

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 694

Session of
1975

INTRODUCED BY MRS. A. P. KELLY, MESSRS. DiCARLO, USTYNOSKI,
McLANE, DIETZ, FEE, REED, BERLIN, McCLATCHY AND HILL,
MARCH 11, 1975

SENATOR CIANFRANI, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 8, 1976

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," ADDING A DEFINITION AND <—
4 FURTHER PROVIDING FOR ADMINISTRATION OF, ELIGIBILITY FOR,
5 QUALIFICATIONS OF AND ALLOWANCES TO RECIPIENTS OF ASSISTANCE
6 PROVIDING FOR THE PREPAYMENT OF CONTRACTED MEDICAL SERVICES <—
7 AND further providing for the right to inspect facilities.

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

10 SECTION 1. SECTION 402, ACT OF JUNE 13, 1967 (P.L.31, <—
11 NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," AMENDED DECEMBER 12, <—
12 1973 (P.L.403, NO.143), IS AMENDED BY ~~ADDING A DEFINITION TO~~ <—

13 READ:

14 SECTION 402. DEFINITIONS.--AS USED IN THIS ARTICLE:

15 * * *

16 "ASSISTANCE" MEANS MONEY, SERVICES, GOODS, SHELTER, BURIAL
17 AND MEDICAL, CHIROPRACTIC AND OTHER HEALTH CARE, INCLUDING
18 NURSING HOME CARE PROVIDED FROM OR WITH STATE, FEDERAL, COUNTY,

1 COUNTY INSTITUTION DISTRICT OR MUNICIPAL FUNDS, FOR NEEDY
2 PERSONS WHO RESIDE IN PENNSYLVANIA AND NEED ASSISTANCE TO
3 PROVIDE FOR THEMSELVES AND THEIR DEPENDENTS A DECENT AND
4 HEALTHFUL STANDARD OF LIVING, AND FOR NEEDY HOMELESS OR
5 TRANSIENT PERSONS.

6 "BENEFIT PERIOD" MEANS, WITH RESPECT TO ANY INDIVIDUAL, A
7 PERIOD OF CONSECUTIVE DAYS BEGINNING WITH THE FIRST DAY NOT
8 INCLUDED IN A PREVIOUS BENEFIT PERIOD, ON WHICH HE IS FURNISHED
9 INPATIENT HOSPITAL CARE, AND ENDING WITH THE LAST DAY OF THE
10 FIRST SIXTY-DAY PERIOD THEREAFTER DURING EACH DAY OF WHICH HE IS
11 NOT AN INPATIENT IN A HOSPITAL.

12 "GENERAL ASSISTANCE" MEANS ASSISTANCE GRANTED UNDER THE
13 PROVISIONS OF SECTION 432 [(2)] (3) OF THIS ACT.

14 "HOME HEALTH CARE" MEANS INTERMITTENT OR PART TIME NURSING
15 SERVICES OR OTHER THERAPEUTIC SERVICES FURNISHED BY A HOME
16 HEALTH AGENCY QUALIFIED TO PARTICIPATE UNDER TITLE XVIII OF THE
17 FEDERAL SOCIAL SECURITY ACT.

18 "PROTECTIVE PAYMENTS" MEANS PAYMENTS WITH RESPECT TO ANY
19 DEPENDENT CHILD WHICH ARE MADE TO ANOTHER INDIVIDUAL WHO (AS
20 DETERMINED IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE
21 DEPARTMENT) IS INTERESTED IN OR CONNECTED WITH THE WELFARE OF
22 SUCH CHILD OR RELATIVE, OR MADE ON BEHALF OF SUCH CHILD OR
23 RELATIVE DIRECTLY TO A PERSON FURNISHING FOOD, LIVING
24 ACCOMMODATIONS, OR OTHER GOODS, SERVICES, OR ITEMS TO OR FOR
25 SUCH CHILD. WHENEVER POSSIBLE, THE PROTECTIVE PAYEE SHALL BE A
26 PUBLIC CHILD WELFARE AGENCY.

27 * * *

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28 "STATE SUPPLEMENTAL ASSISTANCE" MEANS ASSISTANCE GRANTED
29 UNDER THE PROVISIONS OF SECTION 432 [(1.1) AND (2.1)] (2).

30 SECTION 2. SECTION 403 OF THE ACT IS AMENDED TO READ:

1 SECTION 403. UNIFORMITY IN ADMINISTRATION OF ASSISTANCE;
2 REGULATIONS AS TO ASSISTANCE.--(A) THE DEPARTMENT IS
3 RESPONSIBLE FOR MAINTAINING UNIFORMITY IN THE ADMINISTRATION OF
4 PUBLIC WELFARE, INCLUDING GENERAL ASSISTANCE, THROUGHOUT THE
5 COMMONWEALTH.

6 (B) THE DEPARTMENT SHALL ESTABLISH RULES, REGULATIONS AND
7 STANDARDS, CONSISTENT WITH THE LAW, AS TO ELIGIBILITY FOR
8 ASSISTANCE AND AS TO ITS NATURE AND EXTENT. THE SECRETARY OR HIS
9 DESIGNEE IN WRITING IS THE ONLY PERSON AUTHORIZED TO ADOPT
10 REGULATIONS, ORDERS, OR STANDARDS OF GENERAL APPLICATION TO
11 IMPLEMENT, INTERPRET, OR MAKE SPECIFIC THE LAW ADMINISTERED BY
12 THE DEPARTMENT. THE SECRETARY SHALL ISSUE INTERIM REGULATIONS
13 WHENEVER CHANGES IN FEDERAL LAWS AND REGULATIONS SUPERSEDE
14 EXISTING STATUTES. IN ADOPTING REGULATIONS, ORDERS, OR STANDARDS
15 OF GENERAL APPLICATION, THE SECRETARY SHALL STRIVE FOR CLARITY
16 OF LANGUAGE WHICH MAY BE READILY UNDERSTOOD BY THOSE
17 ADMINISTERING AID AND BY THOSE WHO APPLY FOR OR RECEIVE AID.

18 (C) WHENEVER A RECIPIENT OF PUBLIC ASSISTANCE, AS A
19 PREREQUISITE TO RECEIVING ASSISTANCE OR OTHERWISE, HAS BEEN
20 REQUIRED TO ENCUMBER IN FAVOR OF THE COMMONWEALTH ANY PROPERTY,
21 OR TO GIVE ANY BOND, NOTE OR OTHER OBLIGATION IN ANY SUM TO
22 SECURE THE REPAYMENT OF MONEY RECEIVED AS ASSISTANCE OR FOR ANY
23 OTHER PURPOSES, AND SUCH BONDS, NOTES, JUDGMENTS, MORTGAGES, OR
24 OTHER OBLIGATIONS ARE THEREAFTER SIGNED BY THE COMMONWEALTH TO
25 ANY THIRD PARTY, THE ASSIGNEE SHALL NOT BE ENTITLED TO COLLECT,
26 AND THE PERSON LIABLE FOR THE PAYMENT OF THE LIEN OR OBLIGATION
27 SHALL NOT BE LIABLE FOR THE PAYMENT OF, ANY AMOUNT GREATER THAN
28 THE AMOUNT THE ASSIGNEE PAID FOR THE ASSIGNMENT, NOTWITHSTANDING
29 THE FACE AMOUNT OF SUCH LIEN OR OBLIGATION. THIS PROVISION SHALL
30 NOT BE EFFECTIVE AS TO THE COLLECTION OF INTEREST ACCRUING AFTER

1 THE DATE OF THE ASSIGNMENT OR COSTS OF COLLECTION.

2 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

3 SECTION 405.1. PENNSYLVANIA EMPLOYABLES PROGRAM.--(A) EVERY
4 INDIVIDUAL, WITHIN TEN DAYS AFTER ESTABLISHING ELIGIBILITY FOR
5 PUBLIC ASSISTANCE, AS A CONDITION OF CONTINUING ELIGIBILITY FOR
6 AID TO FAMILIES WITH DEPENDENT CHILDREN OR GENERAL ASSISTANCE,
7 SHALL REGISTER WITH THE BUREAU OF EMPLOYMENT SECURITY IN <—
8 ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT FOR EMPLOYMENT,
9 TRAINING AND MANPOWER SERVICES, UNLESS SUCH INDIVIDUAL IS:

10 (1) A CHILD WHO IS ATTENDING SCHOOL OR COLLEGE OR AN
11 APPROVED PROGRAM OF VOCATIONAL TRAINING ON A FULL-TIME BASIS OR
12 WHO IS UNDER THE AGE OF SIXTEEN;

13 (2) ILL OR INCAPACITATED;

14 (3) SO REMOTE FROM A BUREAU OF EMPLOYMENT REGISTRATION <—
15 SECURITY OFFICE THAT EFFECTIVE PARTICIPATION IN EMPLOYMENT AND
16 TRAINING COUNSELING IS PRECLUDED;

17 (4) REQUIRED TO BE PRESENT IN THE HOME BECAUSE OF ILLNESS OR
18 INCAPACITY OF ANOTHER MEMBER OF THE HOUSEHOLD;

19 (5) THE MOTHER OR OTHER RELATIVE OF A CHILD UNDER THE AGE OF
20 SIX WHO IS CARING FOR THE CHILD;

21 (6) THE MOTHER OR OTHER CARETAKER OF A CHILD IF THE FATHER
22 OR ANOTHER ADULT MALE RELATIVE IS IN THE HOME AND NOT EXCLUDED
23 FROM THE REQUIREMENT TO REGISTER, UNLESS SUCH ADULT MALE
24 RELATIVE HAS FAILED TO REGISTER AS HEREIN REQUIRED OR HAS
25 REFUSED WITHOUT GOOD CAUSE TO ACCEPT EMPLOYMENT OR TO
26 PARTICIPATE IN WORK EXPERIENCE OR TRAINING;

27 (7) THE MOTHER OR OTHER CARETAKER OF A CHILD BETWEEN THE
28 AGES OF SIX AND FOURTEEN, UNLESS THERE ARE ADEQUATE CHILD CARE
29 ARRANGEMENTS FOR THE CHILD;

30 (8) ACTIVELY PARTICIPATING IN THE FEDERAL WORK INCENTIVE

PROGRAM OR WAS CERTIFIED TO SAID PROGRAM WITHIN THE PREVIOUS SIX MONTHS; OR

(9) EMPLOYED FULL TIME.

~~(B) REGISTRATION SHALL INCLUDE A PERSONAL INTERVIEW CONDUCTED BY THE BUREAU OF EMPLOYMENT SECURITY. A WORK APPLICATION SHALL BE COMPLETED. AN EMPLOYABILITY PLAN SHALL BE DEVELOPED. THE INDIVIDUAL'S JOB SEARCH AND REPORTING RESPONSIBILITIES SHALL BE FULLY EXPLAINED, AND, WHEN EMPLOYMENT IS AVAILABLE, THE BUREAU SHALL IMMEDIATELY REFER THE INDIVIDUAL TO SUCH EMPLOYMENT. AS PART OF COMPLYING WITH THE REQUIREMENTS SET FORTH IN THIS SECTION, EACH REGISTRANT SHALL CONDUCT AN ADEQUATE JOB SEARCH IN ACCORDANCE WITH THE REGULATIONS SET FORTH BY THE BUREAU OF EMPLOYMENT SECURITY.~~

~~(C)~~ (B) ANY PERSON EXCLUDED FROM THE REQUIREMENTS OF REGISTRATION BY REASON OF SUBSECTION (A), MAY REGISTER TO PARTICIPATE IN THE PENNSYLVANIA EMPLOYABLES PROGRAM.

~~(D)~~ (C) NO PERSON REGISTERED PURSUANT TO SUBSECTION (A) SHALL REFUSE TO ACCEPT A BONA FIDE OFFER OF EMPLOYMENT OR TRAINING. THE BONA FIDE OFFER OF EMPLOYMENT, TRAINING, OR WORK EXPERIENCE MUST BE CONSISTENT WITH THE PERSON'S PHYSICAL, MENTAL AND EMOTIONAL CAPABILITIES.

IN ORDER TO BE A BONA FIDE OFFER OF EMPLOYMENT, THERE MUST BE REASONABLE ASSURANCES THAT:

(1) APPROPRIATE STANDARDS FOR THE HEALTH, SAFETY, MINIMUM WAGE AND OTHER CONDITIONS APPLICABLE TO THE PERFORMANCE OF WORK AND TRAINING IN THE EMPLOYMENT ARE ESTABLISHED AND WILL BE MAINTAINED.

(2) THE OFFER OF EMPLOYMENT WILL NOT RESULT IN ANY DISPLACEMENT OF EMPLOYED WORKERS.

