

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 186 Session of 1991

INTRODUCED BY RICHARDSON, TIGUE, PESCI, BLAUM, DALEY, ARGALL, COWELL, MIHALICH, KUKOVICH, JAMES, STRITTMATTER, CARN, LINTON, BUNT, SAURMAN, PRESTON, FREEMAN, PETRARCA, JOSEPHS, ANGSTADT, BROUJOS, ACOSTA, BISHOP, EVANS, HUGHES, OLIVER, ROEBUCK, THOMAS, R. C. WRIGHT, E. Z. TAYLOR, BELFANTI, TRELLO, RITTER, BATTISTO, ITKIN AND VEON, JANUARY 30, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JANUARY 30, 1991

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," changing references to the
4 Department of Public Welfare and Secretary of Public Welfare
5 to the Department of Human Services and Secretary of Human
6 Services; and making editorial changes.

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

9 Section 1. Sections 101, 102, the heading of Article II,
10 sections 203, 204, 206 and the heading of Article III of the act
11 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
12 Code, are amended to read:

13 Section 101. Short Title.--This act shall be known and may
14 be cited as the "[Public Welfare] Human Services Code."

15 Section 102. Definitions.--Subject to additional definitions
16 contained in subsequent articles of this act, the following
17 words when used in this act shall have, unless the context
18 clearly indicates otherwise, the meanings given them in this

1 section:

2 "Department" means the Department of [Public Welfare] Human
3 Services of this Commonwealth.

4 "Secretary" means the Secretary of [Public Welfare] Human
5 Services of this Commonwealth.

6 ARTICLE II

7 GENERAL POWERS AND DUTIES

8 OF THE DEPARTMENT OF [PUBLIC WELFARE]

9 HUMAN SERVICES

10 Section 203. Promotion of Local Planning Bodies.--The
11 department shall have the power to assist in the establishment
12 of local [social welfare] human services planning bodies, such
13 as councils of social agencies.

14 Section 204. Consultation to Local Agencies.--The department
15 shall have the power to provide consultation to local public
16 officials and voluntary organizations in the establishment and
17 operation of public and private [social welfare] human services
18 programs in fields in which the department has responsibility.

19 Section 206. Purchase of Services.--The department shall
20 have the power:

21 (1) Whenever the General Assembly shall have appropriated
22 money to the department for [public welfare] human services
23 purposes, to purchase necessary services for individuals
24 entitled to such services at rates not exceeding those charged
25 the general public or actual cost; such services may be
26 purchased directly from agencies or institutions conforming to
27 minimum standards established by the department or by law or the
28 department may reimburse local public agencies which purchase
29 such services from such agencies or institutions. Except for day
30 care services, this clause shall not be interpreted to include

1 the direct provision by the department of services to dependent
2 or neglected children.

3 (2) To establish rules and regulations not inconsistent with
4 law prescribing minimum standards of plant, equipment, service,
5 administration and care and treatment for agencies and
6 institutions furnishing service to individuals paid for, in
7 whole or in part, by money appropriated to the department by the
8 General Assembly, and when not otherwise established by law,
9 fixing per diem or other rates for services furnished by such
10 agencies or institutions.

11 ARTICLE III

12 STATE INSTITUTIONS IN THE DEPARTMENT OF

13 [PUBLIC WELFARE]

14 HUMAN SERVICES

15 Section 2. Sections 402, 403(a), 405.1(h), 412 and 432.9(c)
16 of the act, amended or added July 15, 1976 (P.L.993, No.202),
17 are amended to read:

18 Section 402. Definitions.--As used in this article:

19 "Assistance" means money, services, goods, shelter, burial
20 and medical, chiropractic and other health care, including
21 nursing home care provided from or with State, Federal, county,
22 county institution district or municipal funds, for needy
23 persons who reside in Pennsylvania and need assistance to
24 provide for themselves and their dependents a decent and
25 healthful standard of living, and for needy homeless or
26 transient persons.

