

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1391

Session of
1993

INTRODUCED BY RICHARDSON, EVANS, DeWEESE, HUGHES, RITTER, JAMES, CALTAGIRONE, TRICH, ROBINSON, PETRONE, CAWLEY, ITKIN, BISHOP, M. COHEN, OLIVER, COWELL, ROEBUCK, CARN, KELLER, THOMAS, WILLIAMS, MANDERINO, ACOSTA, DALEY, STURLA, BEBKO-JONES, CURRY, KUKOVICH, KIRKLAND AND PESCI, APRIL 21, 1993

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 28, 1993

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," providing for the New
4 Directions Jobs Program; CREATING THE ASSISTANCE RECIPIENT
5 IDENTIFICATION PROGRAM; and further providing for eligibility
6 and for medical assistance. <—

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

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
10 as the Public Welfare Code, is amended by adding a section to
11 read:

12 Section 405.3. New Directions Jobs Program.--The department
13 shall draw down the maximum available Federal dollars for its
14 New Directions Jobs Program to maximize the employment training
15 and job placement potential of all employable welfare
16 recipients. To that end for fiscal year 1993-1994, the
17 department shall solicit voluntary donations from eligible New
18 Directions contracting agencies as a match to draw down the

1 maximum available Federal funds.

2 Section 2. Section 408 of the act, amended April 8, 1982
3 (P.L.231, No.75), is amended to read:

4 Section 408. Meeting Special Needs; Encouraging Self-Support
5 and Employment.--(a) The department shall take measures not
6 inconsistent with the purposes of this article; and when other
7 funds or facilities for such purposes are inadequate or
8 unavailable to provide for special needs of individuals eligible
9 for assistance; to relieve suffering and distress arising from
10 handicaps and infirmities; to promote their rehabilitation; to
11 help them if possible to become self-dependent; and, to
12 cooperate to the fullest extent with other public agencies
13 empowered by law to provide vocational training, rehabilitative
14 or similar services.

15 (b) For the purpose of increasing Federal funding and
16 facilitating health in children, preventing malnutrition, low
17 birth weight and infant mortality, and providing nutritious
18 foods for infants, children, pregnant women and nursing mothers,
19 the department shall designate State supplemental Women Infants
20 and Children (WIC) benefits as a Special Need Item for persons
21 eligible for Federally funded categories of cash assistance.

22 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

23 SECTION 414. ASSISTANCE RECIPIENT IDENTIFICATION PROGRAM.--

24 (A) THERE IS HEREBY CREATED A PILOT PROGRAM WITHIN THE
25 DEPARTMENT TO BE KNOWN AS THE ASSISTANCE RECIPIENT
26 IDENTIFICATION PROGRAM.

27 (B) THE PURPOSE OF THE PROGRAM IS TO ELIMINATE DUPLICATION
28 OF ASSISTANCE TO RECIPIENTS.

29 (C) THE DEPARTMENT SHALL SELECT THREE COUNTIES IN THIS
30 COMMONWEALTH REPRESENTING RURAL, SUBURBAN AND URBAN AREAS TO

1 PARTICIPATE IN THIS PROGRAM.

2 (D) A PERSON CURRENTLY RECEIVING OR APPLYING FOR ASSISTANCE
3 SHALL PARTICIPATE IN THE PROGRAM. THE PERSON SHALL BE
4 FINGERPRINTED AND PHOTO IDENTIFIED.

5 (E) IT IS A VIOLATION FOR A PERSON IN THE PROGRAM TO ACQUIRE
6 OR ATTEMPT TO ACQUIRE DUPLICATION OF ASSISTANCE.

7 (F) ABSENT A COURT ORDER, ONLY THE COMMONWEALTH SHALL HAVE
8 ACCESS TO RECORDS UNDER THIS PROGRAM.

9 (G) THE DEPARTMENT SHALL MAKE A REPORT TO THE GENERAL
10 ASSEMBLY ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT. THE
11 REPORT SHALL INCLUDE CASELOAD DATA BEFORE IMPLEMENTATION OF THIS
12 SECTION AS WELL AS AFTER ONE YEAR FOR COMPARISON PURPOSES TO
13 JUDGE THE PROGRAM'S EFFECTIVENESS AT FRAUD DETERRENCE.

14 (H) AS USED IN THIS SECTION, "PROGRAM" SHALL MEAN THE
15 ASSISTANCE RECIPIENT IDENTIFICATION PROGRAM.

16 (I) THIS SECTION SHALL EXPIRE ONE YEAR AFTER THE EFFECTIVE
17 DATE OF THIS ACT.

18 Section 3 4. Section 432.21 of the act is amended by adding <—
19 subsections to read:

20 Section 432.21. Requirement that Certain Federal Benefits be
21 Primary Sources of Assistance.--* * *

22 (c) The department shall institute steps to identify any
23 recipients and applicants for assistance who may be eligible for
24 Social Security Survivor's benefits and shall provide assistance
25 to them in applying for and obtaining said benefits, including,
26 but not limited to, informing recipients and applicants of the
27 eligibility standards for Social Security Survivor's benefits,
28 helping them complete Social Security application forms and
29 helping them obtain records establishing paternity.