(3) WITH RESPECT TO SUCH EMPLOYMENT, THE CONDITIONS OF WORK,

1 TRAINING, EDUCATION, AND EMPLOYMENT ARE REASONABLE IN THE LIGHT
2 OF SUCH FACTORS AS THE TYPE OF WORK, GEOGRAPHICAL REGION, AND A
3 PROFICIENCY OF THE PARTICIPANT.

4 (4) THE EMPLOYMENT IS NOT AVAILABLE DUE TO LABOR DISPUTE,
5 STRIKE OR LOCK-OUT.

6 ~~(E)~~ (D) ANY PERSON REQUIRED TO REGISTER PURSUANT TO <—
7 SUBSECTION (A) WHO WILFULLY:

8 (1) FAILS TO REGISTER; OR <—

9 ~~(2) FAILS TO CONDUCT AN ADEQUATE JOB SEARCH OR FULFILL HIS~~ <—
10 ~~REPORTING RESPONSIBILITIES REQUIRED BY SUBSECTION (B); OR~~

11 ~~(3)~~ (2) REFUSES A BONA FIDE OFFER OF EMPLOYMENT OR TRAINING
12 IN VIOLATION OF SUBSECTION ~~(D)~~ (C) SHALL BE INELIGIBLE FOR AID <—

13 TO FAMILIES WITH DEPENDENT CHILDREN OR GENERAL ASSISTANCE. ~~WHERE~~ <—

14 WHERE THERE IS NO OTHER PARENT PRESENT WHO IS ELIGIBLE FOR

15 ASSISTANCE ANY AID FOR WHICH SUCH CHILD IS ELIGIBLE WILL BE

16 PROVIDED IN THE FORM OF PROTECTIVE PAYMENT AS DEFINED IN SECTION
17 402.

18 (E) THE DEPARTMENT SHALL, WITHIN TWELVE MONTHS OF THE <—
19 EFFECTIVE DATE OF THIS ACT, ESTABLISH A SERIES OF DEMONSTRATION
20 PROJECTS WHICH WILL HAVE AS THEIR PRIMARY PURPOSE, THE OBTAINING
21 OF BONA FIDE EMPLOYMENT FOR NON-EXEMPT ASSISTANCE APPLICANTS AND
22 RECIPIENTS. THE DEMONSTRATION PROJECTS MAY BE SUBSTITUTED FOR
23 THE REGISTRATION REQUIRED BY SUBSECTION (A). THE DEMONSTRATION
24 PROJECTS SHALL INCLUDE, BUT NOT BE LIMITED TO REFERRAL TO
25 PRIVATE EMPLOYMENT AGENCIES UNDER CONTRACT WITH THE DEPARTMENT
26 AND THE ESTABLISHMENT OF AN EMPLOYMENT OFFICER IN COUNTY BOARD
27 OF ASSISTANCE OFFICES. THOSE DEMONSTRATION PROJECTS CONSIDERED
28 BY THE DEPARTMENT TO BE SUCCESSFUL AFTER AT LEAST A TWELVE-MONTH
29 TRIAL PERIOD MAY BE MADE PERMANENT ON EITHER A STATEWIDE OR
30 LOCALIZED BASIS. DURING THE TRIAL PERIOD, A DEMONSTRATION

1 PROJECT MAY BE EXPANDED. EVERY DEMONSTRATION PROJECT MUST
2 INCLUDE ADEQUATE PROVISION FOR EVALUATION AND EACH EVALUATION
3 SHALL INCLUDE PARTICIPATION BY MEMBERS OF THE PUBLIC. NOTHING IN
4 THIS SUBSECTION SHALL BE CONSTRUED TO PERMIT THE IMPLEMENTATION
5 OF A DEMONSTRATION PROGRAM WHICH WOULD REQUIRE AN APPLICANT OR
6 RECIPIENT TO PERFORM WORK AS PAYMENT FOR AN ASSISTANCE GRANT.

7 (F) THE DEPARTMENT SHALL TAKE ALL APPROPRIATE MEASURES TO
8 OBTAIN ANY NECESSARY FEDERAL APPROVAL AND ASSISTANCE FOR THE
9 PENNSYLVANIA EMPLOYABLES PROGRAM. IF THE UNITED STATES
10 DEPARTMENT OF HEALTH, EDUCATION AND WELFARE DOES NOT APPROVE ALL
11 OR PART OF THE PENNSYLVANIA EMPLOYABLES PROGRAM, THAT PART OF
12 THE PROGRAM UNAPPROVED SHALL NOT APPLY TO PERSONS WHO ARE
13 OTHERWISE ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN,
14 BUT IT SHALL APPLY TO PERSONS ELIGIBLE FOR GENERAL ASSISTANCE.
15 IN ADDITION, THE DEPARTMENT SHALL TAKE ALL APPROPRIATE MEASURES <—
16 TO SECURE FEDERAL FUNDING FOR ALL OR PART OF THE DEMONSTRATION
17 PROGRAMS AUTHORIZED BY SUBSECTION (E), INCLUDING BUT NOT LIMITED
18 TO A REQUEST FOR FINANCIAL ASSISTANCE PURSUANT TO SECTION 1110
19 OF THE FEDERAL SOCIAL SECURITY ACT.

20 ~~(G) THE BUREAU OF EMPLOYMENT SECURITY SHALL NOTIFY THE~~ <—
21 ~~DEPARTMENT OF ANY DEREGISTRATION. THE DEPARTMENT SHALL PROMPTLY~~
22 ~~REDETERMINE ELIGIBILITY UPON RECEIPT OF NOTICE OF~~
23 ~~DEREGISTRATION.~~

24 (H) NO DEPARTMENT OR AGENCY OF THE COMMONWEALTH AND NO <—
25 VENDOR DELIVERING SOCIAL SERVICES FUNDED IN WHOLE OR IN PART BY
26 CONTRACTS WITH OR GRANTS FROM THE DEPARTMENT OF PUBLIC WELFARE
27 SHALL DISCRIMINATE IN ANY MANNER INCLUDING EMPLOYMENT OR JOB
28 PLACEMENT AGAINST ANY PERSON BECAUSE THAT PERSON IS OR WAS AN
29 APPLICANT FOR OR RECIPIENT OF ASSISTANCE.

30 SECTION 4. SECTION 412 OF THE ACT IS AMENDED TO READ:

1 SECTION 412. APPOINTMENT OF [TRUSTEES] PROTECTIVE PAYEES.--
2 THE DEPARTMENT MAY APPOINT A [TRUSTEE] PROTECTIVE PAYEE TO TAKE
3 CHARGE OF THE EXPENDITURE OF ASSISTANCE GRANTED ANY PERSON UNDER
4 THIS ARTICLE WHEN, [IN ITS OPINION] CONSISTENT WITH FEDERAL
5 REGULATIONS, SUCH [TRUSTEE] PROTECTIVE PAYEE IS NECESSARY. IN
6 ANY SUCH CASE, PAYMENT SHALL BE MADE DIRECT TO THE [TRUSTEE]
7 PROTECTIVE PAYEE. A [TRUSTEE] PROTECTIVE PAYEE SHALL SERVE
8 WITHOUT COMPENSATION, AND SHALL BE SUBJECT TO SUCH RULES,
9 REGULATIONS AND ACCOUNTING AS THE DEPARTMENT SHALL PRESCRIBE.

10 WHEREVER POSSIBLE, THE PROTECTIVE PAYEE SHALL BE A PUBLIC
11 CHILD WELFARE AGENCY.

12 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

13 SECTION 432.1. CONTINUED ABSENCE FROM THE HOME.--WHERE AN
14 APPLICATION FOR AID TO FAMILIES WITH DEPENDENT CHILDREN IS BASED
15 UPON DEPRIVATION OF PARENTAL SUPPORT OR CARE DUE TO THE
16 CONTINUED ABSENCE OF A PARENT FROM THE HOME, SUCH DEPRIVATION
17 EXISTS WHEN THE NATURE OF THE ABSENCE, FOR ANY REASON,
18 INTERRUPTS OR TERMINATES THE PARENT'S FUNCTIONING AS A PROVIDER
19 OF MAINTENANCE, PHYSICAL CARE OR GUIDANCE FOR THE CHILD AND THE
20 KNOWN OR INDEFINITE DURATION OF THE ABSENCE PRECLUDES CONTINUING
21 THE PARENT'S PERFORMANCE OF HIS FUNCTION AS A PROVIDER. ABSENCE
22 ALONE SHALL NOT CONSTITUTE DEPRIVATION.

23 IT SHALL BE THE DUTY OF THE DEPARTMENT TO VERIFY THE
24 CONTINUED ABSENCE OF THE PARENT FROM THE HOME FROM INFORMATION
25 REGARDING THE ABSENT PARENT SUPPLIED BY THE APPLICANT ON HIS
26 APPLICATION, OR BY REQUIRING THE APPLICANT TO PROVIDE, WHERE
27 KNOWN, THE NAME, SOCIAL SECURITY NUMBER, DESCRIPTION, EMPLOYER
28 AND PRESENT OR LAST KNOWN ADDRESS OF THE ABSENT PARENT UPON
29 REQUEST.

30 SECTION 432.2. DETERMINATION OF ELIGIBILITY.--(A) PRIOR TO

1 DETERMINATION OF ELIGIBILITY, THE DEPARTMENT SHALL CONDUCT A
2 PERSONAL INTERVIEW WITH THE APPLICANT, OR WITH THE CARETAKER
3 RELATIVES OF THE NEEDY CHILDREN.

4 (B) AS A CONDITION OF ELIGIBILITY, AN INDIVIDUAL APPLYING
5 FOR ASSISTANCE SHALL COMPLETE AN APPLICATION CONTAINING A
6 WRITTEN DECLARATION OF SUCH INFORMATION REQUIRED TO ESTABLISH
7 ELIGIBILITY AND AMOUNT OF GRANT. THE APPLICATION SHALL INCLUDE,
8 BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

9 (1) NAMES OF ALL PERSONS TO RECEIVE AID;

10 (2) BIRTH DATES OF ALL PERSONS TO RECEIVE AID;

11 (3) SOCIAL SECURITY NUMBERS OF ALL PERSONS TO RECEIVE AID,
12 OR PROOF OF APPLICATION FOR SUCH SOCIAL SECURITY NUMBER;

13 (4) PLACE OF RESIDENCE FOR ALL PERSONS TO RECEIVE AID;

14 (5) THE NAMES OF ANY LEGALLY RESPONSIBLE RELATIVE LIVING IN
15 THE HOME;

16 (6) ANY INCOME OR RESOURCES AS DEFINED IN THIS ACT OR IN
17 REGULATIONS PROMULGATED PURSUANT TO THIS ACT.

18 THE DEPARTMENT SHALL PROVIDE ASSISTANCE AS NEEDED TO COMPLETE
19 THE APPLICATION AND SHALL INSURE THAT ALL APPLICANTS OR
20 RECIPIENTS HAVE OR PROMPTLY OBTAIN A SOCIAL SECURITY NUMBER.

21 ~~(C) THE DEPARTMENT SHALL REQUIRE, AS AN ADDITIONAL CONDITION~~ <—
22 ~~OF ELIGIBILITY, THAT EACH APPLICANT OR RECIPIENT:~~

23 ~~(1) ASSIGN TO THE STATE ANY RIGHTS TO SUPPORT FROM ANY OTHER~~
24 ~~PERSON SUCH APPLICANT MAY HAVE (I) IN HIS OWN BEHALF OR IN~~
25 ~~BEHALF OF ANY OTHER FAMILY MEMBER FOR WHOM THE APPLICANT IS~~
26 ~~APPLYING FOR OR RECEIVING AID, AND (II) WHICH HAVE ACCRUED AT~~
27 ~~THE TIME SUCH ASSIGNMENT IS EXECUTED;~~

28 ~~(2) COOPERATE WITH THE STATE EXCEPT WHEN IT IS NOT IN THE~~
29 ~~BEST INTEREST OF THE CHILD AS DEFINED BY FEDERAL LAW OR~~
30 ~~REGULATIONS (I) IN ESTABLISHING THE PATERNITY OF THE CHILD BORN~~

~~OUT OF WEDLOCK WITH RESPECT TO WHOM AID IS CLAIMED, AND (II) IN
OBTAINING SUPPORT PAYMENTS FOR SUCH APPLICANTS AND FOR A CHILD
WITH RESPECT TO WHOM SUCH AID IS CLAIMED, OR IN OBTAINING ANY
OTHER PAYMENTS OR PROPERTY DUE SUCH APPLICANT OR SUCH CHILD AND
THAT, IF THE RELATIVE WITH WHOM A CHILD IS LIVING IS FOUND TO BE
INELIGIBLE BECAUSE OF FAILURE TO COMPLY WITH THE REQUIREMENTS OF
SUBSECTIONS (B) AND (C), ANY AID FOR WHICH SUCH CHILD IS
ELIGIBLE WILL BE PROVIDED IN THE FORM OF PROTECTIVE PAYMENT.~~

~~(D)~~ (C) THE DEPARTMENT SHALL DETERMINE ALL ELEMENTS OF
ELIGIBILITY PERIODICALLY IN ACCORDANCE WITH THE PROVISIONS OF
THIS SECTION: PROVIDED, HOWEVER, THAT SUCH DETERMINATION SHALL
NOT BE LESS FREQUENT THAN EVERY SIX MONTHS. THE DEPARTMENT SHALL
REQUIRE THE COMPLETION OF A CONTINUING APPLICATION FORM AT THE
TIME OF REDETERMINATION AND THE PROVISIONS OF SECTION 432.15
SHALL BE APPLICABLE TO THIS SUBSECTION.

