

FISCAL CODE - OMNIBUS AMENDMENTS**Act of May 29, 2020, P.L. 186, No. 24****Cl. 72**Session of 2020
No. 2020-24

HB 2510

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," providing for regional response health collaboration and for emergency COVID-19 response; and, in additional special funds and restricted accounts, providing for return of COVID response transfers.

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

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding articles to read:

ARTICLE I-B**REGIONAL RESPONSE HEALTH COLLABORATION****Section 101-B. Definitions.**

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

"Assisted living residence." As defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"COVID-19." The novel coronavirus as identified in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"Department." The Department of Human Services of the Commonwealth.

"Facility." Any of the following:

- (1) An assisted living residence.
- (2) A long-term care nursing facility.
- (3) A personal care home.

"Health collaborative." A collaboration of a local health care system that provides educational support and clinical coaching in a specific region of this Commonwealth. The term includes an academic medical center located in this Commonwealth.

"Long-term care nursing facility." As defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Personal care home." As defined in section 1001 of the Human Services Code.

Section 102-B. Establishment.

The Regional Response Health Collaborative Program is established within the department.

Section 103-B. Duties of department.

The department shall do the following to implement the Regional Response Health Collaborative Program:

(1) Divide the Commonwealth into six geographic regions, as follows:

- (i) Northeast.
- (ii) Southeast.
- (iii) North central.
- (iv) South central.
- (v) Northwest.
- (vi) Southwest.

(2) Solicit proposals from and enter into a grant agreement with at least one eligible health collaborative applicant from each region under paragraph (1) to provide operations, management and administration to protect residents in facilities from COVID-19.

(3) Establish guidelines for each health collaborative to:

- (i) Promote health and stabilize the economy of the region by directly supporting COVID-19 readiness and response in facilities.
- (ii) Improve the quality of care related to infection prevention and other priority health care conditions common to facilities.
- (iii) Expand COVID-19 testing to include asymptomatic staff and residents in facilities to expand public health surveillance.
- (iv) Implement best practices in infection control, including, but not limited to:
 - (A) enhanced testing capability;
 - (B) infection control consultation and implementation, including contact tracing; and
 - (C) advanced clinical care, including onsite and telemedicine-supported clinical care, remote monitoring and physician consultation.

Section 104-B. Eligibility.

In order to be deemed an eligible applicant, a health collaborative must provide information on how it would meet the guidelines under section 103-B when submitting an application to the department.

Section 105-B. Funding.

Funding for the Regional Response Health Collaborative Program shall come from the following sources:

- (1) From money appropriated for COVID Relief - Long-Term Living Programs, \$175,000,000 shall be distributed by the

department for the purposes provided under section 103-B(2).

(2) An allocation of up to \$175,000,000 from funding received by the Commonwealth from the United States Department of Health and Human Services or Centers for Disease Control and Prevention for testing through Division B of Title I of the Federal Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139).

ARTICLE I-C
EMERGENCY COVID-19 RESPONSE

SUBARTICLE A
PRELIMINARY PROVISIONS

Section 101-C. Definitions.

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

"Account." The COVID-19 Response Restricted Account established under section 110-C.

"CARES Act." The Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281).

"Human Services Code." The act of June 13, 1967 (P.L. 31, No. 21), known as the Human Services Code.

SUBARTICLE B
COVID-19 RESPONSE RESTRICTED ACCOUNT

Section 110-C. COVID-19 Response Restricted Account.

The COVID-19 Response Restricted Account is established in the General Fund as a restricted account. Money received by the Commonwealth from the Federal Government under Division A of Title V of the CARES Act shall be deposited into the account. All money in the account shall be appropriated by the General Assembly.

Section 111-C. Money in account.

(a) Continuation.--Except as provided under subsection (b), all money in the account, including, but not limited to, money credited to the account under section 110-C, prior year encumbrances and any earned interest, shall not lapse or be transferred to any other fund or account.

(b) County Block Grants.--Money in the account that remains unexpended from the State Treasury as of December 1, 2020, shall be transferred by the State Treasurer to the Department of Community and Economic Development for distribution to counties eligible to receive funds under subarticle (d).