27 "Benefit period" means, with respect to any individual, a
28 period of consecutive days beginning with the first day not
29 included in a previous benefit period, on which he is furnished
30 inpatient hospital care, and ending with the last day of the

1 first sixty-day period thereafter during each day of which he is
2 not an inpatient in a hospital.

3 "General assistance" means assistance granted under the
4 provisions of section 432(3) of this act.

5 "Home Health Care" means intermittent or part time nursing
6 services or other therapeutic services furnished by a home
7 health agency qualified to participate under Title XVIII of the
8 Federal Social Security Act.

9 "Protective payments" means payments with respect to any
10 dependent child which are made to another individual who (as
11 determined in accordance with standards prescribed by the
12 department) is interested in or connected with the welfare of
13 such child or relative, or made on behalf of such child or
14 relative directly to a person furnishing food, living
15 accommodations, or other goods, services, or items to or for
16 such child. Whenever possible, the protective payee shall be a
17 public child [welfare] human services agency.

18 "State supplemental assistance" means assistance granted
19 under the provisions of section 432(2).

20 Section 403. Uniformity in Administration of Assistance;
21 Regulations as to Assistance.--(a) The department is
22 responsible for maintaining uniformity in the administration of
23 [public welfare] cash, medical assistance and food stamp benefit
24 programs, including general assistance, throughout the
25 Commonwealth.

26 * * *

27 Section 405.1. Work Registration Program.--* * *

28 (h) No department or agency of the Commonwealth and no
29 vendor delivering social services funded in whole or in part by
30 contracts with or grants from the [Department of Public Welfare]

1 department shall discriminate in any manner including employment
2 or job placement against any person because that person is or
3 was an applicant for or recipient of assistance.

4 Section 412. Appointment of Protective Payees.--The
5 department may appoint a protective payee to take charge of the
6 expenditure of assistance granted any person under this article
7 when, consistent with Federal regulations, such protective payee
8 is necessary. In any such case, payment shall be made direct to
9 the protective payee. A protective payee shall serve without
10 compensation, and shall be subject to such rules, regulations
11 and accounting as the department shall prescribe.

12 Wherever possible, the protective payee shall be a public
13 child [welfare] human services agency.

14 Section 432.9. Central Registry.--* * *

15 (c) Any records established pursuant to the provisions of
16 this section shall be available only to [public welfare] human
17 services offices, district attorneys, probation departments,
18 central registries in other states, and courts having
19 jurisdiction in support or abandonment proceedings or action and
20 only for the purposes for which the records have been
21 established.

22 Section 3. Sections 475, 489, 491(e), (f) and (g) and 493(a)
23 and (f) of the act, added April 8, 1982 (P.L.231, No.75), are
24 amended to read:

25 Section 475. Grant Increases.--(a) On July 1, 1982, the
26 [Department of Public Welfare] department shall raise general
27 assistance and aid to families with dependent children
28 allowances for assistance units of three or more persons by an
29 average of at least five percent.

30 (b) If the department is prevented by court order from

1 implementing the provisions of section 10 of this amendatory
2 act, the provisions of this section shall be suspended and shall
3 not take effect until the provisions of section 10 are
4 implemented.

5 Section 489. Investigative Powers and Duties.--(a) In
6 furtherance of the purposes set forth in this act to prevent,
7 deter, investigate and prosecute persons who have committed or
8 are committing fraud against assistance programs, the department
9 may:

10 (1) Conduct investigations of all suspected criminal
11 activities related to fraud, misuse or theft of moneys or
12 benefits, or Federal food stamps, committed by persons who are
13 or have been participating in, or administering programs of the
14 department, or by persons who aid or abet others in criminal
15 activity affecting [welfare] benefit programs.

16 (2) Establish an investigations unit which shall have the
17 power and duty to:

18 (i) investigate alleged violations of all criminal statutes
19 related to fraud or other criminal activity connected with
20 assistance programs administered by the department, except that
21 suspected fraud or other criminal activity by medical providers
22 or vendors will be investigated by State or Federal enforcement
23 units having specific mandated authority; and

24 (ii) work in conjunction with the appropriate prosecuting
25 authorities in the prosecution of cases where it is determined
26 that evidence of criminal activity exists.

