

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL****No. 2827** Session of  
1992

INTRODUCED BY BROUJOS, JUNE 10, 1992

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JUNE 10, 1992

## 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," further providing for  
4 administration of public assistance, for eligibility for  
5 medical assistance and for medical assistance reimbursement;  
6 and providing for medical assistance items and services for  
7 general assistance recipients.

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

10 Section 1. Section 403 of the act of June 13, 1967 (P.L.31,  
11 No.21), known as the Public Welfare Code, amended July 15, 1976  
12 (P.L.993, No.202), December 7, 1979 (P.L.485, No.102) and April  
13 8, 1982 (P.L.231, No.75), is amended to read:

14 Section 403. Uniformity in Administration of Assistance;  
15 Regulations as to Assistance.--(a) The department is  
16 responsible for maintaining uniformity in the administration of  
17 public welfare, including general assistance, throughout the  
18 Commonwealth.

19 (b) The department shall establish rules, regulations and  
20 standards, consistent with the law, as to eligibility for

1 assistance and as to its nature and extent. [Whenever possible  
2 and consistent with State law] Subject to the availability of  
3 funds, the department shall establish rules, regulations and  
4 standards for general assistance consistent with those  
5 established for aid to families with dependent children. In no  
6 instance shall the rules, regulations and standards established  
7 for general assistance provide for benefits greater than those  
8 benefits provided for aid to families with dependent children.  
9 The secretary or his designee in writing is the only person  
10 authorized to adopt regulations, orders, or standards of general  
11 application to implement, interpret, or make specific the law  
12 administered by the department. The secretary shall issue  
13 interim regulations whenever changes in Federal laws and  
14 regulations supersede existing statutes. In adopting  
15 regulations, orders, or standards of general application, the  
16 secretary shall strive for clarity of language which may be  
17 readily understood by those administering aid and by those who  
18 apply for or receive aid.

19 (c) Whenever a recipient of public assistance, as a  
20 prerequisite to receiving assistance or otherwise, has been  
21 required to encumber in favor of the Commonwealth any property,  
22 or to give any bond, note or other obligation in any sum to  
23 secure the repayment of moneys received as assistance or for any  
24 other purposes, and such bonds, notes, judgments, mortgages, or  
25 other obligations are thereafter assigned by the Commonwealth to  
26 any third party, the assignee shall not be entitled to collect,  
27 and the person liable for the payment of the lien or obligation  
28 shall not be liable for the payment of, any amount greater than  
29 the amount the assignee paid for the assignment, notwithstanding  
30 the face amount of such lien or obligation. This provision shall

1 not be effective as to the collection of interest accruing after  
2 the date of the assignment or costs of collection.

3 (d) No general assistance shall be paid to any full-time  
4 student at a college or university who has not participated in a  
5 Federally subsidized program for dependent children within the  
6 previous five years.

7 (e) Beginning no later than December 31, 1982, the  
8 department shall conduct annual quality control reviews of the  
9 general assistance caseload in accordance with a methodology and  
10 scope determined by the department.

11 (f) Notwithstanding any other provisions of law to the  
12 contrary, the department, subject to the availability of State  
13 funds, shall establish and authorize by notice the amounts of  
14 assistance and general assistance and, as necessary, shall  
15 adjust the amounts of assistance or general assistance to be  
16 consistent with available State funds. If the amounts of  
17 assistance or general assistance are adjusted, the department  
18 shall take special consideration of households with  
19 unemancipated minor children.

20 (g) Notwithstanding any other provision of law to the  
21 contrary, regulations concerning assistance, general assistance  
22 and food stamps shall not be subject to review under the act of  
23 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review  
24 Act."

25 Section 2. Section 441.1 of the act, added July 31, 1968  
26 (P.L.904, No.273), is amended to read:

27 Section 441.1. Persons Eligible for Medical Assistance.--The  
28 following persons shall be eligible for medical assistance:

29 (1) Persons who receive or are eligible to receive cash  
30 assistance grants under [this article] section 432(1) and (2);

1 (2) Persons who meet the eligibility requirements of this  
2 article for cash assistance grants except for citizenship,  
3 durational residence and any eligibility condition or other  
4 requirement for cash assistance which is prohibited under Title  
5 XIX of the [Federal] Social Security Act[; and] (Public Law 74-  
6 271, 42 U.S.C. § 1396 et seq.), subject to section 445.1;

7 (3) The medically needy[.] under Title XIX of the Social  
8 Security Act;

9 (4) Persons who receive or who are eligible to receive  
10 general assistance under section 432(3), subject to section  
11 445.1;

12 (5) Persons who do not qualify for cash assistance under  
13 section 432(3) but who meet eligibility criteria established by  
14 the department for medical assistance and transitionally needy  
15 persons who are not eligible for cash assistance, subject to  
16 section 445.1; and

17 (6) Children under age twenty-one who are eligible to  
18 receive general assistance under section 432(3).