(c) Distribution.--By December 15, 2020, money transferred under subsection (b) shall be distributed by the Department of Community and Economic Development to each county eligible to receive funds under subarticle (d) on a pro rata basis using the population proportion amount calculated under section 130-C(e).

(d) Use of funds.--Money transferred to the Department of Community and Economic Development and distributed to counties under subsection (c) may be used only for eligible uses under section 131-C.

(e) Notification by treasurer.--By November 29, 2020, the State Treasurer shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money in the account that is estimated to remain unexpended as of December 1, 2020, and will be transferred to the Department of Community and Economic Development.

(f) Notification.--By December 31, 2020, the Secretary of Community and Economic Development shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money distributed to each county under subsection (c).

SUBARTICLE C
DEPARTMENT OF AGRICULTURE

Section 120-C. Dairy Assistance.

(a) **COVID Dairy Assistance.**--Money appropriated for COVID Relief - Dairy Assistance Program shall be used to make payments to each dairy farm that experienced a loss from the production of milk that was discarded during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and applies for assistance. The payment under this section shall be determined as follows:

(1) A minimum COVID Dairy Assistance payment equal to \$1,500; and

(2) A pro rata share of any funds remaining after payments under paragraph (1) based upon the volume of the dairy farm's milk that was discarded during the disaster emergency compared to the total volume of milk discarded during the disaster emergency.

(b) **Application.**--The Department of Agriculture shall develop an application for dairy farmers to apply for assistance under this section within 15 days of the effective date of this section. The application shall be made available and posted on the Department of Agriculture's publicly accessible Internet website and be in a form that can be completed and returned by the dairy farmer electronically or through United States mail. The deadline for submitting applications to the department shall be September 30, 2020.

(c) **Methodology.**--The Department of Agriculture, in consultation with the Milk Marketing Board, shall determine the method to calculate the volume of discarded milk.

(d) **Payments.**--Payments under this section shall be made no later than November 30, 2020.

(e) **Report.**--By December 31, 2020, the Department of Agriculture shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the Department of Agriculture's publicly accessible Internet website. The report shall include the following information:

(1) The total number of dairy farms that applied for assistance under this section.

(2) The total amount of discarded milk for which assistance under this section was sought.

(3) The average amount of discarded milk per dairy farm that applied for assistance under this section.

(4) An estimate of the total value of discarded milk for which assistance was sought under this section.

(5) The average value of discarded milk per dairy farm that applied for assistance under this section.

(6) The total number of dairy farms that received assistance under this section by county.

(7) The total dollar value of assistance payments under this section by county.

(f) **Definitions.**--For the purpose of this section, "discarded milk" shall be defined as the volume of milk produced compared to the volume of milk that was hauled to a processor.

Section 121-C. Pennsylvania Agricultural Surplus System.

From money appropriated for COVID Relief - Dairy Assistance Program, no more than \$5,000,000 may be administered by the Department of Agriculture under the provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act. The money shall be used to donate, sell or otherwise provide dairy products to charitable food organizations in existence within this Commonwealth.

Section 122-C. State Food Purchase Program.

Money appropriated for COVID Relief - State Food Purchase Program shall be used for grants to counties for the purchase of

food to be provided to needy persons in this Commonwealth, which shall be administered by the Department of Agriculture under the provisions of the act of December 11, 1992 (P.L.807, No.129), known as the State Food Purchase Program Act. This amount may include no more than \$5,000,000 to be used to donate, sell or otherwise provide food products to charitable food organizations in existence within this Commonwealth under the provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act.

SUBARTICLE D

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Section 130-C. County Block Grant.

(a) General rule.--From money appropriated for COVID Relief - County Block Grant for county block grants, each county shall receive an amount equal to the population proportion amount as determined by subsection (e).

(a.1) Distribution.--The Department of Community and Economic Development shall distribute funding to counties on or before July 15, 2020.

(b) Minimum distribution.--No county shall receive a distribution under this section that is less than \$1,000,000.

(c) Proration.--The distribution to a county shall be adjusted on a pro rata basis to the extent necessary to meet the minimum distribution requirements under subsection (b) and not exceed the total amount appropriated for county block grants.

(d) Exclusion.--A county that has received a disbursement directly from the Federal Government through the CARES Act is not eligible to receive funds under this subarticle.