27 (b) The provisions of subsection (a) granting investigative
28 authority to the department shall not prevent or interfere with
29 the jurisdiction exercised by other law enforcement agencies in
30 the investigation of [welfare] benefit related violations.

1 Section 491. Employment Incentive Payments.--* * *

2 (e) The Department of Revenue, in cooperation with the
3 Department of [Public Welfare] Human Services and the Department
4 of Labor and Industry, shall administer the provisions of this
5 section, promulgate appropriate rules, regulations and forms for
6 that purpose and make such determinations as may be required.
7 Determinations made with respect to the employment incentive
8 payment provided in this section may be reviewed and appealed in
9 the manner provided by law for other corporate or personal tax
10 credits.

11 (f) The total amount of employment incentive payments
12 authorized by this section shall not exceed twenty-five million
13 dollars (\$25,000,000) in any fiscal year. To insure that credits
14 are not claimed in excess of this amount, an employer may claim
15 the incentive payments only upon presentation of an authorizing
16 certificate. Certificates will be issued to the employee by the
17 Department of [Public Welfare] Human Services upon presentation
18 to the Department of [Public Welfare] Human Services of evidence
19 of a qualifying offer of employment. The Department of Revenue
20 shall advise the Department of [Public Welfare] Human Services
21 of the total number of certificates which may be issued in each
22 calendar quarter consistent with the limitation on total
23 incentive payments. If an employee does not accept the job for
24 which the certificate is authorized, the certificate shall be
25 returned by the employee to the Department of [Public Welfare]
26 Human Services. If an employee terminates employment for any
27 reason prior to the expiration of three years, the employer
28 shall return the certificate, noting the date of the employee's
29 hiring and termination, to the Department of Revenue. The
30 Department of [Public Welfare] Human Services may issue

1 certificates through the Office of Employment Security and may
2 promulgate regulations to allocate certificates.

3 (g) Employment incentive payments shall not be available for
4 employes hired after December 31, 1985, unless reenacted by the
5 General Assembly. Not later than July 1, 1985, the Department of
6 [Public Welfare] Human Services shall report to the General
7 Assembly on the effectiveness of incentive payments to encourage
8 the employment of cash assistance recipients and recommend
9 whether the program should be continued. Credits may be claimed
10 against taxes payable for tax years beginning January 1, 1982,
11 and thereafter, and may be claimed for employes hired after the
12 effective date of this section.

13 Section 493. Employment Opportunities Incentive Grant
14 Program.--(a) The Department of Labor and Industry is hereby
15 authorized to make grants to vocational schools, institutions of
16 higher learning, and commercial and nonprofit enterprises for
17 the implementation of projects to provide for employment
18 opportunities for [welfare] recipients of benefit programs
19 administered by the department. These grants shall:

20 (1) support training programs necessary for structurally
21 unemployed persons to obtain and retain bona fide employment;

22 (2) develop and implement programs to reduce [welfare]
23 dependency and chronic unemployment;

24 (3) improve and diversify the economic base of communities
25 to increase the number of unsubsidized jobs for the chronically
26 unemployed; and

27 (4) support and encourage employment opportunities programs
28 for low-income community residents and provide them the
29 opportunity to become self-sustaining.

30 * * *

1 (f) Grants under this section will be available through
2 December 31, 1985, unless reenacted by the General Assembly. The
3 Department of Labor and Industry shall report to the General
4 Assembly on the effectiveness of the Employment Opportunities
5 Incentive Grant Program annually. The annual report shall
6 include, but not be limited to, the cost incurred by the
7 department to administer the program, the number and the type of
8 unsubsidized jobs made available as a result of the program, the
9 number of [welfare recipients removed from the welfare rolls]
10 persons who have obtained employment as a result of the program
11 and the projected savings to the Department of Public Welfare as
12 a result of the program.

