

ARTICLE XIV-B

HUMAN SERVICES BLOCK GRANT

Section 1401-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:

"Block grant." The County Human Services Block Grant established in section 1402-B.

"County-based human services." Programs approved by the Department of Public Welfare and provided by county governments through direct or contracted services, supportive services and service coordination. The term includes services designed to meet service needs of the following:

(1) Individuals in need of behavioral health services.

(2) Individuals with intellectual disabilities.

(3) Individuals in need of drug and alcohol treatment services.

(4) Individuals who are homeless or at immediate risk of becoming homeless.

(5) Dependent and delinquent children as defined in 42 Pa.C.S. § 6302 (relating to definitions).

(6) Low-income adults.

(7) Older individuals as provided for under section 2206-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

"Local collaborative arrangements." Two or more counties acting in concert to provide county-based human services through a single public or private entity.

Section 1402-B. Establishment of County Human Services Block Grant.

The County Human Services Block Grant is established for the purpose of allocating block grant funds to county governments to provide locally identified human services that will meet the service needs of county residents.

Section 1403-B. Administration of block grant.

The department shall have the power and duty to:

(1) Monitor county governments' administration of the block grant to ensure compliance with applicable Federal and State requirements.

(2) Allocate and disburse block grant funds to counties on a quarterly basis in accordance with section 1405-B.

(3) Provide technical support and assistance to counties.

(4) Require counties to submit reports containing such information pursuant to the implementation of this article and in the form and by the deadline prescribed by the department.

(5) Monitor, inspect or audit the financial, operating and accounting records of any county agency or contracted entity that receives any block grant funds if deemed necessary by the department.

(6) Withhold, recover or reduce any block grant funds of a county agency or correctional entity determined to have been spent or disbursed in violation of Federal or State requirements.

(7) Establish procedures for the annual submission, review and approval process of county block grant plans for the expenditure of block grant funds and the delivery of human services submitted under section 1404-B(5).

(8) Prepare and submit by January 1, 2014, and by November 30 each year thereafter, and annually thereafter, a report to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Health Committee of the House of Representatives, the chairman and minority chairman of the Human Services Committee of the House of Representatives and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of the expenditures of block grant funds by county governments to include:

(i) The allocation levels.

(ii) The expenditure levels.

(iii) The number of individuals served by the human services provided.

(iv) Any other information deemed necessary by the department.

(9) The annual report under paragraph (8) shall be made available for public inspection and posted on the department's publicly accessible Internet website.

(10) Promulgate regulations as may be necessary to carry out this article.

Section 1404-B. Powers and duties of counties.

The local county officials of each county government shall have the power and duty to:

(1) Administer and disburse block grant funds for the provision of county-based human services in accordance with this article and regulations promulgated under section 1403-B(10) and Federal requirements.

(2) Establish or maintain, in agreement with another county or counties, local collaborative arrangements for the delivery of any county-based human service. Counties may establish new local collaborative arrangements under this paragraph for the provision of a specific human service or

human services, subject to approval by the secretary.

(3) Determine and redetermine, when necessary, whether a person is eligible to participate in a county-based human service, subject to appeal under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedures of local agencies).

(4) Submit required reports under section 1403-B(4).

(5) Submit to the department an annual Human Services

Block Grant Plan to include the intended delivery of county-based human services by client population to be served, including a detailed description how the county intends to serve its residents in the least restrictive setting appropriate to their needs, and the distribution and the projected expenditure level of block grant funds by human services allocated under this article in such form and containing such information as the department may require. Prior to submitting the annual Human Services Block Grant Plan to the department, the county shall hold a public hearing on the plan under 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 1405-B. Allocation.

(a) Allocation.--The department shall allocate State block grant funds to counties as follows:

(1) The department shall allocate State block grant funds for fiscal year 2012-2013 and each year thereafter according to each county's proportional share of the aggregate amount of the following State funds allocated for fiscal year 2011-2012:

(i) Funds allocated to counties under the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act.

(ii) Funds allocated to counties for mental health and intellectual disability services under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966.

(iii) Funds allocated to counties for behavioral health services.

(iv) Funds allocated to counties for drug and alcohol services under section 2334 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(v) Funds allocated to counties for the provision of services to the homeless.

(vi) Funds allocated to county child welfare agencies as certain additional grants under section 704.1(b).

(2) The department shall allocate Federal block grant funds to counties for fiscal year 2012-2013 and each year

thereafter according to each county's fiscal year's 2011-2012 proportional share of each Federal appropriation associated with the funds identified in paragraph (1).

(3) Funds identified in paragraphs (1) and (2) that were allocated to county local collaborative arrangements shall be allocated to individual counties based on the individual county population.

(4) The department may revise the allocation of Federal funds identified in paragraph (2) as necessary to comply with applicable Federal requirements.

(b) Expenditure.--Each county shall expend its allocated block grant funds as follows:

(1) For State fiscal year 2012-2013, each county shall expend on each of the following human services at least 75% of the amount the county was allocated under the funds identified in subsection (a)(1) in State fiscal year 2011-2012 as of April 1, 2012, for that human service:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

(v) Homeless assistance services.

(vi) Behavioral health services.

(2) For State fiscal year 2013-2014, each county shall expend on each of the following human services at least 50% of the amount the county was allocated under the funds identified in subsection (a)(1) in State fiscal year 2011-2012 as of April 1, 2012, for that human service:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

(v) Homeless assistance services.

(vi) Behavioral health services.