(e) Population proportion amount.--For the purposes of subsection (a), the population proportion shall be determined as follows:

(1) the population estimate of the county; divided by

(2) the sum of the population estimates of all counties minus the sum of the population estimates of all counties that received a disbursement directly from the Federal Government through the CARES Act.

(f) Population estimate.--For purposes of this section, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

Section 131-C. Eligible uses of funds.

Funds appropriated to a county for COVID Relief - County Block Grant shall only be used for the following purposes:

(1) Offsetting the cost of direct county response, planning and outreach efforts related to COVID-19, including the purchase of personal protective equipment. A county may incur direct administrative costs for the County Block Grant Program under this subarticle not to exceed 2% of the amount received or \$200,000, whichever is less.

(2) Small business grant programs to support businesses with fewer than 100 employees with priority given to those businesses that did not receive a loan or grant through the Federal Paycheck Protection Program or the Economic Injury Disaster Loan Program established under the CARES Act and to support businesses and other entities that are primarily engaged in the tourism industry, including State and county fairs, regardless of the number of employees the business or other entity has. Counties may utilize Community Development Financial Institutions to administer all or a portion of their small business grant programs.

(3) Grant programs to support the following entities for costs related to assisting businesses during the COVID-19 disaster emergency:

(i) Certified Economic Development Organizations.

(ii) Local Development Districts.

- (iii) Industrial Resource Centers.
- (iv) Small Business Development Centers.
- (v) Economic Development Corporations.

(4) Assistance to cities, boroughs, incorporated towns or townships located within the county for response and planning efforts related to COVID-19, including the purchase of personal protective equipment.

(5) Behavioral health and substance use disorder treatment services.

(6) Nonprofit assistance programs for entities that are an exempt organization under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(7) Broadband Internet deployment with priority given to unserved or underserved areas.

Section 132-C. Cultural and museum preservation grants.

(a) Use of funds.--From money appropriated for COVID Relief - Cultural and Museum Preservation Grant Program, \$20,000,000 shall be transferred to the authority and shall be used to make grants under this subarticle.

(b) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Authority." The Commonwealth Financing Authority.

"Eligible cultural organization." A facility or organization meeting the criteria for grants under subsection (f) and that was subject to closure by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and that experienced a loss of revenue related to the closure.

"Museum." An institution that cares for and presents owned or borrowed collections of artifacts and other objects of artistic, cultural, historical or scientific importance that presents the collection to the public for the purpose of education and enjoyment and that was subject to closure by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and that experienced a loss of revenue related to the closure. The term shall include each organization within a tax-exempt organization that meets the criteria of this definition.

"Program." The COVID-19 Cultural and Museum Preservation Grant Program established under subsection (c).

(c) Establishment of program.--The authority shall establish the COVID-19 Cultural and Museum Preservation Grant Program.

(d) Purpose of program.--The program shall receive applications and award grants to eligible cultural organizations and museums in accordance with this section.

(d.1) Application.--The authority shall develop an application for eligible cultural organizations and museums to apply for grants under this section within 30 days of the effective date of this section. The application shall be made available and posted on the authority's publicly accessible Internet website and be in a form that can be completed electronically or through the United States mail.

(d.2) Deadline.--No application for a grant under this section may be submitted after September 30, 2020.

(e) Guidelines.--The authority shall establish guidelines that are consistent with the provisions of this section within 30 days of the effective date of this section. The guidelines shall be:

(1) submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and

(2) posted on the authority's publicly accessible Internet website.

(f) Program requirements.--

(1) An eligible cultural organization or museum must be one of the following categories:

- (i) Children's museum.
- (ii) General museum with at least two equally significant disciplines.
- (iii) History museum or historical site.
- (iv) Military or maritime museum.
- (v) Natural history museum.
- (vi) Accredited zoo.
- (vii) Planetarium.
- (viii) Science and technology center.
- (ix) Orchestra.
- (x) Art museum.
- (xi) Performing arts organization.

(2) An eligible cultural organization or museum must provide evidence that the eligible cultural organization or museum has received funding prior to the effective date of this section from the Pennsylvania Historical and Museum Commission or the Department of Community and Economic Development.

(g) Grant limits.--The authority may award a grant to an eligible cultural organization or museum not to exceed \$500,000.

