

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 890 Session of 2019

INTRODUCED BY MENSCH, SCARNATI, J. WARD, ARGALL, PITTMAN, MASTRIANO, STEFANO, COSTA, BOSCOLA, COLLETT, BLAKE, KEARNEY, LEACH, BREWSTER, YUDICHAK, BARTOLOTTA, BAKER, K. WARD, YAW, IOVINO AND HUTCHINSON, OCTOBER 8, 2019

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, JUNE 23, 2020

AN ACT

1 Amending the act of June 26, 2001 (P.L.755, No.77), entitled "An
2 act establishing a special fund and account for money
3 received by the Commonwealth from the Master Settlement
4 Agreement with tobacco manufacturers; providing for home and
5 community-based care, for tobacco use prevention and
6 cessation efforts, for Commonwealth universal research
7 enhancement, for hospital uncompensated care, for health
8 investment insurance, for medical assistance for workers with
9 disabilities, for regional biotechnology research centers,
10 for the HealthLink Program, for community-based health care
11 assistance programs, for PACE reinstatement and PACENET
12 expansion, for medical education loan assistance and for
13 percentage allocation and appropriation of moneys," in
14 medical assistance for workers with disabilities, further
15 providing for definitions and for medical assistance benefits
16 for workers with disabilities and workers with medically
17 improved disabilities.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 ~~Section 1. Section 1502 of the act of June 26, 2001~~ <--
21 ~~(P.L.755, No.77), known as the Tobacco Settlement Act, is~~
22 ~~amended by adding a definition to read:~~

23 SECTION 1. THE DEFINITIONS OF "WORKER WITH A DISABILITY" AND <--
24 "WORKER WITH A MEDICALLY IMPROVED DISABILITY" IN SECTION 1502 OF

1 THE ACT OF JUNE 26, 2001 (P.L.755, NO.77), KNOWN AS THE TOBACCO  
2 SETTLEMENT ACT, ARE AMENDED AND THE SECTION IS AMENDED BY ADDING  
3 A DEFINITION TO READ:

4 Section 1502. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 \* \* \*

9 "WORKER WITH A DISABILITY." AN INDIVIDUAL WHO MEETS ALL OF <--  
10 THE FOLLOWING:

11 (1) IS AT LEAST 16 YEARS OF AGE [BUT LESS THAN 65 YEARS  
12 OF AGE] AND MEETS AGE REQUIREMENTS AS ESTABLISHED UNDER  
13 APPLICABLE FEDERAL LAW;

14 (2) IS EMPLOYED AND RECEIVING COMPENSATION;

15 (3) IS ELIGIBLE TO RECEIVE SUPPLEMENTAL SECURITY INCOME  
16 EXCEPT FOR EARNINGS AND RESOURCES THAT EXCEED THE LIMIT  
17 ESTABLISHED IN SECTION 1905 OF THE SOCIAL SECURITY ACT (49  
18 STAT. 620, 42 U.S.C. § 1396D(Q) (2) (B));

19 (4) HAS MONTHLY INCOME BELOW 250% OF THE FEDERAL POVERTY  
20 INCOME GUIDELINES; AND

21 (5) HAS COUNTABLE RESOURCES EQUAL TO OR LESS THAN  
22 \$10,000.

23 "WORKER WITH A MEDICALLY IMPROVED DISABILITY." AN INDIVIDUAL  
24 WHO MEETS ALL OF THE FOLLOWING:

25 (1) IS AT LEAST 16 YEARS OF AGE [BUT LESS THAN 65 YEARS  
26 OF AGE] AND MEETS AGE REQUIREMENTS AS ESTABLISHED UNDER  
27 APPLICABLE FEDERAL LAW;

28 (2) IS EMPLOYED AT LEAST 40 HOURS PER MONTH AND IS  
29 EARNING AT LEAST THE APPLICABLE MINIMUM WAGE UNDER SECTION 6  
30 OF THE FAIR LABOR STANDARDS ACT OF 1938 (52 STAT. 1060, 29

1 U.S.C. § 206);

2 (3) WAS PREVIOUSLY A WORKER WITH A DISABILITY AND  
3 PARTICIPATED IN MEDICAL ASSISTANCE;

4 (4) HAS MONTHLY INCOME BELOW 250% OF THE FEDERAL POVERTY  
5 INCOME GUIDELINES; AND

6 (5) HAS COUNTABLE RESOURCES EQUAL TO OR LESS THAN  
7 \$10,000.