~~(E)~~ (D) EACH APPLICANT SHALL PROVIDE, UNDER PENALTY OF
FRAUD, THE INFORMATION NECESSARY TO COMPLETE SUCH APPLICATION.
THE APPLICATIONS USED BY THE DEPARTMENT SHALL CONTAIN, AT THE
END THEREOF, IN LARGE TYPE, A STATEMENT IN THE FORM APPROVED BY
THE ATTORNEY GENERAL THAT THE APPLICANT UNDERSTANDS THAT HE HAS
AN OBLIGATION TO REPORT IMMEDIATELY TO THE DEPARTMENT IN
ACCORDANCE WITH SECTION 432.14 OF THIS ACT ANY CHANGES IN INCOME
OR RESOURCES, COMPOSITION OF THE ASSISTANCE UNIT, ADDRESSES OR
ANY OTHER FACTOR WHICH MAY AFFECT ELIGIBILITY, AND THAT THE
DECLARATIONS IN THE APPLICATION ARE CORRECT AND COMPLETE TO THE
BEST OF THE APPLICANT'S KNOWLEDGE OR BELIEF WHEN MADE. THIS
DECLARATION SHALL BE SIGNED BY THE APPLICANT OF ASSISTANCE OR
ANY PERSON COMPLETING THE APPLICATION FOR AN APPLICANT UNABLE TO
DO SO HIMSELF.

~~(F)~~ (E) THE CASEWORKER SHALL INSURE THAT THE APPLICANT

1 UNDERSTANDS HIS RIGHTS AND DUTIES UNDER THIS ACT AND SHALL
2 CERTIFY ON EACH APPLICATION THAT HE HAS EXPLAINED SUCH RIGHTS
3 AND DUTIES TO THE APPLICANT OR RECIPIENT.

4 ~~(G) THE DEPARTMENT SHALL REDETERMINE ELIGIBILITY PROMPTLY~~ <—
5 ~~UPON RECEIPT OF NOTICE OF DEREGISTRATION BY THE BUREAU OF~~
6 ~~EMPLOYMENT SECURITY.~~

7 SECTION 432.3. VOLUNTARY TERMINATION OF EMPLOYMENT.--A
8 PERSON WHO IS NOT IN A CLASS OF PERSONS EXCLUDED FROM MANDATORY <—
9 PARTICIPATION IN THE PENNSYLVANIA EMPLOYABLES PROGRAM AND WHO
10 WITHOUT GOOD CAUSE: (I) VOLUNTARILY TERMINATES EMPLOYMENT OR
11 REDUCES HIS EARNING CAPACITY FOR THE PURPOSE OF QUALIFYING FOR
12 ASSISTANCE OR A LARGER AMOUNT THEREOF; OR (II) FAILS OR REFUSES
13 TO ACCEPT REFERRAL TO AND PARTICIPATE IN A VOCATIONAL
14 REHABILITATION OR TRAINING PROGRAM, INCLUDING THE WORK INCENTIVE
15 PROGRAM, OR REFUSES TO ACCEPT REFERRAL TO AND WORK IN EMPLOYMENT
16 IN WHICH HE IS ABLE TO ENGAGE, PROVIDED SUCH EMPLOYMENT CONFORMS <—
17 TO THE STANDARDS ESTABLISHED FOR A BONA FIDE OFFER OF EMPLOYMENT
18 IN THE PENNSYLVANIA EMPLOYABLES PROGRAM, SHALL BE

19 ~~(1) DISQUALIFIED FROM RECEIVING ASSISTANCE FOR THIRTY DAYS~~ <—
20 ~~DISQUALIFIED FROM RECEIVING ASSISTANCE FOR THIRTY DAYS~~
21 ~~THEREAFTER AND UNTIL SUCH TIME AS HE IS WILLING TO COMPLY WITH~~
22 ~~THE REQUIREMENTS OF SECTION 405.1. EXCEPT THAT~~ <—

23 ~~(2) AN APPLICANT FOR OR RECIPIENT OF GENERAL ASSISTANCE WHO~~
24 ~~WITHOUT GOOD CAUSE VOLUNTARILY TERMINATED EMPLOYMENT OR REDUCED~~
25 ~~HIS EARNING CAPACITY SHALL BE DISQUALIFIED FROM RECEIVING~~
26 ~~GENERAL ASSISTANCE FOR SEVENTY FIVE DAYS THEREAFTER AND UNTIL~~
27 ~~SUCH TIME AS HE IS WILLING TO COMPLY WITH THE REQUIREMENTS OF~~
28 ~~SECTION 405.1.~~

29 SECTION 432.4. IDENTIFICATION AND PROOF OF RESIDENCE.--ALL
30 PERSONS APPLYING FOR ASSISTANCE SHALL PROVIDE ACCEPTABLE

1 IDENTIFICATION AND PROOF OF RESIDENCE; THE DEPARTMENT SHALL BY
2 REGULATIONS SPECIFY WHAT CONSTITUTES ACCEPTABLE IDENTIFICATION
3 AND PROOF OF RESIDENCE.

4 ~~SECTION 432.5. RESIDENCE. ASSISTANCE MAY BE GRANTED ONLY TO~~ <—
5 ~~OR IN BEHALF OF A RESIDENT OF PENNSYLVANIA. NEEDY PERSONS WHO DO~~
6 ~~NOT MEET THE RESIDENCE REQUIREMENTS STATED IN THIS SECTION AND~~
7 ~~WHO ARE TRANSIENTS OR WITHOUT RESIDENCE IN ANY STATE, MAY BE~~
8 ~~GRANTED ASSISTANCE UP TO SEVEN DAYS, ALL IN ACCORDANCE WITH~~
9 ~~RULES REGULATIONS AND STANDARDS ESTABLISHED BY THE DEPARTMENT.~~

10 FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR ASSISTANCE,
11 THE CONTINUED ABSENCE OF A RECIPIENT FROM THE COMMONWEALTH FOR A
12 PERIOD OF SIXTY DAYS OR LONGER SHALL BE PRIMA FACIE EVIDENCE OF
13 THE INTENT OF THE RECIPIENT TO HAVE CHANGED HIS RESIDENCE TO A
14 PLACE OUTSIDE THE COMMONWEALTH. THE DEPARTMENT SHALL MAKE
15 INQUIRY FROM ALL RECIPIENTS WHO HAVE BEEN CONTINUOUSLY ABSENT
16 FOR A PERIOD OF THIRTY DAYS TO DETERMINE WHETHER OR NOT IT IS
17 THEIR INTENT TO REMAIN RESIDENTS OF THE COMMONWEALTH OR TO
18 BECOME RESIDENTS ELSEWHERE, AND SHALL REDETERMINE THE RESIDENCE
19 OF SUCH PERSONS. IN ANY CASE IN WHICH SUCH INQUIRY DOES NOT
20 ESTABLISH THAT THE RECIPIENT REMAINS A RESIDENT OF THE
21 COMMONWEALTH, HIS AID SHALL BE TERMINATED AFTER PROVIDING
22 APPROPRIATE TIMELY AND ADEQUATE NOTICE OF SUCH INTENDED ACTION. <—

23 IF A RECIPIENT IS PREVENTED BY ILLNESS OR OTHER GOOD CAUSE
24 FROM RETURNING TO THE COMMONWEALTH AT THE END OF SIXTY DAYS, AND
25 HAS NOT ACTED TO ESTABLISH RESIDENCE ELSEWHERE, HE SHALL NOT BE
26 DEEMED TO HAVE LOST HIS RESIDENCE IN THE COMMONWEALTH.

27 WHEN A RECIPIENT OF AID TO FAMILIES WITH DEPENDENT CHILDREN
28 OR GENERAL ASSISTANCE IS ABSENT FROM THE UNITED STATES FOR A
29 PERIOD IN EXCESS OF THIRTY DAYS, HIS AID SHALL THEREAFTER BE
30 SUSPENDED WHENEVER NEED CANNOT BE DETERMINED FOR THE ENSUING

1 PERIOD OF HIS ABSENCE.

2 IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY, HOWEVER, IN
3 ENACTING THIS SECTION TO CREATE ANY DURATIONAL RESIDENCE
4 REQUIREMENT.

5 SECTION 432.5. LIMITS ON PROPERTY HOLDINGS.--(A) REAL AND
6 PERSONAL PROPERTY WHICH AN APPLICANT OR RECIPIENT OWNS OR IN
7 WHICH HE HAS AN INTEREST ARE RESOURCES WHICH MUST BE CONSIDERED
8 IN DETERMINING INITIAL AND CONTINUOUS ELIGIBILITY FOR
9 ASSISTANCE, SUBJECT TO THE LIMITATIONS AND EXCEPTIONS
10 HEREINAFTER PROSCRIBED.

11 (B) AN APPLICANT OR RECIPIENT MAY RETAIN REAL PROPERTY OWNED
12 BY HIM, OR IN CONJUNCTION WITH ANY OTHER PERSON WITHOUT
13 REFERENCE TO ITS VALUE IF SUCH REAL PROPERTY SERVES AS THE HOME
14 OF SUCH APPLICANT OR RECIPIENT.

15 (C) PERSONAL PROPERTY IN EXCESS OF ~~ONE THOUSAND DOLLARS~~ <—
16 ~~(\$1,000)~~ PER A COMBINED AMOUNT OF TWO HUNDRED FIFTY DOLLARS
17 ~~(\$250)~~ FOR THE FIRST PERSON IN THE ASSISTANCE UNIT AND ONE
18 HUNDRED DOLLARS (\$100) FOR EACH ADDITIONAL PERSON IN THE
19 ASSISTANCE UNIT SHALL BE CONSIDERED AN AVAILABLE RESOURCE EXCEPT
20 AS FOLLOWS:

21 (1) WEDDING AND ENGAGEMENT RINGS, FAMILY HEIRLOOMS, CLOTHING
22 AND CHILDREN'S TOYS.

23 (2) HOUSEHOLD FURNISHINGS, PERSONAL EFFECTS AND OTHER ITEMS <—
24 USED TO PROVIDE, EQUIP, AND MAINTAIN A HOUSEHOLD FOR THE
25 APPLICANT AND RECIPIENT.

26 (3) EQUIPMENT AND MATERIAL WHICH ARE NECESSARY TO IMPLEMENT
27 EMPLOYMENT, REHABILITATION, OR SELF CARE PLAN FOR THE APPLICANT
28 OR RECIPIENT.

29 ~~(4) ONE MOTOR VEHICLE. ANY ADDITIONAL VEHICLES MAY BE~~ <—
30 ~~INCLUDED AS EQUIPMENT NECESSARY TO IMPLEMENT EMPLOYMENT,~~

~~REHABILITATION OR A SELF CARE PLAN FOR THE APPLICANT OR
RECIPIENT.~~

(4) MOTOR VEHICLES.

~~(5) UP TO FIFTY DOLLARS (\$50) CASH ON HAND AT THE TIME OF
APPLICATION AND SAVINGS SAVINGS OF SCHOOL CHILDREN UP TO TWO
THOUSAND DOLLARS (\$2,000) FOR EACH CHILD.~~

(6) RETROACTIVE ASSISTANCE PAYMENTS RECEIVED AS A RESULT OF
A PREHEARING CONFERENCE OR A FAIR HEARING DECISION.

~~(7) LIFE INSURANCE WITH A CASH VALUE NOT IN EXCESS OF FIVE
HUNDRED DOLLARS (\$500). ONE THOUSAND DOLLARS (\$1,000).~~

(D) IN THE CASE OF ANY NONRESIDENT REAL PROPERTY, THE
APPLICANT OR RECIPIENT MUST TAKE ADEQUATE STEPS TO OFFER SUCH
PROPERTY FOR SALE ON THE OPEN MARKET, CONVERT IT TO CASH, WITH
SUCH SUMS BEING CONSIDERED AN AVAILABLE RESOURCE. THE APPLICANT
OR RECIPIENT SHALL ACKNOWLEDGE THE LIABILITY OF THE PROPERTY FOR
REIMBURSEMENT.