(h) Award of grants.--The authority shall award grants and make grant payments under this section no later than November 30, 2020.

(i) Expiration.--This section shall expire once all funds transferred to the authority under subsection (a) have been exhausted or December 1, 2020, whichever occurs first.

Section 133-C. Food Access Initiative.

From money appropriated to the Department of Community and Economic Development for COVID Relief - Food Access Initiative, \$10,000,000 shall be distributed to the Food Access Initiative.

SUBARTICLE E

DEPARTMENT OF EDUCATION

Section 140-C. Department of Education.

(a) General rule.--This section shall apply to appropriations to the Department of Education.

(b) Pre-K Counts Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Pre-K Counts Program, \$7,000,000 shall be distributed to the Pre-K Counts Program.

(c) Head Start State Supplemental Assistance Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Head Start Supplemental Assistance Program, \$2,000,000 shall be distributed to the Head Start State Supplemental Assistance Program.

(d) Applicability.--The following shall apply:

(1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(2) A person or entity receiving a payment under this section shall provide documentation to the Department of Education, upon request, for purposes of an audit review.

(3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, a cost:

(i) not otherwise reimbursed by Federal, State or another source of funding; and

(ii) incurred during the period between March 1, 2020, and November 30, 2020.

SUBARTICLE F

DEPARTMENT OF HEALTH

Section 150-C. Department of Health.

(a) General rule.--Subject to subsection (b), from money appropriated for the COVID Relief - Community-Based Health Care Centers, \$10,000,000 shall be used for making payments to

community-based health care centers as a one-time payment to each facility, which shall be determined as follows:

- (1) Divide:
 - (i) the facility's Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration; by
 - (ii) The total of all community-based health care centers' Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration.
- (2) Multiply the quotient under paragraph (1) by \$10,000,000.
- (b) Limitations.--The following shall apply:
 - (1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.
 - (2) A person or entity receiving a payment under this section shall provide documentation to the Department of Health, upon request, for purposes of an audit review.
 - (3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, those:
 - (i) not otherwise reimbursed by Federal, State or another source of funding.
 - (ii) incurred during the period between March 1, 2020, and November 30, 2020.

SUBARTICLE G

DEPARTMENT OF HUMAN SERVICES

Section 160-C. Use of money.

- (a) Uses.--The following shall apply:
 - (1) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Living Programs, \$457,000,000 shall be used for the following purposes:
 - (i) The sum of \$245,000,000, for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:
 - (A) Of the amount under this subparagraph, \$196,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:
 - (I) Divide:
 - (a) the facility's number of medical assistance days for the third quarter of calendar year 2019 as reported under Article VIII-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code; by
 - (b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2019 as reported under Article VIII-A of the Human Services Code.
 - (II) Multiply:
 - (a) the quotient under subclause (I); by
 - (b) \$196,000,000.
 - (B) Of the amount under this subparagraph, \$49,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:
 - (I) Divide:
 - (a) the number of the facility's licensed beds as of March 31, 2020; by
 - (b) the total licensed beds of all nonpublic and county nursing facilities as of March 31, 2020.
 - (II) Multiply:
 - (a) the quotient under subclause (I); by
 - (b) \$49,000,000.

(ii) The sum of \$140,000,000 for the purpose of making payments for personal assistance services provided by home health care agencies, home care agencies and direct care workers employed through the participant-directed employer model. Each home health care provider, home care provider or direct care worker employed through the participant-directed employer model shall receive a one-time payment, which shall be determined as follows:

(A) Of the amount under this subparagraph, \$112,000,000 shall be distributed as a one-time payment to a home health care provider or home care provider, which shall be determined as follows:

(I) Divide:

(a) the provider's number of medical assistance 15-minute units, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) the total medical assistance 15-minute units for all home health care providers and home care providers, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$112,000,000.

(B) Of the amount under this subparagraph, \$28,000,000 shall be distributed as a one-time payment to each direct care worker employed through the participant-directed employer model who provides personal assistance services, which shall be determined as follows:

(I) Divide:

(a) the number of medical assistance personal assistance 15-minute units provided by a direct care worker employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) all medical assistance personal assistance 15-minute units provided by all direct care workers employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$28,000,000.

