

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 294 Session of 2009

INTRODUCED BY REED, ADOLPH, BAKER, BARRAR, BEAR, BELFANTI, BENNINGHOFF, BEYER, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, DENLINGER, J. EVANS, EVERETT, FAIRCHILD, FLECK, GEIST, GIBBONS, GODSHALL, GOODMAN, GRELL, GROVE, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER, MAJOR, MARSICO, METCALFE, MILLARD, MILLER, MOUL, MUSTIO, O'NEILL, PAYNE, PETRI, PICKETT, PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROCK, ROHRER, SCAVELLO, SONNEY, STERN, STEVENSON, SWANGER, TRUE, TURZAI, VULAKOVICH AND WATSON, FEBRUARY 6, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, FEBRUARY 6, 2009

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," repealing Assistance  
4 Recipient Identification Program provisions; providing for  
5 fingerimaging system and for fraud detection system; and  
6 making editorial changes.

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

9 Section 1. Section 414 of the act of June 13, 1967 (P.L.31,  
10 No.21), known as the Public Welfare Code, amended June 30, 1995  
11 (P.L.129, No.20), is repealed:

12 [Section 414. Assistance Recipient Identification Program.--

13 (a) The department is authorized to create, in geographic areas  
14 where the department determines it to be cost effective, a  
15 program to be known as the Assistance Recipient Identification  
16 Program.

1 (b) The purpose of the program is to eliminate duplication  
2 of assistance to recipients, to deter fraud and to assist law  
3 enforcement officials in their duties.

4 (d) A person currently receiving or applying for assistance  
5 shall participate in the program. The person shall be identified  
6 using available technological means that may include, but are  
7 not limited to, two-digit fingerimaging.

8 (e) The department, wherever feasible, shall work with  
9 neighboring states to execute agreements between each of those  
10 states and the Commonwealth to implement compatible computer  
11 cross-matching identification systems.

12 (f) It is a violation for a person in the program to acquire  
13 or attempt to acquire duplication of assistance.

14 (g) Absent a court order, only the department, the  
15 Pennsylvania State Police and the Pennsylvania Board of  
16 Probation and Parole, the chief of a local municipal police  
17 department or his designee within the department, including the  
18 sheriff's office in counties of the second class, and the  
19 designated officials of neighboring states with whom the  
20 department executes agreements under subsection (e) shall have  
21 access to records under this program.

22 (h) The department shall make a report to the General  
23 Assembly no later than March 1, 1996, and every two years  
24 thereafter. Each report shall include:

25 (1) Caseload data before implementation of this section as  
26 well as after one year for comparison purposes to judge the  
27 program's effectiveness at fraud deterrence.

28 (2) Attempts at and instances of multiple enrollment by  
29 persons.

30 (3) Analysis of the cost-effectiveness of the project.

1 (4) Recommendations regarding whether the program should be  
2 discontinued, expanded or otherwise modified.

3 (i) As used in this section, the term "program" means the  
4 Assistance Recipient Identification Program.]

5 Section 2. The act is amended by adding sections to read:

6 Section 414.1. Fingerimaging System.--(a) The department  
7 shall create and utilize a fingerimaging system to identify  
8 applicants for and recipients of assistance in order to  
9 eliminate duplication of assistance, to deter fraud and to  
10 assist law enforcement officials in their duties. The system may  
11 include other technological means of identification.

12 (b) The department may develop a competitive request for  
13 proposals for a fingerimaging system and may contract with a  
14 firm the department certifies as able to design and implement  
15 such a system.

16 (c) An applicant and a recipient eighteen years of age or  
17 older shall participate in the fingerimaging system as a  
18 condition of applying for or receiving assistance. The  
19 department shall notify an applicant or recipient who turns  
20 eighteen years of age of the requirement of this subsection.

21 (d) The department shall work with neighboring states to  
22 execute agreements to implement fingerimaging and other  
23 identification systems and to share such information.

24 (e) An applicant shall be notified at the time of  
25 application of the requirements of this section. An applicant  
26 and a recipient shall be notified that it is unlawful for an  
27 individual to acquire or attempt to acquire duplication of  
28 assistance.