19 Section 3. Section 442.1 of the act, amended April 8, 1982  
20 (P.L.231, No.75), is amended to read:

21 Section 442.1. The Medically Needy; Determination of  
22 Eligibility.--A person shall be considered medically needy if  
23 he:

24 (1) Resides in Pennsylvania, regardless of the duration of  
25 his residence or his absence therefrom; and

26 (2) Meets the standards of financial eligibility established  
27 by the department with the approval of the Governor. In  
28 establishing these standards the department shall take into  
29 account (i) the funds certified by the Budget Secretary as  
30 available for medical assistance for the medically needy; (ii)

1 pertinent Federal legislation and regulations; and (iii) the  
2 cost of living. [Transitionally needy persons who are not  
3 eligible for cash assistance by reason of section 432(3)(iii)  
4 shall be considered medically needy if otherwise eligible.]

5 Section 4. Section 443.6 of the act, amended or added  
6 September 26, 1978 (P.L.769, No.146) and April 8, 1982 (P.L.231,  
7 No.75), is amended to read:

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

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

18 (1) Prostheses and orthoses.

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

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

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

27 (5) Dental services as the department may provide, including  
28 but not necessarily limited to, dental prostheses and  
29 appliances, extractions related to dental prostheses and  
30 appliances, and other extractions as may be provided by

1 department regulations.

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

7 (7) Home health services.

8 (8) Chiropractic services.

9 (9) Other items or services as the department may authorize  
10 by publication of notice in the Pennsylvania Bulletin.

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

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

19 (e) The department shall promulgate regulations to implement  
20 this section and shall establish a procedure for prior  
21 authorization. Such regulations may establish procedures for  
22 issuing prior authorization at whatever administrative level the  
23 department through the secretary deems appropriate.

24 Appropriateness shall be determined by the secretary after  
25 hearings have been held and public input is received.

26 Procedures adopted in accordance with this section shall provide  
27 authorization when appropriate, without undue delay. When no  
28 decision is made on a request to the department for covered  
29 services within twenty-one days of the date that the request is  
30 received by the department, the authorization shall be deemed

1 approved. The department shall keep a record of those cases in  
2 which no decision is made within twenty-one days. The  
3 requirements of this section shall not apply in a medical  
4 emergency situation as defined by the department.

5 Section 5. The act is amended by adding a section to read:

6 Section 445.1. Medical Assistance Items and Services for  
7 General Assistance Recipients Age Twenty-one and Older.

8 (a) Notwithstanding any provision of law to the contrary,  
9 persons age twenty-one or older who are eligible to receive  
10 medical assistance under section 441.1(4) are eligible to  
11 receive the following items and services:

12 (1) Acute inpatient hospital services.

13 (2) Inpatient psychiatric hospital services.

14 (3) Physician office visits and medical clinic visits, with  
15 a combined maximum of eighteen visits per year.

16 (4) Home health agency services. There is a maximum or  
17 thirty visits per year. The first visit must occur within ten  
18 days of discharge from a hospital.

19 (5) Legend and nonlegend drugs authorized by the department  
20 by publication of notice, by category or by drug, in the  
21 Pennsylvania Bulletin, subject to a combined maximum of three  
22 drugs per month.

23 (6) Inpatient medical rehabilitation services with a maximum  
24 of thirty days per year.

25 (7) Inpatient treatment in a drug and alcohol rehabilitation  
26 hospital or drug and alcohol rehabilitation unit of a general  
27 hospital with a maximum of thirty days per year.

28 (8) Medical supplies and equipment authorized by the  
29 department by publication of notice in the Pennsylvania  
30 Bulletin.

- 1       (9) Emergency medical services.
- 2       (10) Emergency ambulance services.
- 3       (11) Emergency dental services, limited to palliative  
4 treatment, restorations and emergency extractions.
- 5       (12) Short procedure unit services.
- 6       (13) Ambulatory surgical center services.
- 7       (14) Laboratory surgical and X-ray services.
- 8       (15) Hospice services.
- 9       (16) Outpatient drug and alcohol clinic services.
- 10      (17) Outpatient psychiatric clinic services.
- 11      (18) Nursing facility services.
- 12      (b) Notwithstanding any law to the contrary, persons age  
13 twenty-one and older who are eligible to receive medical  
14 assistance under section 441.1(5) are eligible for the items and  
15 services set forth in subsection (a), to the extent authorized,  
16 except for:
- 17      (1) Legend and nonlegend drugs.
- 18      (2) Medical supplies and equipment.
- 19      (3) Emergency dental services.
- 20      (c) The department may add limits and may modify any of the  
21 limits to the services described in subsection (a). The  
22 department, prior to adding or modifying limits, shall seek the  
23 advice of the Medical Assistance Advisory Committee. The  
24 department shall adopt additions or modifications by publication  
25 of notice in the Pennsylvania Bulletin.
- 26      (d) The department, by publication of notice in the  
27 Pennsylvania Bulletin, may impose copayments on any of the  
28 services listed in subsection (a).
- 29      (e) Section 10 of the act of June 6, 1980 (P.L.197, No.57),  
30 known as the "Optometric Practice and Licensure Act," does not

1 apply to items and services listed in subsection (a).

2 Section 6. This act shall take effect in 60 days.