(iii) The sum of \$50,000,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$45,000,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before April 1, 2020; by

(b) the total occupancy of all assisted living residences, including those with a special care designation, and personal care homes, as determined by the Department of Human

Services' most recent inspections on or before April 1, 2020.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$45,000,000.

(B) Of the amount under this subparagraph, \$5,000,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for Supplemental Security Income in March 2020; by

(b) the total of all personal care facilities' individuals for whom payments for Supplemental Security Income were made by the Department of Human Services in March 2020.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$5,000,000.

(iv) The sum of \$13,000,000 for the purpose of making payments for adult day care services as a one-time payment to each adult day care services provider, which shall be determined as follows:

(A) Divide:

(I) the adult day care services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) the sum of all adult day care services providers' medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

- (I) the quotient under clause (A); by
- (II) \$13,000,000.

(v) The sum of \$1,000,000 for the purpose of making payments for residential habilitation services as a one-time payment to each provider, which shall be determined as follows:

(A) Divide:

(I) the residential habilitation services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) The total sum of all residential habilitation medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

- (I) the quotient under clause (A); by
- (II) \$1,000,000.

(vi) The following shall apply:

(A) The sum of \$8,000,000 for the purpose of making payments for eligible Medicaid ventilator or tracheostomy qualified medical assistance nonpublic and county nursing facilities. A nonpublic or county nursing facility will qualify for payment if, based upon The Supplemental Ventilator Care and Tracheostomy Care Payments for December 2019, the facility had:

(I) Ten or more medical assistance recipient residents who received medically necessary ventilator care or tracheostomy care; and

(II) At least 17% of the facility's medical assistance recipient resident population received medically necessary ventilator care or tracheostomy care.

(B) The amount appropriated under this subparagraph shall be distributed as a one-time payment to each qualified medical assistance nonpublic and county nursing facility, determined as follows:

(I) Divide:

(a) The facility's number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019; by

(b) The sum of all qualified medical assistance nonpublic and county nursing facilities' number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$8,000,000.

(2) Subject to paragraph (11), from money appropriated for COVID Relief - Community HealthChoices, \$50,000,000 shall be used for making payments to Community HealthChoices managed care organizations as a one-time payment to each organization, which shall be determined as follows:

(i) Divide:

(A) the Community HealthChoices managed care organization's number of medical assistance nursing facility clinically eligible participants as of March 31, 2020; by

(B) the total of all Community HealthChoices managed care organizations' number of medical assistance nursing facility clinically eligible recipients as of March 31, 2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$50,000,000.

(3) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Care - Managed Care, \$10,000,000 shall be used for making payments to organizations that have entered into an agreement with the Department of Human Services to operate a life program, as defined under section 602 of the Human Services Code, in a specified county or set of counties, as determined by the department. Each organization shall receive a one-time payment, which shall be determined as follows:

(i) Divide:

(A) the organization's total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020; by

(B) the total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$10,000,000.

(4) Subject to paragraph (11), from money appropriated for COVID Relief - Intellectual Disabilities - Community Waiver Program, \$259,280,000 shall be allocated for the intellectual disabilities community waiver program.

(5) Subject to paragraph (11), from money appropriated for COVID Relief - Autism Services, \$720,000 shall be allocated for autism intervention and services.

(6) Subject to paragraph (11), from money appropriated for COVID Relief - Child-Care Services, \$116,000,000 shall be allocated for child-care services. No money under this paragraph shall be made available before the Department of Human Services completes a study on the economic impacts of child-care closures during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency. The Department of Human Services shall use the study to develop criteria for distribution of the appropriation to eligible child care providers.

(7) Subject to paragraph (11), from money appropriated for COVID Relief - Domestic Violence Programs, \$10,000,000 shall be allocated for domestic violence and housing support services.

(8) Subject to paragraph (11), from money appropriated for COVID Relief - Homeless Assistance Services, \$10,000,000 shall be allocated for the homeless assistance program. Counties that participate in the Human Services Block Grant Program under Article XIV-B of the Human Services Code must use these funds for eligible services under the homeless assistance program.

(9) Subject to paragraph (11), from money appropriated for COVID Relief - Legal Services, \$8,000,000 shall be allocated for legal services.