30 (d) The department shall institute steps to aid recipients

1 or applicants for assistance who are users of mental health and
2 mental retardation (MH/MR) services, beginning with high users
3 of services, to apply for and receive Federal Supplemental
4 Security Income (SSI) and Federal Social Security Retirement,
5 Survivor's and Disability Income benefits (RSDI). In furtherance
6 of this end, the department shall:

7 (1) offer incentives, financial and otherwise, to providers
8 of MH/MR services, including hospitals and community-based
9 mental health/mental retardation centers, to assist their
10 patients in applying for SSI and RSDI and to provide medical
11 records and reports to support said applications;

12 (2) require each MH/MR center to designate a public benefits
13 counselor to coordinate efforts to obtain SSI and RSDI for
14 patients of the center and to serve as a liaison with the
15 department's Disability Advocacy Program (DAP) workers and with
16 the Social Security Administration, including the State Bureau
17 of Disability Determinations under Federal contract, to do
18 disability evaluations; and

19 (3) require all providers of mental health and mental
20 retardation services to refer any denials of SSI and RSDI to the
21 DAP.

22 Section 4 5. Section 443.3 of the act, amended November 28, <—
23 1973 (P.L.364, No.128), is amended to read:

24 Section 443.3. Other Medical Assistance Payments.--(a)
25 Payments on behalf of eligible persons shall be made for other
26 services, as follows:

27 (1) Rates established by the department for outpatient
28 services as specified by regulations of the department adopted
29 under Title XIX of the Federal Social Security Act consisting of
30 preventive, diagnostic, therapeutic, rehabilitative or

1 palliative services; furnished by or under the direction of a
2 physician, chiropractor or podiatrist, by a hospital or
3 outpatient clinic which qualifies to participate under Title XIX
4 of the Federal Social Security Act, to a patient to whom such
5 hospital or outpatient clinic does not furnish room, board and
6 professional services on a continuous, twenty-four hour a day
7 basis.

8 (2) Rates established by the department for (i) other
9 laboratory and X-ray services prescribed by a physician,
10 chiropractor or podiatrist and furnished by a facility other
11 than a hospital which is qualified to participate under Title
12 XIX of the Federal Social Security Act, (ii) physician's
13 services consisting of professional care by a physician,
14 chiropractor or podiatrist in his office, the patient's home, a
15 hospital, a nursing home or elsewhere, (iii) the first three
16 pints of whole blood, (iv) remedial eye care, as provided in
17 Article VIII consisting of medical or surgical care and aids and
18 services and other vision care provided by a physician skilled
19 in diseases of the eye or by an optometrist which are not
20 otherwise available under this Article, (v) special medical
21 services for school children, as provided in the Public School
22 Code of 1949, consisting of medical, dental, vision care
23 provided by a physician skilled in diseases of the eye or by an
24 optometrist or surgical care and aids and services which are not
25 otherwise available under this article.

26 (b) As used in subsection (a)(2)(v), special medical
27 services shall also include supplemental food, prescribed by a
28 physician for children, infants, pregnant women and nursing
29 mothers, available under the State supplemental WIC
30 appropriation.

1 Section ~~5~~ 6. The act is amended by adding a section to read: <—

2 Section 443.7. Facilitating Access of Elderly to Medical
3 Assistance.--(a) In order to facilitate access of elderly
4 persons eligible for medical assistance and to insure that
5 elderly persons make use of medical assistance to pay for their
6 prescribed medications instead of the State-funded prescription
7 program under Chapter 3 of the act of August 14, 1991 (P.L.342,
8 No.36), known as the "Lottery Fund Preservation Act" (PACE), the
9 department shall "outstation" staff at senior citizens' centers
10 and similar providers of services to the elderly for the taking
11 of Medicaid applications and enrollment in the department's
12 Healthy Horizons program for needy elderly persons eligible for
13 medical assistance. To the extent feasible, the department shall
14 coordinate such efforts with the Department of Aging, so that
15 medical assistance applications and PACE applications can be
16 taken together by the same workers, whether these be employees of
17 the Department of Public Welfare or the Department of Aging.

18 (b) Both the Department of Public Welfare and the Department
19 of Aging shall coordinate policies and take steps, including the
20 outstationing of medical assistance application staff at senior
21 citizens' centers, to insure that eligible elderly persons
22 always receive medical assistance for prescriptions before PACE
23 program funding is utilized.

24 Section ~~6~~ 7. (a) Within 60 days of the effective date of <—
25 this act, the Department of Public Welfare shall review all of
26 its health care related programs and report to the General
27 Assembly and the Secretary of the Budget all programs or parts
28 of programs for which funding contributions may be available
29 through Federal participation in the medical assistance program
30 or other non-State sources. This report shall include the

1 actions planned to make use of these additional funding sources.

2 (b) Within 30 days of receipt of the reports described in
3 subsection (a), the Secretary of the Budget shall report to the
4 General Assembly the progress made in acquiring additional
5 funding from the sources identified in subsection (a).

6 Section 7 8. This act shall take effect in 60 days.

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