

No. 1978-146

## AN ACT

SB 292

Amending the act of June 13, 1967 (P.L.31, No.21) entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," providing for a system for reimbursement for certain medical assistance items and services and negating a proposed regulation relating to medical assistance.

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

Section 1. The act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," is amended by adding a section to read:

**Section 443.6. Reimbursement for Certain Medical Assistance Items and Services.—(a) In order to receive reimbursement for items or services enumerated in subsection (b), the provider must secure authorization prior to actually providing the items or services. The request for prior authorization must justify to the reasonable satisfaction of the department the need for an item or service.**

**(b) Payment for the following medical assistance items and services shall be made only after prior authorization has been secured:**

**(1) Prostheses and orthoses.**

**(2) Purchase of appliances or equipment if the appliance or equipment costs more than one hundred dollars (\$100).**

**(3) Rental of medical appliances or equipment for a period in excess of three months.**

**(4) Oxygen and related equipment in the home unless a physician states that the physical surroundings in the home are suitable for the use of oxygen and that the recipient is adequately prepared and able to use the equipment.**

**(5) Dental services as the department may provide, including but not necessarily limited to, dental prostheses and appliances, extractions related to dental prostheses and appliances, and other extractions as may be provided by department regulations.**

**(6) Orthopedic shoes or other supportive devices for the feet when such shoes or devices are prescribed by a physician for the purpose of correcting or otherwise treating abnormalities of the feet or legs which cause serious detrimental medical effects.**

**(c) The prior authorization requirements set forth in this section shall be applicable only to the extent that the items and services enumerated in subsection (b) are provided under the Pennsylvania Medical Assistance Plan. This section shall not be construed as mandating the provision of any item or service enumerated in this section.**

**(d) The requirements of this section shall not apply in an emergency situation.**

*(e) The department shall promulgate regulations to implement this section and shall establish a procedure for prior authorization. Procedures adopted in accordance with this section shall provide authorization when appropriate, without undue delay. When no decision is made on a request to the department for covered services within twenty-one days of the date that the request is received by the department, the authorization shall be deemed approved. The department shall keep a record of those cases in which no decision is made within twenty-one days.*

Section 2. The Department of Public Welfare medical assistance regulation, published in Volume 8, Number 19 of the Pennsylvania Bulletin shall not be promulgated, or if promulgated shall be null and void.

Section 3. This act shall take effect in 60 days.

We certify that this bill, Senate Bill No. 292, Printer's No. 1997, having passed both Houses, vetoed by the Governor, official notification of which was returned to the Senate where the Senate reconsidered and passed the bill by a two-thirds majority of the members elected to the Senate September 19, 1978, the objections of the Governor to the contrary notwithstanding. Upon notification by the Senate as to their action, the House of Representatives reconsidered and passed the bill on September 26, 1978 by a two-thirds majority of the members elected to the House of Representatives, the objections of the Governor to the contrary notwithstanding.

Given under our hand and seal this twenty-seventh day of September, one thousand nine hundred and seventy-eight.

ERNEST P. KLINE  
President, Senate

K. LEROY IRVIS  
Speaker, House of Representatives

MARK GRUELL, JR.  
Secretary, Senate

VINCENT F. SCARCELLI  
Chief Clerk, House of Representatives

*Note.* The date of final enactment of Act No. 1978-146 is Sept. 26, 1978.