(10) Subject to paragraph (11), from money appropriated for COVID Relief - Critical Access Hospitals, \$10,000,000 shall be used for making payments to critical access hospitals as a one-time payment to each facility, which shall be determined as follows:

(i) Divide:

(A) The facility's fiscal year 2019-2020 allocation by;

(B) The total of all critical access hospitals allocations for fiscal year 2019-2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$10,000,000.

(11) The following apply:

(i) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(ii) A person or entity receiving a payment under this section shall provide documentation to the Department of Human Services, upon request, for purposes of an audit review.

(iii) A payment received under this section may only be used to cover necessary COVID-19 related costs, including, but not limited to, a cost:

(A) not otherwise reimbursed by Federal, State or other source of funding; and

(B) incurred during the period between March 1, 2020, and November 30, 2020.

(b) (Reserved).

SUBARTICLE H

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Section 170-C. Health Care System Assistance.

Money appropriated for COVID Relief - Health Care System Assistance to the Pennsylvania Emergency Management Agency shall be used to acquire medical equipment and supplies for health care entities to meet urgent patient and staff needs to address surge demand. Health care entities shall include, but not be limited to, hospitals, nursing facilities and emergency medical services.

SUBARTICLE I

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

Section 180-C. COVID-19 Student Loan Interest Forbearance Program.

(a) Program.--Money appropriated for COVID Relief - Student Loan Interest Forbearance Program to the Pennsylvania Higher Education Assistance Agency shall be used to temporarily relieve Pennsylvania student loan borrowers from interest payments for nondefaulted private loans that are held and identified by the Pennsylvania Higher Education Assistance Agency.

(b) Methodology.--To implement the program under subsection (a), the Pennsylvania Higher Education Assistance Agency shall:

(1) Automatically place all borrowers that are in a repayment status into a forbearance status suspending payments until September 30, 2020.

(2) Allow borrowers who are placed into a forbearance status under paragraph (1) an option to continue payments at the borrower's discretion.

(3) Waive the interest accrual on Pennsylvania Higher Education Assistance Agency-owned private student loans until September 30, 2020.

(4) Make the program available beginning March 13, 2020, and ending September 30, 2020.

(c) Expiration.--This section shall expire once all funds allocated under this section have been exhausted or November 30, 2020, whichever occurs first.

SUBARTICLE J

PENNSYLVANIA HOUSING FINANCE AGENCY

Section 190-C. Definitions.

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

"Agency." The Pennsylvania Housing Finance Agency.

"Eligible landlord." An individual or entity owning a place of residence that leases the residence to an individual and that experienced a loss of rental income because the lessee became unemployed after March 1, 2020, or the lessee had their annual household income reduced by 30% or more due to reduced work hours and wages related to COVID-19. The loss of rental income must be at least 30 days past due.

"Lessee." An individual who leases a place of residence in which the individual will permanently reside.

Section 191-C. Mortgage and Rental Assistance Program.

(a) Establishment of program.--The agency shall establish the COVID Relief - Mortgage and Rental Assistance Grant Program.

(b) Purpose of the program.--The program shall receive applications from lessees, landlords, mortgagees and mortgagors and award grants to eligible landlords and mortgagees in accordance with this act.

(c) Use of funds.--Money appropriated to the Pennsylvania Housing Finance Agency for COVID Relief - Mortgage and Rental Assistance shall be used to make grants under this subarticle.

(d) Allocation.--The agency shall allocate a minimum of \$150,000,000 of the funds received for use under this subarticle for rental assistance grants.

(e) Guidelines.--The agency shall establish guidelines that are consistent with the provisions of this subarticle within 30 days of the effective date of this section. The guidelines shall be:

(1) submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and

(2) posted on the agency's publicly accessible Internet website.

(f) (Reserved).

(g) Program requirements.--The following shall apply:

(1) An eligible lessee, mortgagor, landlord or mortgagee shall submit to the agency the name of the lessee or mortgagor from whom rental or mortgage payments are sought, along with

any additional information deemed necessary by the agency to carry out the agency's responsibilities under this section.

(2) Assistance may be awarded to lessors or mortgagees on behalf of lessees or mortgagors who became unemployed after March 1, 2020, or had their annual household income reduced by 30% or more due to reduced work hours and wages related to COVID-19.

