

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2341 Session of
1993

INTRODUCED BY TRELLO, BAKER, GORDNER, ROBERTS, NYCE, DeLUCA,
CAWLEY, DALEY, LEDERER, STABACK, GODSHALL, STISH, LAUGHLIN,
PESCI, VAN HORNE, KING, SERAFINI, B. SMITH, ROONEY, CIVERA,
MUNDY, COLAIZZO, PISTELLA, COLAFELLA, GEIST, OLASZ, MASLAND,
COY, CARN, WILLIAMS, KIRKLAND AND LAUB, DECEMBER 8, 1993

REFERRED TO COMMITTEE ON AGING AND YOUTH, DECEMBER 8, 1993

AN ACT

1 Amending the act of August 14, 1991 (P.L.342, No.36), entitled
2 "An act providing for the preservation of the State Lottery
3 Fund; further providing for pharmaceutical assistance for the
4 elderly; further providing for transportation assistance to
5 the elderly; providing for pharmaceutical purchasing;
6 conferring powers and duties upon the Department of Aging,
7 the Department of Revenue and the Department of
8 Transportation; imposing penalties; and making repeals,"
9 further providing for responsibilities of the Department of
10 Aging.

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

13 Section 1. Section 303(a) of the act of August 14, 1991
14 (P.L.342, No.36), known as the Lottery Fund Preservation Act, is
15 amended to read:

16 Section 303. Responsibilities of department.

17 (a) Determination of eligibility.--The department shall
18 adopt regulations relating to the determination of eligibility
19 of prospective claimants and providers, including dispensing
20 physicians, and the determination and elimination of program

1 abuse. To this end, the department shall establish a compliance
2 unit staffed sufficiently to fulfill this responsibility. The
3 department shall have the power to declare ineligible any
4 claimant or provider who abuses or misuses the established
5 prescription plan. The department shall have the power to
6 investigate cases of suspected provider or recipient fraud. In a
7 case of ineligibility on the basis of maximum annual income, the
8 recipient shall not be liable to reimburse the Commonwealth for
9 unauthorized benefits if the recipient can establish all of the
10 following:

11 (1) The recipient participated in the program during the
12 year preceding the year in which reimbursement is sought.

13 (2) The recipient's application for the year in which
14 benefits were obtained was based on estimated income reported
15 for the prior year, but where the actual income for that
16 prior year did not exceed the maximum annual income by more
17 than 3%.

18 (3) The recipient believed in good faith that the
19 estimated income under paragraph (2) was accurate and allowed
20 for eligibility.

21 * * *

22 Section 2. The amendment of section 303(a) of the act shall
23 apply retroactively to January 1, 1993.

24 Section 3. This act shall take effect immediately.