphasis upon efficiency, quality of delivery and a fair and open consideration of all applications.

(b) Capital investments.--Based on the certificate of need all capital investments valued at $1,000,000 or greater, including the costs of studies, surveys, design plans and working drawing specifications, and other activities essential to planning and execution of capital investment and all capital investments that change the bed capacity of a health care facility by more than 10% over a 24-month period or that add a new service or license category shall require the approval of the board. When a facility, an individual acting on behalf of a facility or any other purchaser obtains by lease or comparable arrangement any facility or part of a facility, or any equipment for a facility, the market value of which would have been a capital expenditure, the lease or arrangement shall be considered a capital expenditure for purposes of this section.

(c) Study.--Those intending to make capital investments or acquisitions shall prepare a business case for making each investment and acquisition. It shall include the full-life-cycle costs of the investment or acquisition, an environment impact report that meets existing State standards and a demonstration of how the investment or acquisition meets the health care needs
of the population it is intended to serve. Acquisitions may include, but not be limited to, acquisitions of land, operational property or administrative office space.

(d) Deemed approval.--Capital investment programs submitted for approval shall be deemed approved by the board within 60 days from the date the submissions are received by the executive director. A 60-day extension may apply if the board requires additional information.

(e) Recommendations.--Recommendations of the Pennsylvania Heath Cost Containment Council and such other public and private authoritative bodies as shall be identified from time to time by the board shall be received by the executive director and submitted to the board with the executive director's recommendation regarding implementation of the recommended reforms. The board shall receive input from all interested parties and then shall vote upon all such recommendations within 60 days. Where procedural or protocol reforms are adopted, participating providers will be required to implement such designated best practices within the next 60 days.

(f) Appeal.--A decision of the board may be appealed through a uniform dispute resolution process that has been established by unanimous approval of the board.

(g) Required investments.--The board is authorized to adopt programs to assist participating providers in making capital investments responsive to best practice recommendations.

(h) Decertification.--Participating providers refusing to adopt recommended reforms shall, after a reasonable opportunity to be heard, be subject to such sanctions as the board shall deem appropriate and necessary up to and including the suspension or permanent decertification of the participating
CHAPTER 9

Pennsylvania Health Care Trust Fund

Section 901. Pennsylvania Health Care Trust Fund.

(a) Establishment.--The Pennsylvania Health Care Trust Fund is hereby established within the State Treasury. All moneys collected and received by the plan shall be transmitted to the State Treasurer for deposit into the fund, to be used exclusively to finance the plan.

(b) State Treasurer.--The State Treasurer may invest the principal and interest earned by the fund in any manner authorized under law for the investment of Commonwealth moneys. Any revenue or interest earned from the investments shall be credited to the fund.

Section 902. Limitation on administrative expense.

The system budget referred to in this chapter shall comprise the cost of the agency, services and benefits provided, administration, data gathering, planning and other activities and revenues deposited with the system account of the fund. The board shall limit ongoing administrative costs, excluding start-up costs, to 5% of the agency budget and shall annually evaluate methods to reduce administrative costs and publicly report the results of that evaluation.

Section 903. Funding sources.

Funding of the plan shall be obtained from the following dedicated sources:

1. Funds obtained from existing or future Federal health care programs.
2. Funds from dedicated sources specified by the General Assembly.
(3) Receipts from the tax of 10% of gross payroll, including self-employment profits. One percent of the tax shall become effective the date that shall be the first day of a calendar month no less than 32 days after the effective date of this act, and the tax shall become fully effective 60 days before the plan takes effect. Employers who are part of a collective bargaining agreement whereby the health care benefits are no less generous than those provided under the plan shall be excused from paying 90% of the tax.

(4) Receipts from the Individual Fair Share Health and Wellness Tax of 3% on income as defined in sections 301 and 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. One-half of one percent of the Individual Fair Share Health and Wellness Tax shall become effective the date that shall be the first day of a calendar month no less than 32 days after the effective date of this act, and the Individual Fair Share Health and Wellness tax shall become fully effective 60 days before the plan takes effect.

(5) In the event the General Assembly has not responded to a request by the board for an increase in funding in anticipation of projected expenses, the board is hereby authorized to order a temporary increase, for no more than 90 days, in the tax and/or the Individual Fair Share Health and Wellness Tax of not more than 250 basis points each to respond to a threatened insolvency of the plan.

CHAPTER 11

TRANSITIONAL SUPPORT AND TRAINING FOR DISPLACED WORKERS

Section 1101. Transitional support and training for displaced workers.
(a) Determination of eligibility.--The plan shall determine which citizens of this Commonwealth employed by a health care insurer, health insuring corporation or other health care-related business have lost their employment as a result of the implementation and operation of the plan, including the amount of monthly wages that the individual has lost due to the plan's implementation. The plan shall attempt to position these displaced workers in comparable positions of employment or assist in the retraining and placement of such displaced employees elsewhere.

(b) Compensation.--The plan shall forward the information on the amount of monthly wages lost by Commonwealth residents due to the implementation of the plan to the board. Compensation shall be up to $5,000 each month but may not exceed the monthly wages of the individual when he was displaced. Compensation will cease upon reemployment or after two years, whichever comes first. A displaced worker shall be eligible to receive compensation, training assistance, or both, from the fund. Training assistance may not exceed $20,000.

(c) Coordination of services.--The plan shall fully coordinate activity with public and private services also available or actually participating in the assistance to the affected individuals.

(d) Appeals.--Persons dissatisfied with the level of assistance they are receiving may appeal to the office of the executive director whose determination shall be final and not subject to appeal.

CHAPTER 13
VOLUNTEER EMERGENCY RESPONDER NETWORK
Section 1301. Preservation of volunteer emergency responder
Because this Commonwealth is dependent upon the volunteered services of firefighters, emergency medical technicians and search and rescue workers, the board is further charged with administering a Commonwealth income tax credit program for such volunteers.

Section 1302. Eligibility certification.

Annually, in January, administrators of volunteer firefighting and rescue departments, emergency medical technicians and paramedics stations and similar volunteer emergency entities shall certify the identity of Commonwealth residents providing active services during the prior calendar year.

Section 1303. Eligibility criteria.

Active status shall require a minimum of 200 hours of service during the preceding year and response to no less than 50% of the emergency calls during at least three of the four calendar quarters.

Section 1304. Amount of tax credit.

Each volunteer certified as active shall be granted a credit equal to $1,000 toward their State income tax obligation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. Any eligible volunteer who does not incur $1,000 in annual State income tax liability shall nevertheless be eligible for a refund equal to the amount the credit exceeds that volunteer's tax obligation.

Section 1305. Reimbursement.

The State Treasury shall be reimbursed the value of such volunteer credits from the fund.
Section 4501. Effective date.

This act shall take effect immediately.