

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 390 Session of 2005

INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS, CALTAGIRONE, TIGUE,
BUXTON AND DALEY, FEBRUARY 9, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 9, 2005

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 administration of assistance and for additional services for
5 medically needy recipients; and abrogating a regulation.

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

8 Section 1. Section 403(b) of the act of June 13, 1967
9 (P.L.31, No.21), known as the Public Welfare Code, amended May
10 16, 1996 (P.L.175, No.35), is amended to read:

11 Section 403. Uniformity in Administration of Assistance;
12 Regulations as to Assistance.--* * *

13 (b) The department shall establish rules, regulations and
14 standards, consistent with the law, as to eligibility for
15 assistance and as to its nature and extent. The department is
16 authorized to seek waivers from the Federal Government to
17 enhance consistency between Federal program standards,
18 requirements or procedures. This shall not be interpreted to
19 require the department to seek waivers to achieve consistency

1 among standards, requirements or procedures in Federal programs,
2 except as specifically required under other provisions in this
3 article. Whenever possible, except for residency requirements
4 for general assistance, and consistent with State law, the
5 department shall establish rules, regulations and standards for
6 general assistance consistent with those established for aid to
7 families with dependent children. In no instance shall the
8 rules, regulations and standards established for general
9 assistance provide for assistance greater than that provided for
10 aid to families with dependent children. If three or more
11 general assistance recipients reside together in the same
12 household, their income eligibility and cash assistance shall be
13 no greater than income eligibility and cash assistance from aid
14 to families with dependent children for a household of the same
15 size. Regulations under this subsection shall provide for a
16 personal needs allowance deduction of fifty dollars (\$50) from
17 the gross income of an individual eligible for medical
18 assistance. The secretary or a written designee is the only
19 person authorized to adopt regulations, orders, or standards of
20 general application to implement, interpret, or make specific
21 the law administered by the department. The secretary shall
22 issue interim regulations whenever changes in Federal laws and
23 regulations supersede existing statutes. In adopting
24 regulations, orders, or standards of general application, the
25 secretary shall strive for clarity of language which may be
26 readily understood by those administering assistance and by
27 those who apply for or receive assistance. For the purpose of
28 this subsection, the term "household" does not include single-
29 room occupancy residences, rooming houses, nonprofit residential
30 programs or personal care facilities receiving charitable

1 funding or Federal, State or local government funding.

2 * * *

3 Section 2. Section 442.2 of the act, added June 16, 1994
4 (P.L.319, No.49), is amended to read:

5 Section 442.2. Additional Services for Certain Medically
6 Needy Recipients.--In addition to other services provided to the
7 medically needy:

8 (1) Persons who receive or are eligible for chronically
9 needy general assistance pursuant to section 432(3)(i) shall
10 receive coverage for prescribed medications.

11 (2) Recipients in general assistance-related categories
12 whose benefits are funded at least in part by the Federal
13 Government may receive such additional medical benefits as are
14 federally funded. The department shall publish notice of such
15 additional services in the Pennsylvania Bulletin.

16 (3) Persons who are eligible for public assistance shall be
17 eligible for a hearing aid sold in accordance with section 403
18 of the act of November 24, 1976 (P.L.1182, No.262), known as the
19 "Hearing Aid Sales Registration Law."

20 Section 3. The provisions of 55 Pa. Code § 181.452(d)(1)(i)
21 are abrogated.

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