(E) WITH THE EXCEPTION OF THE ITEMS OF PERSONAL PROPERTY IN
SUBSECTION (C) PERSONAL PROPERTY SHALL BE CONSIDERED IMMEDIATELY
CONVERTIBLE TO CASH AND AVAILABLE TO MEET CURRENT LIVING
EXPENSES. WHERE SUCH PERSONAL PROPERTY CANNOT BE READILY
CONVERTED INTO CASH, OR WHERE IT IS IN THE FORM OF A FROZEN
ASSET, ELIGIBILITY CRITERIA SHALL BE MET PROVIDED THAT THE OWNER
TAKE ADEQUATE STEPS TO CONVERT THE PROPERTY INTO CASH, OFFERING
SUCH PERSONAL PROPERTY FOR SALE ON THE OPEN MARKET, AND
ACKNOWLEDGING THE LIABILITY OF THE PROPERTY FOR REIMBURSEMENT.

(F) WHERE AID HAS BEEN RECEIVED IN GOOD FAITH, BUT THE
RECIPIENT IN FACT OWNS EXCESS PROPERTY OR HAS NOT MET THE
REQUIREMENTS OF SUBSECTIONS (C), (D) AND (E), SUCH RECIPIENT
SHALL BE CONSIDERED TO HAVE BEEN INELIGIBLE FOR ASSISTANCE
DURING THE PERIOD FOR WHICH ANY EXCESS PROPERTY WOULD HAVE

1 SUPPORTED HIM AT THE RATE OF THE ASSISTANCE GRANTED TO HIM. IN
2 SUCH CASE, SUBJECT TO THE PROVISIONS OF SECTION 432.16, <—
3 RECIPIENT SHALL REPAY THE AMOUNT OF ASSISTANCE RECEIVED DURING
4 SUCH PERIOD OF INELIGIBILITY.

5 SECTION 432.6. SUPPORT FROM LEGALLY RESPONSIBLE RELATIVES.--

6 (A) EVERY APPLICANT FOR ASSISTANCE WHOSE ELIGIBILITY IS BASED ON
7 DEPRIVATION DUE TO ABSENCE OF A PARENT FROM A HOME SHALL BE
8 REFERRED WITHIN TEN DAYS FOR INTERVIEW TO THE DESIGNATED SUPPORT
9 OFFICIAL OF THE DEPARTMENT WHO SHALL BE STATIONED IN LOCAL
10 WELFARE OFFICES, UNLESS SUCH OFFICES HAVE TOO FEW APPLICANTS TO
11 WARRANT PERMANENT STATIONING. THE DEPARTMENT SHALL BE
12 RESPONSIBLE FOR TAKING ALL STEPS NECESSARY TO IDENTIFY, LOCATE,
13 AND OBTAIN SUPPORT PAYMENTS FROM ABSENT PARENTS.

14 (B) THE DEPARTMENT SHALL ESTABLISH A SCALE OF SUGGESTED
15 MINIMUM CONTRIBUTIONS TO ASSIST COURTS IN DETERMINING THE AMOUNT
16 THAT AN ABSENT PARENT SHOULD BE EXPECTED TO PAY TOWARDS THE
17 SUPPORT OF A DEPENDENT CHILD. THE SCALE SHALL INCLUDE
18 CONSIDERATION OF GROSS INCOME, SHALL AUTHORIZE EXPENSE
19 DEDUCTIONS, INCLUDING DEDUCTIONS FOR TAXES, FOR DETERMINING NET
20 INCOME, SHALL DESIGNATE OTHER AVAILABLE RESOURCES TO BE
21 CONSIDERED AND SHALL SPECIFY THE CIRCUMSTANCES WHICH SHOULD BE
22 CONSIDERED IN REDUCING LIABILITY ON THE BASIS OF HARDSHIP.
23 COPIES OF THIS SCALE SHALL BE MADE AVAILABLE TO COURTS, DISTRICT
24 ATTORNEYS AND TO THE PUBLIC. IT IS INTENDED THAT THE SCALE
25 FORMULATED PURSUANT TO THIS SECTION SHOULD BE OPTIONAL.

26 (C) FAILURE OF THE ABSENT PARENT TO COMPLY WITH HIS SUPPORT
27 OBLIGATIONS SHALL BE REFERRED TO THE COURT HAVING JURISDICTION
28 OF THIS MATTER FOR APPROPRIATE PROCEEDINGS.

29 (D) EFFECTIVE JANUARY 1, 1977, "LEGALLY RESPONSIBLE <—
30 RELATIVE" MEANS SPOUSES AND THE PARENT FOR AN UNEMANCIPATED

1 MINOR CHILD.

2 ~~SECTION 432.8. PUBLIC WELFARE COOPERATIVE SUPPORT PROGRAM~~ <—
3 ~~FUND. THERE IS HEREBY CREATED IN THE STATE TREASURY A REVOLVING~~
4 ~~FUND TO BE DESIGNATED AS THE "PUBLIC WELFARE COOPERATIVE SUPPORT~~
5 ~~PROGRAM FUND" WHICH SHALL BE USED BY THE DEPARTMENT IN CARRYING~~
6 ~~OUT THE PURPOSES SPECIFIED IN SECTION 432.9. ALL MONEYS IN SAID~~
7 ~~FUND FROM TIME TO TIME ARE HEREBY APPROPRIATED TO THE DEPARTMENT~~
8 ~~FOR SUCH PURPOSES AND SHALL BE PAID WITHOUT FURTHER~~
9 ~~APPROPRIATION UNDER REQUISITION AND WARRANT DRAWN ON THE STATE~~
10 ~~TREASURER IN THE USUAL MANNER.~~

11 ~~SECTION 432.9. COOPERATIVE SUPPORT PROGRAM AGREEMENT. (A)~~
12 ~~THE DEPARTMENT OF PUBLIC WELFARE IS HEREBY AUTHORIZED AND~~
13 ~~EMPOWERED TO ENTER INTO AGREEMENTS WITH COUNTY COMMISSIONERS OR~~
14 ~~APPROPRIATE COURTS OR LAW ENFORCEMENT OFFICIALS OF THE~~
15 ~~COMMONWEALTH TO REIMBURSE THE CONTRACTING UNIT FOR A PORTION OF~~
16 ~~THE COST OF DEVELOPING AND IMPLEMENTING AN IMPROVED DOMESTIC~~
17 ~~RELATIONS DIVISION PROGRAM.~~

18 ~~(1) FOR SECURING SUPPORT FOR PERSONS RECEIVING STATE PUBLIC~~
19 ~~ASSISTANCE AND REIMBURSEMENT FROM THE LEGALLY RESPONSIBLE~~
20 ~~RELATIVES OF SUCH ASSISTANCE RECIPIENTS;~~

21 ~~(2) FOR ESTABLISHING PATERNITY OF CHILDREN BORN OUT OF~~
22 ~~WEDLOCK WHO ARE RECEIVING AID TO FAMILIES WITH DEPENDENT~~
23 ~~CHILDREN AND TO SECURE SUPPORT FOR THEM; AND~~

24 ~~(3) IN THE CASE OF ANY CHILD OR OTHER PERSON RECEIVING AID~~
25 ~~TO FAMILIES WITH DEPENDENT CHILDREN WHO IS DESERTED OR ABANDONED~~
26 ~~BY A PARENT OR SPOUSE (I) FOR PROVIDING COUNSELING SERVICES TO~~
27 ~~REUNITE AND REHABILITATE THE FAMILIES INVOLVED; (II) FOR~~
28 ~~SECURING SUPPORT FOR SUCH RECIPIENTS OF PUBLIC AID; AND (III)~~
29 ~~FOR SUCH ADDITIONAL MEASURES FOR THE PROTECTION OF THE PERSONS~~
30 ~~AND FAMILIES OF PERSONS RECEIVING AID TO FAMILIES WITH DEPENDENT~~

~~CHILDREN, AND THE PUBLIC WHICH THE DEPARTMENT AND THE OTHER
CONTRACTING PARTIES MAY FIND DESIRABLE TO UNDERTAKE
COOPERATIVELY.~~

~~FISCAL INCENTIVE WILL BE PROVIDED TO THE CONTRACTING UNIT IN
ACCORDANCE WITH FEDERAL REGULATIONS. EACH CONTRACTING UNIT SHALL
ENTER INTO AN ENFORCEMENT AGREEMENT WITH THE DEPARTMENT AS A
CONDITION OF RECEIVING THE FISCAL INCENTIVE.~~

~~(B) IN ANY COOPERATIVE SUPPORT PROGRAM AGREEMENT ENTERED
INTO PURSUANT TO THIS SECTION, THE DEPARTMENT, SUBJECT TO
GENERAL CONDITIONS ADOPTED AND STATED IN THE AGREEMENT BY THE
DEPARTMENT TO COMPLY WITH STATE AND FEDERAL LAW AND REGULATIONS
AND WHICH WILL REASONABLY ACHIEVE THE OBJECTIVES OF THIS SECTION
AND MADE APPLICABLE TO ALL CONTRACTING COUNTIES, SHALL AGREE TO
REIMBURSE THE CONTRACTING UNIT TO THE EXTENT PERMITTED BY
FEDERAL REGULATIONS FOR ADMINISTRATIVE EXPENDITURES AND IN
ACCORDANCE WITH STATE REGULATIONS, COSTS INCURRED DURING THE
PERIOD OF THE AGREEMENT.~~

~~(C) THE CONTRACTING UNIT MUST MAINTAIN ITS PREAGREEMENT
FISCAL EFFORT RELATIVE TO THE SUPPORT ENFORCEMENT OPERATIONS OF
THE DOMESTIC RELATIONS DIVISION AND/OR THE PROBATION OFFICE OF
THE COURT IN PROCESSING PATERNITY, DESERTION AND NONSUPPORT
CASES IN THE CONTRACTING COUNTY.~~

~~SECTION 432.7. DETERMINATION OF PATERNITY AND ENFORCEMENT OF
SUPPORT OBLIGATIONS.--IN ACCORDANCE WITH A CHILD SUPPORT PLAN
APPROVED BY THE FEDERAL GOVERNMENT, THE DEPARTMENT SHALL HAVE
THE POWER AND ITS DUTY SHALL BE TO:~~

~~(A) REQUIRE AS A CONDITION OF ELIGIBILITY FOR ASSISTANCE
THAT THE APPLICANT OR RECIPIENT:~~

~~(1) FURNISH HIS SOCIAL SECURITY ACCOUNT NUMBER OR TO THE
EXTENT PERMITTED BY FEDERAL LAW, PROOF OF MAKING APPLICATION FOR~~

A SOCIAL SECURITY ACCOUNT NUMBER IF THE APPLICANT OR RECIPIENT
HAS NO SOCIAL SECURITY ACCOUNT NUMBER.

(2) ASSIGN TO THE DEPARTMENT ON FORMS PROVIDED BY THE
DEPARTMENT SUCH SUPPORT RIGHTS AS THE APPLICANT OR RECIPIENT MAY
HAVE IN HIS OWN BEHALF OR ON BEHALF OF ANY FAMILY MEMBER WHO IS
A PART OF THE ASSISTANCE UNIT.

(3) COOPERATE WITH THE DEPARTMENT IN ESTABLISHING THE
PATERNITY OF A CHILD BORN OUT OF WEDLOCK WITH RESPECT TO WHOM
ASSISTANCE IS CLAIMED, EXCEPT WHEN SUCH COOPERATION WOULD NOT BE
IN THE BEST INTEREST OF THE CHILD IN ACCORDANCE WITH STANDARDS
DEVELOPED BY THE DEPARTMENT CONSISTENT WITH FEDERAL REGULATIONS.

(4) COOPERATE IN OBTAINING SUPPORT PAYMENTS FOR SUCH
APPLICANT OR RECIPIENT AND FOR A CHILD WITH RESPECT TO WHOM SUCH
AID IS CLAIMED OR IN OBTAINING ANY OTHER PAYMENT OR PROPERTY DUE
SUCH APPLICANT, RECIPIENT OR SUCH CHILD, EXCEPT WHEN SUCH
COOPERATION WOULD NOT BE IN THE BEST INTEREST OF THE CHILD IN
ACCORDANCE WITH STANDARDS DEVELOPED BY THE DEPARTMENT CONSISTENT
WITH FEDERAL REGULATIONS.

(B) PROVIDE FOR PROTECTIVE PAYMENTS FOR ANY CHILD ELIGIBLE
FOR ASSISTANCE WHEN A CARETAKER RELATIVE IS INELIGIBLE DUE TO
THE CARETAKER RELATIVE'S FAILURE TO COMPLY WITH EITHER CLAUSE
(2), (3) OR (4) OF SUBSECTION (A).

