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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 832

Session of  
1983

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INTRODUCED BY DALEY, KASUNIC, ALDERETTE, TIGUE, BATTISTO,  
JAROLIN, PETRARCA, DeLUCA, PRESTON, MARKOSEK, WAMBACH,  
FATTAH, CARN, LINTON, KOSINSKI, RYBAK, CIMINI, BOOK, McCALL,  
COY, TRUMAN, WILLIAMS, BLAUM, CAWLEY, PISTELLA, BELFANTI,  
LEHR, MAIALE, HARPER, DAWIDA, TRELLO, GALLAGHER, STEIGHNER,  
CAPPABIANCA, CORDISCO, BALDWIN, KUKOVICH, PERZEL, WOGAN,  
SEVENTY, MORRIS, SALOOM, PETRONE AND FISCHER, APRIL 19, 1983

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 19, 1983

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AN ACT

1 Establishing a program providing for medical assistance to the  
2 aged to pay for eye examinations, eyeglasses, hearing  
3 examinations and hearing devices with lottery fund moneys.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Optical-Aural  
8 Assistance to the Aged Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Copayment." The sum to be paid by eligible claimants for  
14 ear and eye examinations, eyeglass prescriptions and hearing aid  
15 prescriptions.

16 "Department." The Department of Aging.

1 "Eligible claimant." Any single or married resident of this  
2 Commonwealth 65 years of age and over whose annual income is  
3 less than the maximum annual income established by this act, or  
4 any resident under 65 years of age who is dependent on a  
5 resident over 65 years of age whose annual income is less than  
6 the maximum annual income, if not otherwise qualified for  
7 assistance under the act of June 13, 1967 (P.L.31, No.21), known  
8 as the Public Welfare Code.

9 "Examination." An eye examination or glaucoma test conducted  
10 by a licensed optometrist or ophthalmologist, or a hearing  
11 examination conducted by a licensed audiologist or doctor  
12 specializing in the ear.

13 "Maximum annual income." A maximum figure of annual income  
14 from any source to be used by the department to determine  
15 claimant eligibility for the program. In the case of single  
16 persons, the maximum annual income shall not exceed \$7,500 when  
17 the claimant makes a copayment of \$5 for an examination or  
18 prescription under the program and shall not exceed \$12,000 when  
19 the claimant makes a \$10 copayment. In the case of married  
20 persons, the combined annual incomes shall not exceed \$10,500  
21 when the claimant makes a \$5 copayment and shall not exceed  
22 \$15,000 when the claimant makes a \$10 copayment. The maximum  
23 level of annual income shall be reviewed annually by the  
24 department and adjusted to reflect any increases in the Consumer  
25 Price Index.

26 "Prescribed device." Eyeglasses prescribed by a licensed  
27 optometrist or ophthalmologist or hearing aids prescribed by a  
28 licensed audiologist or doctor specializing in treating the ear.

29 "Program." The program of optical-aural assistance to the  
30 aged established by this act.

1 "Reasonable cost." The cost of prescribed devices or of eye  
2 and ear examinations which will be funded by this act, as  
3 determined by the department.

4 Section 3. Purpose.

5 This act hereby establishes a program in which moneys from  
6 the State Lottery Fund can be withdrawn from the fund by the  
7 department to reimburse eligible claimants in this program for  
8 expenses they have incurred and either have paid or billed to  
9 receive eye examinations, glaucoma tests, ear examinations,  
10 hearing tests, eyeglass prescriptions and hearing aid  
11 prescriptions.

12 Section 4. Initial application and annual renewal.

13 Application to participate in the program shall be made to  
14 the department which shall process applications in accordance  
15 with this act and shall promulgate regulations to enforce this  
16 act. The department shall send annual renewal notices to  
17 participants.

18 Section 5. Payments under program.

19 The program shall consist of payment by the department for  
20 the reasonable cost of eye examinations, glaucoma tests, ear  
21 examinations, hearing tests, eyeglass prescriptions and hearing  
22 aid prescriptions. At the option of the eligible claimant, as  
23 indicated on the initial and renewal application form, payments  
24 may be made to the eligible claimant upon presentation by the  
25 claimant to the department of a receipt or certified copy of a  
26 receipt for the care provided, or payments may be made directly  
27 to the care-provider upon presentation by the care-provider to  
28 the department of a bill. The department will deduct the amount  
29 of copayment to be made by the claimant from the amount  
30 reimbursed by the department. Reimbursement for eyeglasses and

1 hearing aid prescriptions will be made only if the prescribed  
2 device is American made.

3 Section 6. Notice of nonparticipation.

4 Any care-provider choosing not to participate in this program  
5 shall post a conspicuous notice of nonparticipation on its  
6 premises.

7 Section 7. Coordination of eligibility.

8 Any otherwise eligible claimant whose eye and ear care is  
9 wholly covered by any other plan of assistance or insurance  
10 shall be ineligible for assistance under this act.

11 Section 8. Funding.

12 (a) Excess lottery moneys.--Funding for the program  
13 established by this act shall be from any excess funds existing  
14 in the State Lottery Fund after payment of all obligations  
15 arising under the act of March 11, 1971 (P.L.104, No.3), known  
16 as the Senior Citizens Rebate and Assistance Act, on an annual  
17 basis.

18 (b) Appropriation.--The General Assembly may appropriate  
19 General Fund moneys to fund in whole or in part the program  
20 established by this act.

21 Section 9. Penalty for fraud.

22 (a) Care-provider fraud.--It is unlawful for any person to  
23 defraud the Commonwealth by submitting to the department bills  
24 purporting to charge for eye examinations, glaucoma tests, ear  
25 examinations, hearing tests, eyeglasses or hearing aids for  
26 eligible persons if such care was not provided to that person.

27 (b) Eligibility fraud.--It is unlawful for any person to  
28 defraud the Commonwealth by misrepresenting to the department  
29 facts pertaining to his eligibility to participate in the  
30 program or by using evidence of his eligibility to obtain

1 reimbursement for care provided to another person not eligible  
2 for the program.

3 (c) Penalty.--A person violating this section commits a  
4 summary offense and shall, upon conviction, be sentenced to pay  
5 a fine of \$100 for each violation. Fines collected shall become  
6 part of the General Fund and shall be designated for use in this  
7 program.

8 Section 10. Effective date.

9 This act shall take effect July 1, 1983.