

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1200 Session of  
1983

INTRODUCED BY PETRONE, SEVENTY, TRELLO, DeWEESE, PISTELLA,  
LETTERMAN, MRKONIC, BOOK, MICOZZIE, MORRIS, CALTAGIRONE,  
KOWALYSHYN, MAIALE, ITKIN, BELOFF, CIMINI, PRESTON, MARKOSEK,  
AFFLERBACH, FATTAH, KASUNIC, MAYERNIK, JOHNSON, ALDERETTE,  
WOGAN, DEAL, GRUPPO, PRATT, DeLUCA, STEVENS, RYBAK, ANGSTADT,  
OLIVER, F. E. TAYLOR, WOZNIAK, COLAFELLA, CORDISCO, COWELL,  
EVANS, STEIGHNER, LUCYK, CIVERA, MISCEVICH, E. Z. TAYLOR,  
MERRY, FISCHER, BOWSER, GANNON, CARN, MARMION, CESSAR,  
GAMBLE, JAROLIN, McINTYRE, WILLIAMS, MICHLOVIC, HERMAN, RUDY,  
BOYES, LINTON, COHEN, HALUSKA, PUNT, WARGO, TELEK,  
W. W. FOSTER, MADIGAN, BURD AND MACKOWSKI, JUNE 14, 1983

REFERRED TO COMMITTEE ON FINANCE, JUNE 14, 1983

AN ACT

1 Amending the act of March 11, 1971 (P.L.104, No.3), entitled, as  
2 reenacted and amended, "An act providing property tax or rent  
3 rebate and inflation dividends to certain senior citizens,  
4 widows, widowers and permanently disabled persons with  
5 limited incomes; establishing uniform standards and  
6 qualifications for eligibility to receive rebates and  
7 dividends; providing for transportation assistance grants and  
8 grants to area agencies on aging for services to older  
9 persons; and imposing duties upon the Department of Revenue,"  
10 establishing a pharmaceutical, dental, hearing aid and vision  
11 assistance program for the elderly.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The title and section 2 of the act of March 11,  
15 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and  
16 Assistance Act, reenacted and amended June 16, 1975 (P.L.7,  
17 No.4) and amended March 10, 1982 (P.L.177, No.56), are amended  
18 to read:

AN ACT

Providing property tax or rent rebate and inflation dividends to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive rebates and dividends; providing for transportation assistance grants and grants to area agencies on aging for services to older persons; establishing a pharmaceutical, dental, hearing aid and vision assistance program for the elderly; and imposing duties upon the Department of Revenue and the Department of Aging.

Section 2. Declaration of Policy.--(a) In recognition of the severe economic plight of certain senior citizens, widows, widowers and permanently disabled persons who are real property owners or renters with fixed and limited incomes who are faced with rising living costs and constantly increasing tax and inflation cost burdens which threaten their homesteads and self-sufficiency, the General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax rebates or rent rebates in lieu of property taxes and inflation dividends to that class of senior citizens, widows, widowers and permanently disabled persons who are real property taxpayers or renters who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden and to provide transportation assistance grants and to provide grants to area agencies on aging for services to older persons.

(b) In further recognition of the severe economic plight of certain senior citizens with fixed and limited incomes who are

1 faced with rising pharmaceutical, dental, hearing aid and vision  
2 costs, the General Assembly, pursuant to the mandates of the  
3 Constitutional Convention of 1968, considers it to be a matter  
4 of sound public policy to make special provisions for  
5 pharmaceutical, dental, hearing aid and vision assistance  
6 benefits to that class of senior citizens who are without  
7 adequate means to pay for all or a portion of such costs.

8 Section 2. Section 3(8) of the act, amended December 21,  
9 1979 (P.L.570, No.131), is amended and clauses are added to  
10 read:

11 Section 3. Definitions.--As used in this act:

12 \* \* \*

13 (8) "Department" means the Department of Revenue except in  
14 the case of the Pharmaceutical, Dental, Hearing Aid and Vision  
15 Assistance Program for the elderly where "department" shall mean  
16 the Department of Aging.

17 \* \* \*

18 (10) "Pharmaceutical, dental, hearing aid and vision  
19 assistance claimant" means any resident of the Commonwealth  
20 sixty-five years of age and over, whose annual income is less  
21 than the maximum annual income, and who is not otherwise  
22 qualified for public assistance under the act of June 13, 1967  
23 (P.L.31, No.21), known as the "Public Welfare Code."