(3) For State fiscal year 2014-2015, each county shall expend on each of the following human services at least 25% of the amount the county was allocated under the funds identified in subsection (a)(1) in State fiscal year 2011-2012 as of April 1, 2012, for that human service:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

(v) Homeless assistance services.

(vi) Behavioral health services.

(4) For State fiscal year 2015-2016 and thereafter, counties may expend block grant funds on human services as determined by local need.

(5) A county may elect to expend block grant funds for county-based human services in the same proportion as in fiscal year 2011-2012 based on local need.

(c) Waiver.--A county may request in writing that the department waive the requirements of subsection (b). The department may, in its discretion, grant the request upon good cause shown by the county.

(d) Use of remaining funds.--Except as provided in subsection (b), counties may expend the remaining block grant funds on local human services needs as determined by county officials.

(e) Contribution to local collaborative arrangement.--Each county that is part of a local collaborative arrangement in accordance with section 1404-B(2) shall contribute at a minimum the percentage of funds specified in subsection (b) to the local collaborative arrangement for the provision of the human services delivered by the local collaborative arrangement.

(f) Reallocation.--For fiscal year 2012-2013, the department, in its discretion, may reallocate any unspent funds allocated to counties for fiscal year 2011-2012, as identified in subsection (a)(1), to other counties based on a county's demonstrated need for those funds to provide human services in excess of the county's allocation under subsection (a). The reallocation of unspent funds shall not be considered as part of the basis for the fiscal year 2012-2013 allocation.
Section 1406-B. Use of block grant funds.

(a) General rule.--Block grant funds received by counties under this article shall be used solely for the provision of county-based human services.

(b) Reinvestment.--A county may submit to the department a written plan to reinvest up to 3% of its block grant allocation for any State fiscal year to be expended on human services in the next State fiscal year. The 3% limitation may be waived by the department upon good cause shown by the county.

(c) Eligibility.--No county shall be required to expend block grant funds under this article on behalf of an individual until the individual has exhausted eligibility and receipt of benefits under all other existing Federal, State, local or private programs.

(d) Allocation.--For State fiscal year 2012-2013, each county in expending block grant funds shall provide local

matching funds for block grant funds allocated to it in the same percentage as that county's aggregate local match percentage for the State funds identified in section 1405-B(a)(1) in State fiscal year 2010-2011. For each State fiscal year thereafter, each county in expending block grant funds shall provide local matching funds for block grant funds allocated to it in the same percentage as that county's aggregate local match percentage for the State funds identified in section 1405-B(a)(1) in State fiscal year 2011-2012.

(e) County obligation.--Except as provided in subsection (c), counties shall have no financial obligation to provide human services under this article in excess of their allocation of block grant funds for any fiscal year.

Section 1407-B. Applicability of other statutes.

(a) Department.--The department's allocation of block grant funds to counties under this article shall fully discharge its responsibilities and liabilities under:

(1) Section 704.1(b).

(2) Sections 201(1) and (7), 503, 509, 510 and 511 of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966.

(b) County.--

(1) Except as specified in paragraph (2), each county's provision of county-based human services through the expenditure of block grant funds, in combination with required local matching funds, shall fully discharge the county's responsibilities and liabilities to provide or fund county-based human services under:

(i) Section 704.1(b).

(ii) Sections 301(d), 503, 509, 510 and 511 of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Intellectual Disability Act of 1966.

(iii) Section 401 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law.

(2) This article shall not be construed to affect the obligation of any county to provide funds for care in any county nursing home under sections 443.1 or 472, care in any State institution as defined by section 901, medical assistance for inmates pursuant to section 441.1 or Article XIV-A, or mental health or intellectual disability services provided by the department under sections 505(b) or 508(c) of the Mental Health and Intellectual Disability Act of 1966.

Section 1408-B. Appeals.

An agency aggrieved by a department determination made under

section 1403-B(6) may file a request for a review with the department's Bureau of Hearings and Appeals, which shall have exclusive jurisdiction in such matters. The procedures and requirements of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure) shall apply to requests for review filed under this section, except that in a request for a review, the agency may not challenge the block grant funds allocation under section 1405-B.

Section 1409-B. Limitations.

(a) Calculation of State appropriation.--No funds allocated for the block grant may be considered as part of the base for the calculation of any State appropriation for any fiscal year, including the county child welfare needs-based budget.

(b) Non-State match.--No funds allocated for the block grant may be used as the non-State match for other State funds, programs or grants.

(c) Other reimbursement.--No funds allocated to the block grant may be used for services reimbursable pursuant to section 704.1(a) in excess of a county's minimum expenditure for child welfare services required under section 1405-B(b), until the county has exhausted its allocation of State funds pursuant to section 709.3 for the State fiscal year. This provision excludes congregate care and institutional placements for dependent and delinquent children which are not reimbursable with block grant funds.

(d) Certain residential service.--No funds allocated to the block grant may be used for residential service for dependent or delinquent children other than foster care.

Section 1410-B. Construction.

(a) Federal moneys.--Nothing in this article shall be construed so as to maintain and not decrease or limit the eligibility of any person or facility or the Commonwealth or any political subdivision of the Commonwealth to receive any Federal assistance, grant or funds.

(b) Availability of services.--Nothing in this article creates or provides an individual with an entitlement to services or benefits. Services under this article shall only be available from county governments to the extent that funds are appropriated.

(c) County child welfare services.--This article applies notwithstanding the provisions of Article VII.