(C) PROVIDE THAT IN ANY CASE IN WHICH THE CHILD SUPPORT
PAYMENTS ARE COLLECTED FOR A CHILD WITH RESPECT TO WHOM AN
ASSIGNMENT HAS BEEN MADE PURSUANT TO CLAUSE (2) OF SUBSECTION
(A), SUCH PAYMENT SHALL BE MADE TO THE DEPARTMENT FOR
DISTRIBUTION PURSUANT TO SUBSECTION (G) EXCEPT FOR THOSE
PAYMENTS MADE FOR ANY MONTH IN WHICH THE AMOUNT COLLECTED IS
SUFFICIENT TO MAKE SUCH FAMILY INELIGIBLE FOR ASSISTANCE.
WHENEVER A FAMILY FOR WHOM CHILD SUPPORT PAYMENTS HAVE BEEN

1 COLLECTED AND DISTRIBUTED CEASES TO RECEIVE ASSISTANCE, THE
2 DEPARTMENT MAY CONTINUE TO COLLECT SUCH SUPPORT PAYMENTS FROM
3 THE LEGALLY RESPONSIBLE RELATIVE FOR A PERIOD NOT TO EXCEED
4 THREE MONTHS FROM THE MONTH FOLLOWING THE MONTH IN WHICH SUCH
5 FAMILIES CEASED TO RECEIVE ASSISTANCE AND PAY ALL AMOUNTS SO
6 COLLECTED TO THE FAMILY AND AT THE END OF SUCH THREE-MONTH
7 PERIOD, IF SPECIFICALLY AUTHORIZED BY THE INDIVIDUAL ON WHOSE
8 BEHALF THE COLLECTION WILL BE MADE, CONTINUE TO COLLECT SUCH
9 SUPPORT PAYMENTS FROM THE LEGALLY RESPONSIBLE RELATIVE AND PAY
10 THE NET AMOUNT OF ANY AMOUNT SO COLLECTED TO THE FAMILY AFTER
11 DEDUCTING ANY COSTS INCURRED IN MAKING THE COLLECTION FROM THE
12 AMOUNT OF ANY RECOVERY MADE.

13 (D) CREATE A SINGLE AND SEPARATE ORGANIZATIONAL UNIT WHICH
14 SHALL BE RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING, SUBJECT TO
15 THE APPROVAL OF THE SECRETARY, A FEDERALLY APPROVED STATE PLAN
16 FOR CHILD SUPPORT. THE UNIT SHALL MAINTAIN A PARENT LOCATOR
17 SERVICE TO LOCATE ABSENT LEGALLY RESPONSIBLE RELATIVES UTILIZING
18 ALL SOURCES OF INFORMATION AND LEGALLY AVAILABLE RECORDS AND THE
19 PARENT LOCATOR SERVICE OF THE FEDERAL GOVERNMENT.

20 (E) UNDERTAKE EITHER DIRECTLY OR PURSUANT TO COOPERATIVE
21 ARRANGEMENTS WITH APPROPRIATE COURTS OR LAW ENFORCEMENT
22 OFFICIALS (INCLUDING DOMESTIC RELATIONS OFFICES) TO :

23 (1) ESTABLISH PATERNITY OF CHILDREN BORN OUT OF WEDLOCK WITH
24 RESPECT TO WHOM AN ASSIGNMENT PURSUANT TO CLAUSE (2) OF
25 SUBSECTION (A) HAS BEEN MADE; AND

26 (2) SECURE SUPPORT FOR A CHILD WITH RESPECT TO WHOM SUCH AN
27 ASSIGNMENT HAS BEEN MADE FROM ANY LEGALLY RESPONSIBLE RELATIVE.

28 (F) MAKE AVAILABLE CHILD SUPPORT AND PATERNITY DETERMINATION
29 SERVICES TO ANY INDIVIDUAL NOT ELIGIBLE FOR ASSISTANCE TO THE
30 EXTENT REQUIRED BY FEDERAL LAW AND UPON APPLICATION SUBMITTED TO

1 THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT, THE PAYMENT
2 OF ANY APPLICATION FEE ESTABLISHED BY THE DEPARTMENT AND THE
3 AGREEMENT TO PAY COSTS IN EXCESS OF THE FEE OUT OF ANY RECOVERY
4 MADE BY THE DEPARTMENT.

5 (G) PROVIDE FOR BONUS PAYMENTS TO RECIPIENTS CONSISTENT WITH
6 FEDERAL LAW FROM AMOUNTS COLLECTED PERIODICALLY WITHOUT ANY
7 DECREASE IN THE AMOUNT OF ASSISTANCE.

8 (H) MAKE INCENTIVE PAYMENTS TO POLITICAL SUBDIVISIONS AND
9 OTHER STATES CONSISTENT WITH FEDERAL LAW WHENEVER THE POLITICAL
10 SUBDIVISION OR OTHER STATE ENFORCES OR COLLECTS SUPPORT RIGHTS
11 ASSIGNED TO THE DEPARTMENT PURSUANT TO CLAUSE (2) OF SUBSECTION
12 (A).

13 (I) CONSTRUE AND IMPLEMENT THIS SECTION IN ORDER TO COMPLY
14 WITH TITLE IV-D OF THE FEDERAL SOCIAL SECURITY ACT RELATING TO
15 CHILD SUPPORT AND THE ESTABLISHMENT OF PATERNITY. THE DEPARTMENT
16 SHALL TAKE ALL STEPS NECESSARY TO IMPLEMENT A FEDERALLY APPROVED
17 STATE PLAN FOR CHILD SUPPORT.

18 SECTION 432.8. GARNISHMENT OF WAGES OF COMMONWEALTH <—
19 EMPLOYES.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW MONEYS DUE
20 FROM OR PAYABLE BY THE COMMONWEALTH OF PENNSYLVANIA (INCLUDING
21 ANY AGENCY, INSTRUMENTALITY OR AUTHORITY THEREOF) DUE TO ANY
22 INDIVIDUAL SHALL BE SUBJECT, IN LIKE MANNER AND TO THE SAME
23 EXTENT AS IF THE COMMONWEALTH OF PENNSYLVANIA WERE A PRIVATE
24 PERSON, TO LEGAL PROCESS BROUGHT FOR THE ENFORCEMENT AGAINST
25 SUCH INDIVIDUAL OF HIS LEGAL OBLIGATIONS TO PROVIDE SUPPORT FOR
26 A CHILD OR SPOUSE.

27 SECTION 432.9. CENTRAL REGISTRY.--(A) A CENTRAL REGISTRY OF
28 RECORDS SHALL BE MAINTAINED IN THE DEPARTMENT SHOWING, AS FAR AS
29 IT IS KNOWN, WITH RESPECT TO ANY PARENT WHO HAS DESERTED OR
30 ABANDONED ANY CHILD RECEIVING AID TO FAMILIES WITH DEPENDENT

1 CHILDREN:

2 (1) THE FULL AND TRUE NAME OF SUCH PARENT TOGETHER WITH ANY
3 KNOWN ALIASES;

4 (2) DATE AND PLACE OF BIRTH;

5 (3) PHYSICAL DESCRIPTION;

6 (4) SOCIAL SECURITY NUMBER;

7 (5) OCCUPATION AND ANY SPECIAL SKILLS HE MAY HAVE;

8 (6) MILITARY STATUS AND VETERANS' ADMINISTRATION OR MILITARY
9 SERVICE SERIAL NUMBER;

10 (7) LAST KNOWN ADDRESS AND THE DATE THEREOF;

11 (8) THE NUMBER OF THE DRIVER'S LICENSE; AND

12 (9) ANY FURTHER INFORMATION THAT MAY BE OF ASSISTANCE IN
13 LOCATING THE PERSON.

14 (B) TO EFFECTUATE THE PURPOSES OF THIS SECTION, THE
15 DEPARTMENT MAY REQUEST AND SHALL RECEIVE FROM ALL DEPARTMENTS,
16 BUREAUS, BOARDS OR OTHER AGENCIES OF THIS COMMONWEALTH, OR ANY
17 OF ITS POLITICAL SUBDIVISIONS, AND THE SAME ARE AUTHORIZED TO
18 PROVIDE, SUCH ASSISTANCE AND DATA EXCEPT TAX RECORDS AS WILL
19 ENABLE THE DEPARTMENT AND OTHER PUBLIC AGENCIES TO CARRY OUT
20 THEIR DUTIES TO LOCATE ABSENT PARENTS FOR THE SUPPORT OF THEIR
21 CHILDREN. THE DEPARTMENT SHALL UTILIZE THE "PARENT LOCATOR
22 SERVICE" PURSUANT TO ESTABLISHMENT IN THE DEPARTMENT OF HEALTH,
23 EDUCATION AND WELFARE BY FILING IN ACCORDANCE WITH SECTION
24 453(B) OF THE SOCIAL SECURITY ACT.

25 (C) ANY RECORDS ESTABLISHED PURSUANT TO THE PROVISIONS OF
26 THIS SECTION SHALL BE AVAILABLE ONLY TO PUBLIC WELFARE OFFICES,
27 DISTRICT ATTORNEYS, PROBATION DEPARTMENTS, CENTRAL REGISTRIES IN
28 OTHER STATES, AND COURTS HAVING JURISDICTION IN SUPPORT OR
29 ABANDONMENT PROCEEDINGS OR ACTION AND ONLY FOR THE PURPOSES FOR
30 WHICH THE RECORDS HAVE BEEN ESTABLISHED.

1 SECTION 432.10. MAXIMUM WITHHOLDING EXEMPTIONS.--AN EMPLOYED
2 APPLICANT OR RECIPIENT SHALL BE CONSIDERED TO BE CLAIMING THE
3 MAXIMUM NUMBER OF EXEMPTIONS FOR FEDERAL INCOME TAX PURPOSES TO
4 WHICH HE IS ENTITLED UNDER FEDERAL LAW AND ANY EARNED INCOME
5 SHALL BE COMPUTED ACCORDINGLY. THE DEPARTMENT SHALL MAINTAIN
6 TABLES INDICATING THE AMOUNT OF WITHHOLDING FOR VARIOUS NUMBERS
7 OF DEPENDENTS AND VARIOUS INCOME LEVELS. THE DEPARTMENT SHALL
8 BASE ASSISTANCE ON THE MAXIMUM NUMBER OF EXEMPTIONS TO WHICH THE
9 APPLICANT OR RECIPIENT IS ENTITLED. THIS DETERMINATION SHALL BE
10 MADE AT THE TIME OF APPLICATION, AT THE PERIODIC REDETERMINATION
11 OF ELIGIBILITY AND WHEN CHANGES IN A RECIPIENT'S CIRCUMSTANCES
12 REQUIRE THAT THE AMOUNT OF ASSISTANCE BE REDETERMINED.

13 SECTION 432.11. ACCESS TO STATE RECORDS.--(A) THE SECRETARY
14 OR HIS DESIGNEES IN WRITING SHALL HAVE ACCESS TO ALL RECORDS
15 OTHER THAN TAX RECORDS, AND THE DEPARTMENT, IN COOPERATION WITH
16 ALL OTHER DEPARTMENTS OF THE EXECUTIVE BRANCH, SHALL ESTABLISH A
17 SINGLE UNIFORM SYSTEM OF INFORMATION CLEARANCE AND RETRIEVAL.

18 (B) THE BUREAU OF EMPLOYMENT SECURITY SHALL PROVIDE THE
19 DEPARTMENT WITH A STATEMENT OF EARNINGS CLEARANCE UPON THE
20 REQUEST OF THE DEPARTMENT.

21 (C) UPON REQUEST OF THE DEPARTMENT, THE BUREAU OF MOTOR
22 VEHICLES SHALL PROVIDE INFORMATION AS TO ALL VEHICLES OWNED BY
23 THE APPLICANT OR RECIPIENT.

24 (D) WITH THE EXCEPTION OF THE ACCESS PROVIDED BY SUBSECTIONS <—
25 (B) AND (C), THE PROVISIONS OF SUBSECTION (A) SHALL NOT BE
26 CONSTRUED TO GIVE THE SECRETARY OR HIS DESIGNEE ACCESS TO
27 INFORMATION WHICH WOULD OTHERWISE BE DEEMED PRIVILEGED OR
28 CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

29 SECTION 432.12. DETERMINATION OF INCOME.--(A) IN ACCORDANCE
30 WITH FEDERAL LAW AND REGULATIONS THE DEPARTMENT SHALL, IN

1 ~~DETERMINING NEED, TAKE INTO CONSIDERATION THE INCOME, NOT~~ <—
2 ~~INCLUDING THAT AMOUNT EQUAL TO THE EXPENSES REASONABLY~~
3 ~~ATTRIBUTABLE TO THE EARNING OF INCOME, OF ALL MEMBERS OF THE~~
4 ~~ASSISTANCE UNIT WHO ARE FOURTEEN YEARS OF AGE OR OLDER. FOR AID~~ <—
5 ~~TO FAMILIES WITH DEPENDENT CHILDREN, TAKE INTO CONSIDERATION THE~~
6 ~~INCOME, EXCLUDING THAT AMOUNT EQUAL TO THE EXPENSES REASONABLY~~
7 ~~ATTRIBUTABLE TO THE EARNING OF INCOME, OF ALL MEMBERS OF THE~~
8 ~~ASSISTANCE UNIT WHO ARE FOURTEEN YEARS OF AGE OR OLDER.~~

9 IN DETERMINING NEED FOR GENERAL ASSISTANCE, THE DEPARTMENT
10 SHALL TAKE INTO CONSIDERATION ALL INCOME, EXCLUDING THAT AMOUNT
11 EQUAL TO THE EXPENSES REASONABLY ATTRIBUTABLE TO THE EARNING OF
12 INCOME UP TO TWENTY-FIVE DOLLARS (\$25) PER MONTH, OF ALL MEMBERS
13 OF THE ASSISTANCE UNIT WHO ARE FOURTEEN YEARS OF AGE OR OLDER.
14 IN ADDITION TO SAID WORK RELATED EXPENSES, THE FIRST TWENTY
15 DOLLARS (\$20) PLUS FIFTY PERCENT OF THE NEXT SIXTY DOLLARS (\$60)
16 SHALL BE DEDUCTED FROM THE GROSS MONTHLY WAGES OF EACH EMPLOYED
17 RECIPIENT OF GENERAL ASSISTANCE. THE GENERAL ASSISTANCE GRANT
18 SHALL BE COMPUTED ON THE REMAINDER.