8 "Worker with job success." An individual who meets all of  
9 the following:

10 (1) is at least 16 years of age but less than 65 years <--  
11 of age; AND MEETS AGE REQUIREMENTS AS ESTABLISHED UNDER <--  
12 FEDERAL LAW;

13 (2) is earning at least the minimum wage under section 6  
14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29  
15 U.S.C. § 206);

16 (3) was previously a worker with a disability and <--  
17 participated in medical assistance for at least one year;

18 (4) has monthly income that is less than 400% of the  
19 Federal poverty income guidelines during fiscal years 2019-  
20 2020 and 2020-2021, less than 500% of the Federal poverty  
21 income guidelines during fiscal years 2021-2022 and 2022-2023  
22 and less than 600% of the Federal poverty income guidelines  
23 in fiscal years 2023-2024 and thereafter; and

24 (3) HAS PARTICIPATED IN A MEDICAL ASSISTANCE FOR WORKERS <--  
25 WITH DISABILITIES CATEGORY OR A MEDICAL ASSISTANCE FOR  
26 WORKERS WITH MEDICALLY IMPROVED DISABILITIES CATEGORY FOR THE  
27 PREVIOUS 12 CONSECUTIVE MONTHS;

28 (4) HAS MONTHLY INCOME THAT IS MORE THAN 250% OF THE  
29 FEDERAL POVERTY INCOME GUIDELINES AND LESS THAN 600% OF THE  
30 FEDERAL POVERTY INCOME GUIDELINES; AND

1           (5) may have countable assets in excess of \$10,000 that  
2           have been developed since the individual's initial  
3           eligibility under this subsection.

4           Section 2. Section 1503 of the act is amended to read:

5           Section 1503. Medical assistance benefits for workers with  
6                   disabilities [and] workers with medically improved  
7                   disabilities and workers with job success.

8           (a) Program establishment.--There is established in the  
9           department a medical assistance purchase program for workers  
10           with disabilities [and] workers with medically improved  
11           disabilities and workers with job success. Appropriations to the  
12           department from [the fund] all sources of funds for the program  
13           shall be used by the department to provide medical assistance to  
14           a worker with a disability [or] a worker with a medically  
15           improved disability or a worker with job success.

16           (b) Worker with a disability [or] worker with a medically  
17           improved disability or worker with job success  
18           responsibilities.--[A worker with a disability or a worker with  
19           a medically improved disability seeking to purchase medical  
20           assistance benefits shall:

21                   (1) Pay to the department or its designee 5% of the  
22                   worker's monthly income in a manner to be determined by the  
23                   department.

24                   (2) Notify the department or its designee of any change  
25                   in the worker's monthly income in a manner to be determined  
26                   by the department.

27                   (3) Failure of a worker with a disability or a worker  
28                   with a medically improved disability to make payments in  
29                   accordance with paragraph (1) will result in the termination  
30                   of medical assistance coverage.]

1           (1) A worker with a disability or a worker with a  
2 medically improved disability seeking to purchase medical  
3 assistance benefits shall pay to the department or its  
4 designee 5% of the worker's monthly income in a manner to be  
5 determined by the department. Failure of a worker with a  
6 disability or a worker with a medically improved disability  
7 to make payments in accordance with this paragraph shall  
8 result in the termination of medical assistance coverage.

9           (2) A worker with job success seeking to purchase  
10 medical assistance benefits shall pay to the department or  
11 its designee 7.5% of the worker's monthly income in a manner  
12 to be determined by the department. Failure of a worker with  
13 job success to make payments in accordance with this  
14 paragraph shall result in the termination of medical  
15 assistance coverage.

16           (3) A worker with a disability, a worker with a  
17 medically improved disability or a worker with job success  
18 shall notify the department or its designee of any change in  
19 the worker's monthly income in a manner to be determined by  
20 the department.

21           (b.1) Payment.--A worker with job success WHO PARTICIPATES <--  
22 IN MEDICAL ASSISTANCE FOR WORKERS WITH DISABILITIES with income  
23 at or above \$75,000 compounded by the cost-of-living increases  
24 granted by the Federal Government under the Social Security  
25 program annually since the year 2000 seeking to purchase medical  
26 assistance benefits shall pay to the department or its designee  
27 100% of the Commonwealth's average cost of the medical  
28 assistance for workers with disabilities program.

29           (b.2) Determination of eligibility.--The income and assets <--  
30 of a spouse or dependent of a worker with medical assistance for

~~workers with a disability shall not be included in the  
determination of eligibility for the purchase of medical  
assistance benefits. Assets developed by a medical assistance  
for workers with disabilities enrollee WHO WAS made eligible  
under the job success category during the worker's participation  
in the medical assistance for workers with disabilities program  
will not be counted in the determination of eligibility for the  
medical assistance for workers with disabilities program under  
IF THE ENROLLEE LOSES ELIGIBILITY IN the job success category.~~

(c) Provision of benefits.--Upon receipt of a worker's payment under subsection (b)(1), the department or its designee shall provide to the worker medical assistance benefits at the categorically needy level as defined by the department.

(d) Department responsibilities.--The department shall:

(1) Administer the medical assistance purchase program.

(2) [Prepare] ANNUALLY PREPARE and submit by November 30[, 2002, and annually thereafter] OF EACH YEAR a report to the chair and minority chair of the Public Health and Welfare Committee of the Senate and the chair and minority chair of the Health and Human Services Committee of the House of Representatives on the number of individuals purchasing medical benefits, the average amount paid for the benefits and any other information deemed necessary by the department. The annual report shall be made available for public inspection and posted on the department's publicly accessible [World Wide Web site] Internet website.

Section 3. This act shall take effect in 60 180 days.