13 Section 4. Section 704.1(a) and (b) of the act, added July
14 9, 1976 (P.L.846, No.148), are amended to read:

15 Section 704.1. Payments to Counties for Services to
16 Children.--(a) The department shall reimburse county
17 institution districts or their successors for expenditures
18 incurred by them in the performance of their obligation pursuant
19 to this act and [the act of December 6, 1972 (P.L.1464, No.333),
20 known as the "Juvenile Act," in the following percentages] 42
21 Pa.C.S. Ch. 63 (relating to juvenile matters):

22 (1) Eighty percent of the cost of an adoption subsidy paid
23 pursuant to subdivision (e) of Article VII of this act.

24 (2) No less than seventy-five percent and no more than
25 ninety percent of the reasonable cost including staff costs of
26 child welfare services, informal adjustment services provided
27 pursuant to [section 8 of the act of December 6, 1972 (P.L.1464,
28 No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 and
29 such services approved by the department, including but not
30 limited to, foster home care, group home care, shelter care,

1 community residential care, youth service bureaus, day treatment
2 centers and service to children in their own home and any other
3 alternative treatment programs approved by the department.

4 (3) Sixty percent of the reasonable administrative costs
5 approved by the department except for those staff costs included
6 in clause (2) of this section as necessary for the provision of
7 child welfare services.

8 (4) Fifty percent of the actual cost of care and support of
9 a child placed by a county child welfare agency or a child
10 committed by a court pursuant to [the act of December 6, 1972
11 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch.
12 63, to the legal custody of a public or private agency approved
13 or operated by the department other than those services
14 described in clause (2). The Auditor General shall ascertain the
15 actual expense for fiscal year 1974-1975 and each year
16 thereafter by the [Department of Public Welfare] department for
17 each of the several counties and each city of the first class
18 whose children resident within the county or city of the first
19 class directly received the benefit of the Commonwealth's
20 expenditure. The Auditor General shall also ascertain for each
21 Commonwealth institution or facility rendering services to
22 delinquent or deprived children the actual average daily cost of
23 providing said services. The Auditor General shall certify to
24 each county and city of the first class the allocated
25 Commonwealth expenditures incurred on behalf of its children and
26 notify the [Secretary of Public Welfare] secretary and each
27 county and city of the first class of same.

28 (5) Fifty percent of the reasonable cost of medical and
29 other examinations and treatment of a child ordered by the court
30 pursuant to [the act of December 6, 1972 (P.L.1464, No.333),

1 known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 and the expenses
2 of the appointment of a guardian pendente lite, summons,
3 warrants, notices, subpoenas, travel expenses of witnesses,
4 transportation of the child, and other like expenses incurred in
5 proceedings under [the act of December 6, 1972 (P.L.1464,
6 No.333), known as the "Juvenile Act."] 42 Pa.C.S. Ch. 63.

7 (b) The department shall make additional grants to any
8 county institution district or its successor to assist in
9 establishing new services to children in accordance with a plan
10 approved by the department for up to the first three years of
11 operation of those services. In order to provide necessary
12 information to the General Assembly relative to the grants
13 provided under this subsection, a report will be developed by
14 the Legislative Budget and Finance Committee and provided to the
15 members of the General Assembly no later than July 1, 1980,
16 concerning all grants made and expenditures accomplished under
17 the provisions of this subsection for the period up to and
18 including December 31, 1979. This report shall include
19 information on the amount of moneys that went to individual
20 counties and a description of activities and services financed
21 with these moneys including the number and types of clients
22 served under each of the grant programs and any other
23 information necessary in order to fully inform the General
24 Assembly on such programs. All officials of the [Department of
25 Public Welfare] department, grant recipient county
26 organizations, and other agencies which receive State moneys
27 under the provisions of this subsection shall cooperate with the
28 committee and its staff in carrying out this reporting
29 requirement, including making available all necessary fiscal and
30 programmatic data.