24 (11) "Maximum annual income" means annual income as  
25 determined by the Department of Aging. Such amount shall not  
26 exceed eight thousand dollars (\$8,000) in the case of single  
27 persons nor twelve thousand dollars (\$12,000) in the case of the  
28 combined annual income of married persons.

29 (12) "Pharmacy" means any pharmacy licensed by the  
30 Commonwealth.

1       (13) "Program" means the program of pharmaceutical, dental,  
2 hearing aid and vision assistance for the aging as established  
3 by this act.

4       (14) "Prescription drugs" means all legend drugs, insulin,  
5 insulin syringes and insulin needles.

6       (15) "Reasonable cost" insofar as it relates to  
7 prescriptions means the average wholesale price of the drug  
8 product plus a dispensing fee which shall be two dollars fifty  
9 cents (\$2.50).

10       (16) "Prescription drug, dental, hearing aid and vision  
11 expense" means the reasonable cost incurred for prescription  
12 drugs and dental, hearing aid and vision care for the personal  
13 use of the pharmaceutical, dental, hearing aid and vision  
14 assistance claimant.

15       Section 3. The act is amended by adding a section to read:

16       Section 6.1. Pharmaceutical, Dental, Hearing Aid and Vision  
17 Assistance Program.--There is hereby created a pharmaceutical,  
18 dental, hearing aid and vision assistance program for the  
19 elderly to be administered by the Department of Aging and funded  
20 from the Lottery Fund.

21       (a) The program shall consist of payments to pharmacies,  
22 dentists, hearing aid and vision care providers on behalf of  
23 pharmaceutical, dental, hearing aid and vision assistance  
24 claimants for the reasonable cost of a prescription, dental,  
25 hearing aid or vision care which exceeds one dollar (\$1)  
26 copayment per prescription or visit paid by each pharmaceutical,  
27 dental, hearing aid and vision assistance claimant but the total  
28 of all payments to any claimant in any one year shall not exceed  
29 \$200. For the purpose of this act, with respect to  
30 prescriptions, the pharmaceutical assistance claimant shall be

1 liable to pay the difference between the brand name drug and the  
2 generically equivalent drug as approved under the provisions of  
3 the act of November 24, 1976 (P.L.1163, No.259), referred to as  
4 the Generic Equivalent Drug Law. The program shall be  
5 administered by the Department of Aging, which shall promulgate  
6 rules and regulations necessary for administration of the  
7 program.

8 (b) Any otherwise eligible pharmaceutical, dental, hearing  
9 aid and vision assistance claimant whose prescription drug,  
10 dental, hearing aid or vision care expenses are covered in part  
11 by any other plan of assistance or insurance may be required to  
12 receive reduced assistance under the provisions of this act at  
13 the discretion of the Department of Aging.

14 (c) The Department of Aging shall establish a system for  
15 determining eligibility including provisions for submission of  
16 proof of actual and anticipated income, and evidence of complete  
17 or partial coverage of prescription drug, dental, hearing aid or  
18 vision care expenses by any other assistance or insurance plans  
19 and a system of payments to eligible pharmacies, dentists,  
20 hearing aid and vision care providers. The Department of Aging  
21 may contract for the establishment of such a system, if such a  
22 contract would be economically advantageous to the Commonwealth.  
23 It is the intent of the General Assembly that any existing  
24 methods and applications used to determine eligibility for  
25 similar existing programs be utilized to the extent possible in  
26 operationalizing this system.

27 (d) The Department of Aging shall adopt regulations relating  
28 to the determination of eligibility of prospective  
29 pharmaceutical, dental, hearing aid and vision assistance  
30 claimants and the determination and elimination of program

1 abuse. The Department of Aging shall have the power to declare  
2 ineligible any pharmaceutical, dental, hearing aid and vision  
3 assistance claimant who abuses or misuses the established  
4 pharmaceutical, dental, hearing aid and vision assistance  
5 program.

6 (e) No person eligible for prescription, dental, hearing aid  
7 or vision benefits under any other private, State or Federal  
8 program of medical insurance or assistance which duplicates the  
9 benefits available under this act shall be eligible hereunder,  
10 to the extent of such duplication.

11 (f) Any person who submits a false or fraudulent claim under  
12 this act, or who aids or abets another in the submission of a  
13 false or fraudulent claim, or who is eligible under a private,  
14 State or Federal program for prescription, dental, hearing aid  
15 or vision assistance and who claims or receives duplicative  
16 benefits hereunder or who otherwise violates any provision of  
17 this act, shall be guilty of a misdemeanor of the third degree.

18 Section 4. This act shall take effect July 1, 1983.