19 (B) INCOME AS USED IN SUBSECTION (A) INCLUDES BENEFITS IN
20 CASH OR IN KIND (OTHER THAN THE RENTAL VALUE OF LIVING <—
21 ACCOMMODATIONS), AS DEFINED BY THE DEPARTMENT IN ACCORDANCE WITH
22 FEDERAL LAW AND REGULATIONS.

23 (C) TO BE CONSIDERED IN ESTABLISHING FINANCIAL ELIGIBILITY
24 AND THE AMOUNT OF THE ASSISTANCE PAYMENT, INCOME MUST BE
25 ACTUALLY AVAILABLE FOR CURRENT USE BY THE APPLICANT OR
26 RECIPIENT. IN ACCORDANCE WITH FEDERAL LAW AND REGULATIONS, THE
27 APPLICANT OR RECIPIENT SHALL, HOWEVER, AS A NECESSARY CONDITION
28 OF ELIGIBILITY:

29 (1) PROVIDE ALL INFORMATION NECESSARY TO INCOME
30 DETERMINATION; AND

1 (2) TAKE ALL ACTIONS NECESSARY TO OBTAIN UNCONDITIONALLY
2 AVAILABLE INCOME INCLUDING APPLYING FOR UNEMPLOYMENT
3 COMPENSATION TO THE EXTENT PERMITTED BY FEDERAL LAW. INCOME
4 SHALL BE CONSIDERED UNCONDITIONALLY AVAILABLE IF THE APPLICANT
5 OR RECIPIENT HAS ONLY TO CLAIM OR ACCEPT SUCH INCOME, INCLUDING
6 ANY TYPE OF GOVERNMENTAL BENEFITS, SOCIAL INSURANCE, PRIVATE
7 PENSION OR BENEFITS PLAN, OR OFFERS OF PRIVATE CONTRIBUTIONS,
8 INCLUDING CONTRIBUTIONS FROM RELATIVES NOT IN THE NATURE OF
9 DISASTER RELIEF.

10 SECTION 432.13. INCOME AVERAGING.--FOR PURPOSES OF
11 DETERMINING ELIGIBILITY FOR ASSISTANCE, THE INCOME OF ANY PERSON
12 UNDER A CONTRACT OF EMPLOYMENT ON AN ANNUAL BASIS WHO WORKS AND
13 RECEIVES INCOME FROM SUCH CONTRACT IN FEWER THAN TWELVE MONTHS,
14 BUT MORE THAN EIGHT MONTHS, SHALL BE PRORATED OVER THE PERIOD OF
15 THE CONTRACT. THIS PROVISION SHALL APPLY ONLY TO SUCH PERSONS
16 WHOSE ANNUAL INCOME, WHEN AVERAGED OVER A TWELVE-MONTH PERIOD,
17 IS EXPECTED TO BE IN EXCESS OF THAT SET FORTH IN THE MINIMUM
18 BASIC STANDARDS OF ADEQUATE CARE FOR THE APPROPRIATE NUMBER OF
19 PERSONS DEPENDENT UPON SUCH INCOME.

20 SECTION 432.14. REPORTING RESPONSIBILITY.--(A) IT SHALL BE
21 THE DUTY OF THE DEPARTMENT TO INSURE THAT EVERY APPLICANT FOR,
22 OR RECIPIENT OF, ASSISTANCE BE NOTIFIED NOT LESS FREQUENTLY THAN
23 SEMIANNUALLY AS TO THE PROVISIONS OF ELIGIBILITY AND HIS
24 RESPONSIBILITY FOR REPORTING INFORMATION CONCERNING CHANGES IN
25 CIRCUMSTANCES WHICH MAY AFFECT THE AMOUNT OF GRANT. AFTER SUCH
26 NOTIFICATION HAS BEEN PROVIDED, THE DEPARTMENT SHALL REQUIRE THE
27 RECIPIENT TO FORMALLY ACKNOWLEDGE, ON A FORM PRESCRIBED FOR SUCH
28 PURPOSE, THAT THE PROVISIONS OF ELIGIBILITY AND REPORTING
29 OBLIGATIONS HAVE BEEN EXPLAINED TO HIM AND WERE UNDERSTOOD.

30 (B) EACH APPLICANT FOR OR RECIPIENT OR PAYEE OF SUCH

1 ASSISTANCE SHALL BE RESPONSIBLE FOR REPORTING ACCURATELY AND
2 WITHIN A REASONABLE SPECIFIED PERIOD THOSE FACTS REQUIRED OF HIM
3 PURSUANT TO THE EXPLANATION PROVIDED BY THE DEPARTMENT.

4 SECTION 432.15. QUARTERLY EARNINGS DETERMINATION.--THE
5 DEPARTMENT SHALL TRANSMIT TO THE BUREAU OF EMPLOYMENT SECURITY
6 THE SOCIAL SECURITY NUMBER OF ALL PERSONS OVER SIXTEEN YEARS OF
7 AGE WHO RECEIVE ASSISTANCE DURING THE SECOND PRIOR QUARTER. THE
8 BUREAU OF EMPLOYMENT SECURITY SHALL DETERMINE THE AMOUNT OF
9 WAGES REPORTED BY EMPLOYERS FOR THE AMOUNT OF UNEMPLOYMENT
10 COMPENSATION INSURANCE BENEFITS WHICH HAVE BEEN PAID DURING THE
11 SECOND AND THIRD PRIOR QUARTERS TO PERSONS WITH THOSE SOCIAL
12 SECURITY NUMBERS AND SHALL RETURN SUCH INFORMATION, INCLUDING
13 ZERO WAGE REPORTS TO THE DEPARTMENT. THE DEPARTMENT SHALL
14 COMPARE SUCH WAGE REPORTS WITH EARNINGS REPORTED BY RECIPIENTS,
15 TAKE PROMPT ACTION TO RESOLVE DISCREPANCIES, AND SHALL REFER
16 PROMPTLY FOR INVESTIGATION ANY CASES OF SUSPECTED FRAUD.

17 SECTION 432.16. RECOUPMENT OF PRIOR OVERPAYMENTS AND
18 RETROACTIVE CORRECTION OF UNDERPAYMENTS.--(A) IN ACCORDANCE WITH
19 FEDERAL LAW AND REGULATIONS, THE DEPARTMENT SHALL ESTABLISH
20 PROCEDURES FOR RECOUPMENT OF PRIOR OVERPAYMENTS CAUSED BY THE
21 RECIPIENT'S WILFULL WITHHOLDING OF INFORMATION CONCERNING HIS
22 INCOME, RESOURCES, OR OTHER CIRCUMSTANCES WHICH MAY AFFECT THE
23 AMOUNT OF PAYMENT, PROVIDED THAT:

24 (1) THE AMOUNT OF OVERPAYMENTS RECOUPED SHALL BE LIMITED TO
25 OVERPAYMENTS MADE DURING THE TWELVE MONTHS PRECEDING THE MONTH
26 IN WHICH THE OVERPAYMENT WAS DISCOVERED: PROVIDED, HOWEVER, THAT <—
27 WHERE THE OVERPAYMENT WAS CAUSED BY THE RECIPIENT'S WILFULL
28 WITHHOLDING OF INFORMATION REGARDING HIS INCOME OR RESOURCES,
29 RECOUPMENT SHALL BE PERMITTED FOR OVERPAYMENTS MADE DURING THE
30 TWENTY-FOUR MONTHS PRECEDING THE MONTH IN WHICH THE OVERPAYMENT

1 WAS DISCOVERED.

2 (2) THE RECOUPMENT OF OVERPAYMENTS MAY BE MADE (I) FROM
3 INCOME OR RESOURCES, EXCLUSIVE OF THE CURRENT ASSISTANCE
4 PAYMENT, WHICH ARE CURRENTLY AVAILABLE TO THE RECIPIENT IN THE
5 AMOUNT BY WHICH THE DEPARTMENT PROPOSES TO REDUCE PAYMENTS; OR
6 (II) FROM CURRENT ASSISTANCE PAYMENTS. IF RECOUPMENTS ARE MADE
7 FROM CURRENT ASSISTANCE PAYMENTS, THE DEPARTMENT SHALL, ON A
8 CASE-BY-CASE BASIS, LIMIT THE PROPORTION OF SUCH PAYMENTS THAT
9 MAY BE DEDUCTED IN EACH CASE, SO AS NOT TO CAUSE UNDUE HARDSHIP
10 ON RECIPIENTS.

11 (3) IN NO EVENT, SHALL THE GRANT OF A NEEDY CHILD BE REDUCED
12 UNLESS THE PARENTS OR OTHER RESPONSIBLE PERSONS HAVE SUFFICIENT
13 AVAILABLE INCOME OR RESOURCES TO MEET THE NEEDS OF THE DEPENDENT
14 CHILD ACCORDING TO DEPARTMENT STANDARDS DURING THE PERIOD OF
15 REDUCTION.

16 (4) THE DEPARTMENT SHALL, PRIOR TO EFFECTING ANY REDUCTION
17 OF A CURRENT GRANT, ADVISE THE RECIPIENT OF THE PROPOSED
18 REDUCTION BY TIMELY AND ADEQUATE NOTICE.

19 (B) THE DEPARTMENT SHALL BE PERMITTED TO RECOUP OVERPAYMENTS
20 IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A) CONCURRENT
21 WITH A SUIT FOR RESTITUTION PROVIDED THAT THE EXTENT OF
22 LIABILITY FOR RESTITUTION SHALL BE REDUCED BY THE AMOUNT OF
23 OVERPAYMENTS RECOUPED.

24 (C) THE DEPARTMENT SHALL, IN ACCORDANCE WITH FEDERAL
25 REGULATIONS, ESTABLISH PROCEDURES FOR RETROACTIVE CORRECTION OF
26 UNDERPAYMENTS CAUSED BY ADMINISTRATIVE ERROR PROVIDED THAT:

27 (1) RETROACTIVE CORRECTIVE PAYMENTS SHALL BE LIMITED TO THE
28 TWELVE MONTHS PRECEDING THE MONTH IN WHICH THE UNDERPAYMENT
29 FIRST BECOMES KNOWN TO THE DEPARTMENT;

30 (2) RETROACTIVE PAYMENTS TO CORRECT IMPROPER DENIAL OF

1 ASSISTANCE SHALL BE MADE FOR UP TO TWELVE MONTHS PRIOR TO THE
2 MONTH IN WHICH THE ERROR FIRST BECOMES KNOWN TO THE DEPARTMENT,
3 BUT IN NO CASE EARLIER THAN THE DATE OF APPLICATION;

4 (3) FOR THE PURPOSES OF DETERMINING CONTINUED ELIGIBILITY
5 AND THE AMOUNT OF ASSISTANCE, SUCH RETROACTIVE CORRECTIVE
6 PAYMENTS SHALL NOT BE CONSIDERED AS INCOME OR AS A RESOURCE IN
7 THE MONTH IN WHICH PAID NOR IN THE NEXT FOLLOWING MONTH; AND

8 (4) NO RETROACTIVE PAYMENT NEED BE MADE WHERE THE
9 ADMINISTRATIVE COST WOULD EXCEED THE AMOUNT OF SUCH PAYMENT.

10 SECTION 432.17. TIMELY AND ADEQUATE NOTICE DEFINED.--THE
11 DEPARTMENT SHALL PROVIDE TIMELY AND ADEQUATE NOTICE IN ALL CASES
12 OF INTENDED ACTION TO DISCONTINUE, TERMINATE, SUSPEND OR REDUCE
13 AN ASSISTANCE GRANT EXCEPT IN THOSE CASES WHERE ADEQUATE NOTICE
14 ALONE WOULD BE CONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW
15 OR REGULATION.

