

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1251 Session of  
1989

INTRODUCED BY RICHARDSON, PISTELLA, LINTON, CAWLEY, ACOSTA,  
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DOMBROWSKI AND VEON, APRIL 19, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 19, 1989

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 needy persons in relation to medical assistance.

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

7 Section 1. Section 432(3) of the act of June 13, 1967  
8 (P.L.31, No.21), known as the Public Welfare Code, amended April  
9 8, 1982 (P.L.231, No.75), is amended to read:

10 Section 432. Eligibility.--Except as hereinafter otherwise  
11 provided, and subject to the rules, regulations, and standards  
12 established by the department, both as to eligibility for  
13 assistance and as to its nature and extent, needy persons of the  
14 classes defined in clauses (1), (2), and (3) shall be eligible  
15 for assistance:

16 \* \* \*

17 (3) Other persons who are citizens of the United States, or  
18 legally admitted aliens and who are chronically needy or

1 transitionally needy persons.

2 (i) Chronically needy persons are those persons chronically  
3 in need who may be eligible for an indeterminate period as a  
4 result of medical, social or related circumstances and shall be  
5 limited to:

6 (A) A child who is under age eighteen or who is attending a  
7 secondary or equivalent vocational or technical school full-time  
8 and may reasonably be expected to complete the program before  
9 reaching age nineteen.

10 (B) A person who is over forty-five years of age.

11 (C) A person who has a serious physical or mental handicap  
12 which prevents him or her from working in any substantial  
13 gainful activity as determined in accordance with standards  
14 established by the department. The department may require that  
15 documentation of disability be submitted from a physician or  
16 psychologist. The department may also order at the department's  
17 expense a person to submit to an independent examination as a  
18 condition of receiving assistance under this clause. The  
19 department shall determine eligibility within thirty days from  
20 the date of application. Persons discharged from mental  
21 institutions and persons needing health-sustaining or life-  
22 sustaining medication shall be classified as chronically needy  
23 in accordance with department regulations.

24 (D) A person who is a caretaker. This category of persons  
25 shall include persons whose presence is required in the home to  
26 care for another person as determined in accordance with  
27 department regulations.

28 (E) A person suffering from drug or alcohol abuse who is  
29 currently undergoing active treatment in an approved program. No  
30 individual shall qualify as chronically needy under this clause

1 for more than nine months.

2 (F) A person who is employed full-time and who does not have  
3 earnings in excess of current grant levels.

4 (G) Any person who is ineligible for unemployment  
5 compensation and whose income falls below the assistance  
6 allowance level as a result of a natural disaster as determined  
7 by the department.

8 (H) Any person who has previously been employed full time  
9 for at least forty-eight months out of the previous eight years  
10 and has exhausted his or her unemployment compensation benefits  
11 prior to applying for assistance.

12 (I) Any person who does not otherwise qualify as chronically  
13 needy, and who is receiving general assistance on the date this  
14 section is enacted into law and who has not refused a bona fide  
15 job offer or otherwise failed to comply with all employment  
16 requirements of this act and regulations promulgated thereunder.  
17 Such person must comply with all employment requirements of this  
18 act and regulations promulgated thereunder. If after the date  
19 this section is enacted into law a person's general assistance  
20 grants are terminated, then that person may not subsequently  
21 qualify for general assistance under this clause except when  
22 such person has been terminated from employment through no fault  
23 of his own and has not met the minimum credit week  
24 qualifications of the act of December 5, 1936 (2nd Sp.Sess.,  
25 1937 P.L.2897, No.1), known as the "Unemployment Compensation  
26 Law." If it is determined that the classification of persons  
27 according to their status on the date of enactment as provided  
28 in this clause is invalid, then the remainder of this act shall  
29 be given full force and effect as if this clause had been  
30 omitted from this act, and individuals defined in this clause

1 shall be considered transitionally needy if otherwise eligible.  
2 No person shall qualify for general assistance under this clause  
3 after December 31, 1982.

4 (ii) Assistance for chronically needy persons shall continue  
5 as long as the person remains eligible. Redeterminations shall  
6 be conducted on at least an annual basis and persons capable of  
7 work, even though otherwise eligible for assistance to the  
8 chronically needy, would be required to register for employment  
9 and accept employment if offered as a condition of eligibility  
10 except as otherwise exempt under section 405.1.

11 (iii) Transitionally needy persons are those persons who are  
12 otherwise eligible for general assistance but do not qualify as  
13 chronically needy. Assistance for transitionally needy persons  
14 shall be authorized only once in any twelve-month period in an  
15 amount not to exceed the amount of ninety days' assistance.

16 \* \* \*

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

19 Section 441.1. Persons Eligible for Medical Assistance.--(a)  
20 The following persons shall be eligible for medical assistance:

21 (1) Persons who receive or are eligible to receive cash  
22 assistance grants under this article;

23 (2) Persons who meet the eligibility requirements of this  
24 article for cash assistance grants except for citizenship,  
25 durational residence and any eligibility condition or other  
26 requirement for cash assistance which is prohibited under Title  
27 XIX of the Federal Social Security Act; and

28 (3) The medically needy.

29 (b) Transitionally needy persons who are not eligible for  
30 cash assistance by reason of section 432.(3)(iii) shall be

1 eligible for medical assistance benefits as if they were  
2 receiving cash benefits.

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

5 Section 442.1. The Medically Needy; Determination of  
6 Eligibility.--A person shall be considered medically needy if  
7 he:

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

10 (2) Meets the standards of financial eligibility established  
11 by the department with the approval of the Governor. In  
12 establishing these standards the department shall take into  
13 account (i) the funds certified by the Budget Secretary as  
14 available for medical assistance for the medically needy; (ii)  
15 pertinent Federal legislation and regulations; and (iii) the  
16 cost of living. [Transitionally needy persons who are not  
17 eligible for cash assistance by reason of section 432(3)(iii)  
18 shall be considered medically needy if otherwise eligible.]

19 Section 4. This act shall take effect in 60 days.