1 * * *

2 Section 5. Sections 721 and 723 of the act are amended to
3 read:

4 Section 721. Consultation to Community Agencies; Grants to
5 Political Subdivisions.--The [Department of Public Welfare]
6 department shall have the power, and its duty shall be:

7 (1) To offer consultation and advice to local and State-wide
8 public or private agencies, including juvenile courts, to
9 community groups concerned with the prevention of juvenile
10 delinquency in the planning and developing of measures to reduce
11 the incidence of delinquency and to make grants to political
12 subdivisions for delinquency prevention projects developed
13 jointly with the department;

14 (2) To offer consultation, guidance and assistance to public
15 and voluntary agencies and institutions, including the juvenile
16 courts, in developing, strengthening and improving programs for
17 predisposition study, probation supervision, institutional
18 treatment and after-care of delinquent youth, including training
19 courses for personnel of the agencies and institutions. In order
20 to develop or strengthen police and probation services for
21 juveniles, and upon assurance that such services will meet
22 standards approved by the department, the department shall make
23 annual grants to political subdivisions.

24 Section 723. Gifts and Donations.--Through the secretary or
25 his designee, the department may accept or refuse grants,
26 appropriations, contributions, or unencumbered property, real,
27 personal or mixed, tangible or intangible, or any interest
28 therein, for the purposes described in this section from the
29 Federal government, the Commonwealth and any donor. All grants,
30 appropriations and contributions of money accepted shall be held

1 by the State Treasurer as custodian for the [Department of
2 Public Welfare] department and shall be paid out on its
3 requisition to further the objectives of this article.

4 Section 6. Section 746 of the act, added July 27, 1973
5 (P.L.231, No.61), is amended to read:

6 Section 746. Definitions.--As used in this act:

7 "Child" means any individual who has not yet passed his
8 eighteenth birthday and includes one conceived but not yet born.

9 "Department" means the Department of [Public Welfare] Human
10 Services of this Commonwealth.

11 "Person" means an individual, agency, association,
12 corporation or institution.

13 "Placement" means either effecting admission of a child to an
14 institution, except an educational institution, or effecting his
15 reception in a family home, whether or not a charge is made for
16 his care by the institution or family home.

17 Section 7. Sections 763 and 764 of the act, added July 25,
18 1973 (P.L.205, No.50), are amended to read:

19 Section 763. Definitions.--(1) As used in paragraph (a) of
20 Article V of the Interstate Compact on the Placement of
21 Children, the phrase "appropriate authority in the receiving
22 state," with reference to this State, shall mean the Department
23 of [Public Welfare] Human Services;

24 (2) As used in Article III of the Interstate Compact on the
25 Placement of Children, the "appropriate public authorities"
26 shall, with reference to this State, mean the Department of
27 [Public Welfare] Human Services and said department shall
28 receive and act with reference to notices required by said
29 Article III;

30 (3) As used in Article VII of the Interstate Compact on the

1 Placement of Children, the term "executive head" means the
2 Governor of the Commonwealth of Pennsylvania. The Governor is
3 hereby authorized to designate an officer who shall be the
4 compact administrator in accordance with the terms of said
5 Article VII.

6 Section 764. Agreements.--The officers and agencies of this
7 State and its subdivisions, having authority to place children,
8 are hereby empowered to enter into agreements with appropriate
9 officers or agencies of, or in, other party states pursuant to
10 paragraph (b) of Article V of the Interstate Compact on the
11 Placement of Children. Any such agreement which contains a
12 financial commitment or imposes a financial obligation on this
13 State, or subdivision, or agency thereof, shall not be binding
14 unless it has the approval in writing, of the Secretary of
15 [Public Welfare] Human Services in the case of the State or any
16 agency thereof and of the local [public welfare] human services
17 administrative authority in the case of a subdivision of the
18 State.

19 Section 8. Section 773(a) of the act, added December 30,
20 1974 (P.L.1039, No.339), is amended to read:

21 Section 773. Rules and Regulations.--(a) The [Department of
22 Public Welfare] department shall establish and develop criteria
23 and promulgate necessary regulations for public child welfare
24 agencies to implement an adoption opportunity in accordance with
25 the provisions of this subdivision (e).

26 * * *

27 Section 9. Any reference in any statute to the Department of
28 Public Welfare or to the Secretary of Public Welfare shall be
29 deemed to be a reference to the Department of Human Services or
30 to the Secretary of Human Services, respectively.

1 Section 10. This act shall take effect in 60 days.