16 "TIMELY NOTICE" MEANS NOTICE WHICH IS MAILED AT LEAST TEN
17 DAYS BEFORE THE INTENDED CHANGE WOULD BE EFFECTIVE.

18 "ADEQUATE NOTICE" MEANS A WRITTEN NOTICE THAT INCLUDES A
19 STATEMENT OF WHAT ACTION THE AGENCY INTENDS TO TAKE, THE REASONS
20 FOR THE INTENDED ACTION, THE SPECIFIC REGULATIONS OR STATUTES
21 SUPPORTING SUCH ACTION, AN EXPLANATION OF THE INDIVIDUAL'S RIGHT
22 TO REQUEST AN EVIDENTIARY AND AN ADMINISTRATIVE HEARING ON THE
23 PROPRIETY OF THE INTENDED ACTION AND THE CIRCUMSTANCES UNDER
24 WHICH ASSISTANCE IS CONTINUED IF A HEARING IS REQUESTED.

25 ADEQUATE NOTICE SHALL BE SENT NOT LATER THAN THE DATE OF ACTION.

26 SECTION 432.18. ASSISTANCE PAYMENTS; LOST, STOLEN, DESTROYED
27 OR NOT RECEIVED.--IN THE EVENT THAT A RECIPIENT OF ASSISTANCE
28 DOES NOT RECEIVE AN ASSISTANCE CHECK, OR IF SUCH CHECK IS LOST,
29 STOLEN OR DESTROYED AFTER RECEIPT BUT BEFORE IT IS CASHED, THE
30 COUNTY OFFICE AFTER A PERIOD OF THREE DAYS MAY AUTHORIZE A ONE-

TIME GRANT FROM THE COUNTY DISBURSEMENT, PROVIDED THAT THE
FOLLOWING CONDITIONS ARE MET:

(1) THE RECIPIENT REPORTS THE NONRECEIPT OF THE CHECK, LOSS,
OR THEFT OF AN UNENDORSED CHECK OR DESTRUCTION OF AN ENDORSED
CHECK. THE REPORT OF A LOSS OR THEFT OF A CHECK SHALL BE
ACCOMPANIED BY A SWORN STATEMENT TO THAT EFFECT UNDER PENALTY OF
FRAUD. THE COUNTY BOARD SHALL IMMEDIATELY STOP PAYMENT ON THE
CHECK AFTER RECEIPT OF ITS COPY OF THE SIGNED STATEMENT.

(2) THE CHECK WAS SENT TO THE RECIPIENT.

(3) THE RECIPIENT SHALL BE INSTRUCTED ON HIS LIABILITY,
SHOULD THE LOST, STOLEN, DESTROYED OR NONRECEIVED CHECK COME
INTO HIS POSSESSION, TO RETURN SUCH CHECK IMMEDIATELY TO THE
COUNTY OFFICE AND THAT CASHING OR ATTEMPTING TO CASH SUCH CHECK
CONSTITUTES FRAUD.

SECTION 437. REPORTS TO GENERAL ASSEMBLY.--TWO COPIES OF ALL
REPORTS REQUIRED BY THE NATIONAL CENTER FOR SOCIAL STATISTICS OF
THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE SHALL BE
FURNISHED TO THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE AND
THE HEALTH AND WELFARE COMMITTEE OF THE HOUSE OF REPRESENTATIVES
WHEN THEY ARE SUBMITTED TO THE FEDERAL GOVERNMENT. SIMILAR
REPORTS PREPARED CONCERNING GENERAL ASSISTANCE, THE STATE BLIND
PENSION AND STATE SUPPLEMENTAL ASSISTANCE SHALL BE SIMILARLY
FURNISHED TO THE COMMITTEES.

SECTION 441.2. MEDICAL ASSISTANCE ELIGIBILITY.--MEDICAL
ASSISTANCE SHALL NOT BE GRANTED TO OR IN BEHALF OF ANY PERSON
WHO DISPOSED OF HIS REAL OR PERSONAL PROPERTY, OF THE VALUE OF
FIVE HUNDRED DOLLARS (\$500), OR MORE, WITHOUT FAIR
CONSIDERATION, WITHIN TWO YEARS IMMEDIATELY PRECEDING THE DATE
OF APPLICATION FOR MEDICAL ASSISTANCE UNLESS HE IS ELIGIBLE FOR
STATE SUPPLEMENTAL ASSISTANCE OR UNLESS HE CAN CLEARLY SHOW THAT

1 THE TRANSFER WAS NOT PRIMARILY FOR THE PURPOSE OF ACQUIRING OR
2 RETAINING ELIGIBILITY FOR ASSISTANCE.

3 SECTION 6. SECTION 443.1 OF THE ACT ADDED JULY 31, 1968 <—
4 (P.L.904, NO.273) AND CLAUSE (3) AMENDED OCTOBER 26, 1972
5 (P.L.1027, NO.252), IS AMENDED TO READ:

6 SECTION 443.1. MEDICAL ASSISTANCE PAYMENTS FOR INSTITUTIONAL
7 CARE.--THE FOLLOWING MEDICAL ASSISTANCE PAYMENTS SHALL BE MADE
8 IN BEHALF OF ELIGIBLE PERSONS WHOSE INSTITUTIONAL CARE IS
9 PRESCRIBED BY PHYSICIANS:

10 (1) THE REASONABLE COST OF INPATIENT HOSPITAL CARE, AS
11 SPECIFIED BY REGULATIONS OF THE DEPARTMENT ADOPTED UNDER TITLE
12 XIX OF THE FEDERAL SOCIAL SECURITY ACT AND CERTIFIED TO THE
13 DEPARTMENT BY THE AUDITOR GENERAL[, FOR A MAXIMUM OF SIXTY DAYS
14 IN A BENEFIT PERIOD] FOR A BED PATIENT ON A CONTINUOUS TWENTY-
15 FOUR HOUR A DAY BASIS IN A MULTI BED ACCOMMODATION OF A
16 HOSPITAL, EXCLUSIVE OF A HOSPITAL OR DISTINCT PART OF A HOSPITAL
17 WHEREIN TWENTY-FIVE PERCENT OF PATIENTS REMAIN SIX MONTHS OR
18 MORE. TO BE ELIGIBLE FOR SUCH PAYMENTS A HOSPITAL MUST BE
19 QUALIFIED TO PARTICIPATE UNDER TITLE XIX OF THE FEDERAL SOCIAL
20 SECURITY ACT AND HAVE ENTERED INTO A WRITTEN AGREEMENT WITH THE
21 DEPARTMENT REGARDING MATTERS DESIGNATED BY THE SECRETARY AS
22 NECESSARY TO EFFICIENT ADMINISTRATION, SUCH AS HOSPITAL
23 UTILIZATION, MAINTENANCE OF PROPER COST ACCOUNTING RECORDS AND
24 ACCESS TO PATIENTS' RECORDS. SUCH EFFICIENT ADMINISTRATION SHALL
25 REQUIRE THE DEPARTMENT TO PERMIT PARTICIPATING HOSPITALS TO
26 UTILIZE THE SAME FISCAL INTERMEDIARY FOR THIS TITLE XIX PROGRAM
27 AS SUCH HOSPITALS USE FOR THE TITLE XVIII PROGRAM;

28 (2) THE COST OF SKILLED NURSING [HOME] AND INTERMEDIATE
29 NURSING CARE IN STATE-OWNED GERIATRIC CENTERS, [AND]
30 INSTITUTIONS FOR THE MENTALLY RETARDED, INSTITUTIONS FOR THE

1 MENTALLY ILL, AND IN COUNTY HOMES WHICH MEET THE STATE AND
2 FEDERAL REQUIREMENTS FOR PARTICIPATION UNDER TITLE XIX OF THE
3 FEDERAL SOCIAL SECURITY ACT AND WHICH ARE APPROVED BY THE
4 DEPARTMENT. THIS COST IN COUNTY HOMES SHALL BE AS SPECIFIED BY
5 THE REGULATIONS OF THE DEPARTMENT ADOPTED UNDER TITLE XIX OF THE
6 FEDERAL SOCIAL SECURITY ACT AND CERTIFIED TO THE DEPARTMENT BY
7 THE AUDITOR GENERAL; ELSEWHERE THE COST SHALL BE DETERMINED BY
8 THE DEPARTMENT;

9 (3) RATES ON A COST-RELATED BASIS ESTABLISHED BY THE
10 DEPARTMENT FOR SKILLED NURSING HOME OR INTERMEDIATE CARE IN A
11 NON-PUBLIC NURSING HOME, WHEN FURNISHED BY A NURSING HOME
12 LICENSED OR APPROVED BY THE DEPARTMENT AND QUALIFIED TO
13 PARTICIPATE UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT;

14 (4) THE COST OF CARE IN ANY MENTAL HOSPITAL OR IN A PUBLIC
15 TUBERCULOSIS HOSPITAL. TO BE ELIGIBLE FOR SUCH PAYMENTS A
16 HOSPITAL MUST BE QUALIFIED TO PARTICIPATE UNDER TITLE XIX OF THE
17 FEDERAL SOCIAL SECURITY ACT AND HAVE ENTERED INTO A WRITTEN
18 AGREEMENT WITH THE DEPARTMENT REGARDING MATTERS DESIGNATED BY
19 THE SECRETARY AS NECESSARY TO EFFICIENT ADMINISTRATION, SUCH AS
20 HOSPITAL UTILIZATION, MAINTENANCE OF PROPER COST ACCOUNTING
21 RECORDS AND ACCESS TO PATIENTS' RECORDS. CARE IN A PRIVATE
22 MENTAL HOSPITAL SHALL BE LIMITED TO SIXTY DAYS IN A BENEFIT
23 PERIOD. ONLY PERSONS AGED TWENTY-ONE YEARS OR UNDER AND AGED
24 SIXTY-FIVE YEARS OR OLDER SHALL BE ELIGIBLE FOR CARE IN A PUBLIC
25 MENTAL OR TUBERCULOSIS HOSPITAL. THIS COST SHALL BE THE
26 REASONABLE COST, AS DETERMINED BY THE DEPARTMENT FOR A STATE
27 INSTITUTION OR AS SPECIFIED BY REGULATIONS OF THE DEPARTMENT
28 ADOPTED UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AND
29 CERTIFIED TO THE DEPARTMENT BY THE AUDITOR GENERAL FOR COUNTY
30 AND NON-PUBLIC INSTITUTIONS.

SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

SECTION 443.5. PREPAYMENT FOR CONTRACTED MEDICAL SERVICES.--
FOR CATEGORICALLY NEEDY OR MEDICALLY NEEDY PERSONS ELIGIBLE FOR
MEDICAL ASSISTANCE, PREPAID CAPITATION PAYMENTS OR INSURANCE
PREMIUMS FOR SERVICES UNDER THE MEDICAL ASSISTANCE STATE PLAN
MAY BE MADE ON BEHALF OF ELIGIBLE PERSONS THROUGH COMPETITIVE
BIDDING WITH PROFIT OR NON-PROFIT CONTRACTORS, INSURERS, OR
HEALTH MAINTENANCE ORGANIZATIONS. PROFIT AND NON-PROFIT INSURERS
MUST BE APPROVED UNDER APPLICABLE STATE LAWS. PREPAID CAPITATION
OR PREMIUM PAYMENTS MADE UNDER SUCH CONTRACTS SHALL NOT EXCEED
PAYMENTS MADE TO OTHER THIRD PARTY PAYERS FOR COMPARABLE
SERVICES AND SIMILAR BENEFIT CONDITIONS. CAPITATION PAYMENTS
CHARGED FOR ANTICIPATED MEDICAL ASSISTANCE ELIGIBLE PERSONS
UNDER A CONTRACT MAY BE PREPAID BY THE COMMONWEALTH SUBJECT TO
MONTHLY, QUARTERLY, AND ANNUAL ADJUSTMENT BY THE DEPARTMENT
BASED ON ACTUAL ENROLLMENT AND FIXED CAPITATION RATES.

SECTION ~~6.~~ 7. 8. SECTIONS 451, 481, 487 AND 488 AND <—
SUBSECTIONS (A) AND (B) OF SECTION 911 OF THE ACT ARE AMENDED TO
READ:

SECTION 451. CONFORMITY WITH FEDERAL LEGISLATION.--
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT, WITH
THE APPROVAL OF THE GOVERNOR, MAY BY REGULATION GRANT [MEDICAL]
ASSISTANCE TO ANY PERSONS, MODIFY OR DISCONTINUE ANY TYPE OF
[MEDICAL] ASSISTANCE AND ESTABLISH NEW TYPES OF [MEDICAL]
ASSISTANCE IN ORDER TO INSURE RECEIPT OF FEDERAL CONTRIBUTIONS
FOR SUCH [MEDICAL] ASSISTANCE. ANY SUCH REGULATION SHALL BE VOID
AT THE END OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY HELD
DURING THE ODD-NUMBERED YEAR NEXT FOLLOWING THE ADOPTION OF THE
REGULATION.