(3) The agency shall develop an application for eligible lessees, mortgagors, landlords or mortgagees to apply for assistance under this section within 30 days of the effective date of this section. The application shall include an attestation by the landlord or mortgagee releasing the lessee or mortgagor of any remaining obligation for any past due or future rent or mortgage payment for which the agency pays the landlord or mortgagee. The application shall be made available and posted on the agency's publicly accessible Internet website and be in a form that can be completed and returned by the lessee, mortgagor, landlord or mortgagee electronically or through the United States mail. The deadline for submitting applications to the agency shall be September 30, 2020.

(4) The agency shall verify the name of the lessee or mortgagor with the Department of Labor and Industry's Bureau of Unemployment Compensation to ensure the lessee or mortgagor became unemployed after March 1, 2020.

(5) The agency shall require any applicant seeking assistance based on reduced work hours or wages related to the coronavirus pandemic to submit information verifying such information.

(6) The agency shall make payments only to lessors or mortgagees.

(7) The agency shall make payments only on behalf of households with an annualized current income of no more than the upper limit of "median income" as defined in guidelines published annually by the United States Department of Housing and Urban Development.

(8) The agency shall notify each lessee or mortgagor of the amount of payment made to the landlord or mortgagee on the lessee's or mortgagor's behalf.

(9) The agency shall make payments as follows:

(i) For rental assistance, an amount equal to 100% of the lessee's monthly rent, not to exceed \$750 per month, for each month for which assistance is sought for a maximum of six months. Payments shall be made no later than November 30, 2020.

(ii) For mortgage assistance, an amount equal to 100% of the mortgagor's monthly mortgage, not to exceed \$1,000 per month, for each month for which assistance is sought for a maximum of six months. Payments shall be made no later than November 30, 2020.

(h) Report.--By December 31, 2020, the agency shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the agency's publicly accessible Internet website. The report shall include the following information:

(1) The total number of landlords who applied for assistance under this section.

(2) The total number of mortgagees who applied for assistance under this section.

(3) The total amount of assistance that was sought.

(4) The average amount of assistance that was applied for under this section.

(5) The average amount of assistance that was provided under this section.

(6) The total number of landlords and mortgagees who received assistance under this section by county.

(7) The value of payments made by the agency under this section by county.

SUBARTICLE K

STATE SYSTEM OF HIGHER EDUCATION

Section 190.1-C. State University Assistance.

(a) Program.--Money appropriated for COVID Relief - State Universities shall be used by the State System of Higher Education to make payments to State universities for costs resulting from the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

(b) Determination of payments.--Payments made under this section to each State university shall be determined as follows:

(1) Multiply:

(i) the 2019 fall headcount enrollment for each State university; by

(ii) the amount of the appropriation for COVID Relief - State Universities.

(2) Divide:

(i) the product under paragraph (1); by

(ii) the 2019 fall headcount enrollment for all State universities.

(c) Payment deadline.--Payments made under this section shall be made no later than July 15, 2020.

(d) Report.--By July 31, 2020, the Chancellor of the State System of Higher Education shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the State System of Higher Education's publicly accessible Internet website. The report shall include the following information:

(1) The 2019 fall headcount enrollment for each State university.

(2) The 2019 fall headcount enrollment for all State universities.

(3) The payment made to each State university under this section.

(4) The total payments made to all State universities under this section.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Fall headcount enrollment." The number of students enrolled in credit-bearing courses and the number of students enrolled in clock-hour programs.

"State university." A university which is part of the State System of Higher Education under Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Section 2. The act is amended by adding a section to read:
Section 1735.1-A.1. Return of COVID-19 response transfers.

(a) Return of special fund transfers.--Any money transferred from special funds under the Governor's jurisdiction to a restricted account under section 1735-A.1 shall be returned to each special fund in an amount equal to the initial transfer.

(b) Deposit.--Money returned under subsection (a) shall be transferred to the applicable special fund from which the money was transferred under section 1735-A.1 and deposited by July 31, 2020.

(c) Restriction on use of returned funds.--After deposit under subsection (b), no department, commission, agency, office or authority of the Governor or the Commonwealth shall expend any

**portion of money deposited into a special fund under subsection
(b) unless appropriated by the General Assembly.**

Section 3. This act shall take effect immediately.

APPROVED--The 29th day of May, A.D. 2020.

TOM WOLF