29 (f) Fingerimaging may not be used for any other purposes  
30 than to determine eligibility for assistance and to identify

1 fraud and may not be admitted in any civil matter.

2 (g) An individual who knowingly or intentionally makes an  
3 unauthorized disclosure or obtains information from an  
4 unauthorized disclosure commits a misdemeanor of the third  
5 degree.

6 (h) In the case of suspected fraud, manual verification of  
7 an applicant's or recipient's fingerprints shall be conducted by  
8 a person qualified to conduct such verification. Manual  
9 verification and a hearing shall be required before a sanction  
10 may be imposed.

11 (i) The department shall conduct periodic audits to ensure  
12 records maintained as part of the fingerimaging system are  
13 accurate and complete, that no unauthorized disclosures have  
14 been made, that effective software and hardware designs have  
15 been instituted, that security is maintained to prevent  
16 unauthorized access and that procedures are in place to permit  
17 the timely review of records by applicants, recipients and  
18 entities set forth in subsection (j).

19 (j) Absent a court order, only the department, the  
20 Pennsylvania State Police, the Pennsylvania Board of Probation  
21 and Parole, the chief of a local municipal police department or  
22 designee within the department, including the sheriff's office  
23 in counties of the second class, and the designated officials of  
24 neighboring states with whom the department executes agreements  
25 under subsection (d) shall have access to records in the system.

26 (k) No later than one year after the effective date of this  
27 section and every year thereafter, the department shall provide  
28 a written report to the Governor, the General Assembly and the  
29 Inspector General. Each report shall include:

30 (1) A comparison of caseload data before and after

1 implementation of the fingerimaging system.

2 (2) Attempts at and instances of multiple enrollment by  
3 applicants and recipients.

4 (3) Analysis of the cost-effectiveness of the system,  
5 including whether a competitive bid process was utilized.

6 (4) Recommendations to improve the system.

7 Section 422.1. Fraud Detection System.--Within one year of  
8 the effective date of this section, a county board shall  
9 establish procedures to identify, investigate and resolve  
10 potential cases of fraud, misrepresentation or inadequate  
11 documentation prior to determining an applicant's eligibility  
12 for assistance. Each county board shall submit to the department  
13 a plan describing its antifraud procedures. The plan must be  
14 systematic and ensure that every case is reviewed. Further, the  
15 review must include utilization of the fingerimaging system  
16 established in section 414.1.

17 Section 3. Section 432(9) of the act, amended May 16, 1996  
18 (P.L.175, No.35), is amended to read:

19 Section 432. Eligibility.--Except as hereinafter otherwise  
20 provided, and subject to the rules, regulations, and standards  
21 established by the department, both as to eligibility for  
22 assistance and as to its nature and extent, needy persons of the  
23 classes defined in clauses (1), (2), and (3) shall be eligible  
24 for assistance:

25 \* \* \*

26 (9) Assistance may not be granted to any person who has been  
27 sentenced for a felony or misdemeanor offense and who has not  
28 otherwise satisfied the penalty imposed on that person by law.  
29 Notwithstanding any provisions in 18 Pa.C.S. Ch. 91 (relating to  
30 criminal history record information), the cooperative agreements

provided for in this clause shall provide the department with access to the central repository within the Pennsylvania State Police in order to carry out the objectives of this section. The Pennsylvania State Police and the Pennsylvania Board of Probation and Parole shall have access to the records of the [Assistance Recipient Identification Program] fingerimaging system under section [414] 414.1 within the department in order to carry out the objectives of section [414] 414.1. For cash assistance applicants and recipients, the department shall enter into cooperative agreements with the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole to ensure that no cash assistance is granted to a person who has been sentenced for a felony or misdemeanor offense. For this purpose, the department may access and provide information available pursuant to section [414] 414.1. As used in this clause, "satisfied the penalty" means completed the period of incarceration or extension thereof and paid all fines, costs and restitution. Nothing in this clause shall be deemed to exclude from cash assistance any person who has been paroled from a term of imprisonment, or any person who is in compliance with all terms of probation, and who has made either full payment of all fines, costs and restitution or is in compliance with an approved payment plan.

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Section 4. This act shall take effect immediately.