SECTION 481. FALSE STATEMENTS; PENALTY.--(A) ANY PERSON WHO,

1 EITHER PRIOR TO, OR AT THE TIME OF, OR SUBSEQUENT TO THE
2 APPLICATION FOR ASSISTANCE, BY MEANS OF A WILFULLY FALSE
3 STATEMENT OF MISREPRESENTATION, OR BY IMPERSONATION OR OTHER
4 FRAUDULENT MEANS, SECURES, OR ATTEMPTS TO SECURE, OR AIDS OR
5 ABETS ANY PERSON IN SECURING ASSISTANCE, OR FEDERAL FOOD STAMPS,
6 UNDER THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR, AND, UPON
7 CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT
8 EXCEEDING ONE THOUSAND DOLLARS (\$1,000), OR TO UNDERGO
9 IMPRISONMENT NOT EXCEEDING ONE YEAR, OR BOTH, AND ALSO SHALL BE
10 SENTENCED TO MAKE RESTITUTION OF ANY MONEYS HE HAS RECEIVED BY
11 REASON OF ANY SUCH FALSE STATEMENT, MISREPRESENTATION,
12 IMPERSONATION, OR FRAUDULENT MEANS.

13 (B) ANY PERSON WHO, EITHER PRIOR TO OR AT THE TIME OF OR
14 SUBSEQUENT TO THE APPLICATION FOR ASSISTANCE, BY MEANS OF A
15 WILFULLY FALSE STATEMENT OR MISREPRESENTATION, OR BY
16 IMPERSONATION, OR OTHER FRAUDULENT MEANS, SECURES OR ATTEMPTS TO
17 SECURE ASSISTANCE OR FEDERAL FOOD STAMPS NOT EXCEEDING THREE
18 HUNDRED DOLLARS (\$300) UNDER THIS ARTICLE SHALL, UPON CONVICTION
19 THEREOF IN A SUMMARY PROCEEDING, BE SENTENCED TO MAKE
20 RESTITUTION OF SUCH ASSISTANCE, AND TO PAY A FINE OF NOT MORE
21 THAN TWO HUNDRED DOLLARS (\$200). [AND, IN DEFAULT OF MAKING
22 RESTITUTION AND THE PAYMENT OF THE FINE IMPOSED, TO UNDERGO
23 IMPRISONMENT NOT EXCEEDING SIXTY DAYS.] WHEN HAVING AVAILABLE
24 SUFFICIENT MEANS OR THE ABILITY TO ACQUIRE SUCH MEANS, WILFULL
25 FAILURE TO MAKE RESTITUTION AND PAY THE FINE IMPOSED SHALL
26 RESULT IN IMPRISONMENT NOT EXCEEDING SIXTY DAYS.

27 (C) THERE SHALL BE A FOUR-YEAR STATUTE OF LIMITATIONS ON ALL
28 OFFENSES UNDER THIS SECTION.

29 SECTION 487. INFORMATION TO BE SUPPLIED.--(A) EVERY BANK,
30 INDUSTRIAL BANK, CREDIT UNION, TRUST COMPANY, BANK AND TRUST

1 COMPANY, PRIVATE BANKER, AND BUILDING AND LOAN ASSOCIATION, OR
2 OTHER FINANCIAL INSTITUTIONS DOING BUSINESS IN PENNSYLVANIA,
3 SHALL, WHEN REQUESTED IN WRITING SO TO DO BY THE DEPARTMENT, OR
4 ANY COUNTY BOARD OR BY ANY OFFICIAL LEGISLATIVE INVESTIGATING
5 COMMITTEE, OR BY ANY AUTHORIZED AGENT THEREOF, DISCLOSE TO SUCH
6 DEPARTMENT, BOARD, COMMITTEE, OR AUTHORIZED AGENT, WHETHER OR
7 NOT ANY PERSON APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE, OR
8 ANY LEGALLY RESPONSIBLE RELATIVE OF SUCH APPLICANT OR RECIPIENT,
9 HAS HAD, OR HAS ANY MONEY ON DEPOSIT WITH, OR INVESTED IN, SUCH
10 BANKING INSTITUTION OR BUILDING AND LOAN ASSOCIATION WITHIN ONE
11 YEAR PRIOR TO THEIR APPLICATION FOR ASSISTANCE, OR AT ANY TIME
12 THEREAFTER, THE AMOUNT AND DATE OF SUCH DEPOSIT OR INVESTMENT,
13 AND THE AMOUNTS AND DATES OF WITHDRAWALS THEREFROM.

14 (B) EVERY EMPLOYER SHALL, WHEN REQUESTED IN WRITING SO TO DO
15 BY THE DEPARTMENT OR ANY COUNTY BOARD OR BY ANY OFFICIAL
16 LEGISLATIVE INVESTIGATING COMMITTEE, OR BY ANY AUTHORIZED AGENT
17 THEREOF, DISCLOSE TO SUCH DEPARTMENT, BOARD, COMMITTEE, OR
18 AUTHORIZED AGENT WITHIN THIRTY DAYS, WHETHER OR NOT ANY PERSON
19 APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE, OR ANY LEGALLY
20 RESPONSIBLE RELATIVE OF SUCH APPLICANT OR RECIPIENT HAS OR HAD
21 RECEIVED, OR WILL RECEIVE, ANY MONEY IN SALARY, WAGES,
22 COMMISSION, OR OTHER COMPENSATION FROM SUCH EMPLOYER, AND IF SO,
23 THE AMOUNT AND DATE OF SUCH SALARY, WAGES, COMMISSION, OR OTHER
24 COMPENSATION.

25 SECTION 488. VIOLATION; PENALTY.--ANY BANK, INDUSTRIAL BANK,
26 CREDIT UNION, TRUST COMPANY, BANK AND TRUST COMPANY, PRIVATE
27 BANKER, BUILDING AND LOAN ASSOCIATION, OR OTHER FINANCIAL
28 INSTITUTION DOING BUSINESS IN PENNSYLVANIA, OR EMPLOYER WHO OR
29 WHICH WILFULLY VIOLATES THE PROVISIONS OF SECTION 487 OF THIS
30 ACT, OR WHO OR WHICH WILFULLY MAKES ANY FALSE OR MISLEADING

1 STATEMENT IN CONNECTION WITH ANY DISCLOSURE REQUIRED BY SAID
2 SECTION, SHALL BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION
3 THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING ONE
4 THOUSAND DOLLARS (\$1000).

5 SECTION 911. VISITATION AND INSPECTION.--(A) THE DEPARTMENT <—
6 SHALL HAVE THE POWER, AND ITS DUTY SHALL BE:

7 (1) TO MAKE AND ENFORCE RULES AND REGULATIONS FOR A
8 VISITATION, EXAMINATION AND INSPECTION OF ALL SUPERVISED
9 INSTITUTIONS AND SAID VISITATION, EXAMINATION OR INSPECTION MAY
10 OCCUR BOTH BEFORE AND AFTER THE BEGINNING OF OPERATION OF THE
11 SUPERVISED FACILITY.

12 (2) TO VISIT AND INSPECT, AT LEAST ONCE IN EACH YEAR, ALL
13 STATE AND SUPERVISED INSTITUTIONS; TO INQUIRE AND EXAMINE INTO
14 THEIR METHODS OF INSTRUCTION, DISCIPLINE, DETENTION, CARE OR
15 TREATMENT, THE CARE, TREATMENT, GOVERNMENT OR MANAGEMENT OF
16 THEIR INMATES OR THOSE COMMITTED THERETO, OR BEING DETAINED,
17 TREATED OR RESIDING THEREIN, THE OFFICIAL CONDUCT OF THEIR
18 INSPECTORS, TRUSTEES, MANAGERS, DIRECTORS OR OTHER OFFICER OR
19 OFFICERS CHARGED WITH THEIR MANAGEMENT BY LAW OR OTHERWISE, OR
20 HAVING THE MANAGEMENT, CARE, CUSTODY OR CONTROL THEREOF, THE
21 BUILDINGS, GROUNDS, PREMISES, AND EQUIPMENT THEREOF, OR
22 CONNECTED THEREWITH, AND ALL AND EVERY MATTER AND THING RELATING
23 TO THEIR USEFULNESS, ADMINISTRATION, AND MANAGEMENT, AND TO THE
24 WELFARE OF THE INMATES THEREOF, OR THOSE COMMITTED THERETO OR
25 BEING DETAINED, TREATED OR RESIDING THEREIN.

26 (B) FOR THESE PURPOSES AND FOR THE PURPOSE OF DETERMINING
27 WHETHER OR NOT A FACILITY SHOULD BE SUBJECT TO THE SUPERVISION
28 OF THE DEPARTMENT IN ACCORDANCE WITH SECTION 902, THE SECRETARY,
29 OR OTHER OFFICER, INSPECTOR OR AGENT OF THE DEPARTMENT, SHALL
30 HAVE FREE AND FULL ACCESS TO THE GROUNDS, PREMISES, AND

1 BUILDINGS OF AND TO ALL THE RECORDS, BOOKS OR PAPERS OF OR
2 RELATING TO ANY SUCH STATE OR SUPERVISED INSTITUTION, AND FULL
3 OPPORTUNITY TO INTERROGATE OR INTERVIEW ANY INMATE THEREOF, OR
4 ANY PERSON OR PERSONS COMMITTED TO OR BEING DETAINED, TREATED OR
5 RESIDING THEREIN, AND ALL PERSONS CONNECTED WITH ANY SUCH STATE
6 OR SUPERVISED INSTITUTION AS OFFICERS, OR CHARGED WITH THE
7 MANAGEMENT, THEREOF, BY LAW OR OTHERWISE, OR IN ANY WAY HAVING
8 THE CARE, CUSTODY, CONTROL, OR MANAGEMENT THEREOF, OR CONNECTED
9 THEREWITH AS EMPLOYES, ARE HEREBY DIRECTED AND REQUIRED TO GIVE
10 TO THE SECRETARY, OR TO SUCH OFFICER, INSPECTOR OR AGENT OF THE
11 DEPARTMENT, SUCH MEANS, FACILITIES AND OPPORTUNITY FOR SUCH
12 VISITATION, EXAMINATION, INQUIRY AND INTERROGATION, AS IS HEREBY
13 PROVIDED AND REQUIRED, OR AS THE DEPARTMENT, BY ITS DULY
14 ORDAINED RULES OR REGULATIONS, MAY REQUIRE.

15 * * *

16 Section ~~1-7.8.~~ 9. Section 1016 OF THE act ~~of June 13, 1967~~ <—
17 ~~(P.L.31, No.21), known as the "Public Welfare Code,"~~ is amended
18 to read:

19 Section 1016. Right to Enter and Inspect.--For the purpose
20 of determining the suitability of the applicants and of the
21 premises or whether or not any premises in fact qualifies as a
22 facility as defined in section 1001 of this act or the
23 continuing conformity of the licensees to this act and to the
24 applicable regulations of the department, any authorized agent
25 of the department shall have the right to enter, visit and
26 inspect any facility licensed or requiring a license under this
27 act and shall have full and free access to the records of the
28 facility and to the individuals therein and full opportunity to
29 interview, inspect or examine such individuals.

30 An authorized agent of the department shall also confer with

1 the operators of facilities regarding the minimum standards of
2 the department, encourage the adoption of higher standards and
3 recommend methods of improving care and services.

4 SECTION ~~8. 9.~~ 10. (A) ~~SUBSECTION (B) OF SECTION~~ SECTION 3, <—
5 ACT OF JUNE 24, 1937 (P.L.2045, NO.397), KNOWN AS "THE SUPPORT
6 LAW," IS REPEALED IN SO FAR AS IT IS INCONSISTENT HEREWITH.

7 (B) ALL OTHER ACTS AND PARTS OF ACTS, GENERAL, LOCAL AND
8 SPECIAL, ARE REPEALED IN SO FAR AS THEY ARE INCONSISTENT
9 HEREWITH.

10 SECTION ~~9. 10.~~ 11. IF ANY PROVISION OF THIS ACT SHALL BE <—
11 HELD INVALID, THE REMAINDER OF THIS ACT SHALL NOT BE AFFECTED
12 THEREBY.

13 SECTION ~~10. 11.~~ 12. THIS ACT SHALL APPLY ALSO TO THOSE <—
14 FACILITIES TRANSFERRED TO THE DEPARTMENT OF HEALTH BY
15 REORGANIZATION PLAN NO. 3 OF 1975.

16 Section ~~2 11. 12.~~ 13. This act shall take effect in 60 days. <—