
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2

Session of
1995

INTRODUCED BY FLICK, RYAN, PERZEL, BARLEY, FARGO, PHILLIPS,
PITTS, E. Z. TAYLOR, D. W. SNYDER, DEMPSEY, FARMER, CLARK,
KING, MAYERNIK, KENNEY, GLADECK, TRUE, CORNELL, MAITLAND,
HESS, HARHART, HERMAN, FICHTER, BROWN, MILLER, ZUG, GAMBLE,
WAUGH, GODSHALL, SCHULER, ADOLPH, LEH, LYNCH, ALLEN,
S. H. SMITH, NYCE, PETTIT, RAYMOND, SHEEHAN, LAWLESS,
HUTCHINSON, EGOLF, CLYMER, ROHRER, BAKER, J. TAYLOR,
SCHRODER, RUBLEY, DeLUCA, STEIL, SATHER, MICOZZIE, MAJOR,
MARKOSEK, BIRMELIN, FAIRCHILD, FLEAGLE, STERN, MCGILL,
HERSHEY, FEESE, CONTI, REINARD, SEMMEL, GEIST, CHADWICK,
PLATTS, SAYLOR, STISH AND VAN HORNE, JANUARY 19, 1995

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JUNE 28, 1995

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 A JOB <—
4 TRAINING PROGRAM, FOR Federal funds for legal services;
5 PROHIBITING LEASES FOR USE OF A PREMISES IN PHILADELPHIA FOR <—
6 OPERATING A FINANCIAL EXCHANGE OFFICE; RESTRICTING LEASES
7 INVOLVING THE EMBREEVILLE CENTER; further providing for
8 administration of assistance, for the workfare program, for a
9 program for identification of assistance recipients ~~and~~, for <—
10 eligibility for assistance AND FOR DETERMINATION OF NEED; <—
11 prohibiting duplicate payments and providing for expedited
12 authorization; further providing for medical need
13 determinations and for relatives' responsibility for medical
14 assistance; providing for penalties for failure to appear at
15 criminal proceedings; and further providing for employment
16 incentive payments and for repayment from probate estates.

17 The General Assembly of the Commonwealth of Pennsylvania

18 hereby enacts as follows:

19 Section 1. The act of June 13, 1967 (P.L.31, No.21), known

1 as the Public Welfare Code, is amended by adding a ~~section~~ <—

2 SECTIONS to read: <—

3 Section 201.1. Federal Funds for Legal Services.--In
4 addition to the areas of expenditures for legal services
5 authorized by section 220 of the General Appropriation Act of
6 1995, Federal funds appropriated for fiscal year July 1, 1995,
7 through June 30, 1996, may only be used for the following:
8 termination of employment and unemployment compensation;
9 insurance; health care; discrimination due to age, race, sex or
10 handicap; wage and pension claims; taxation; wills and estates;
11 Social Security; disability; and debtor-creditor issues.

12 SECTION 214. JOB TRAINING.--(A) THE DEPARTMENT SHALL <—
13 ESTABLISH, IMPLEMENT AND ADMINISTER A PILOT JOB TRAINING PROGRAM
14 WITH THE ULTIMATE GOAL OF SECURING ECONOMIC SELF-SUFFICIENCY FOR
15 WELFARE RECIPIENTS. THE PROGRAM SHALL UTILIZE FEDERAL AND STATE
16 FUNDS AVAILABLE TO THE DEPARTMENT FOR JOB TRAINING PROGRAMS.

17 (B) THE PILOT PROGRAM SHALL CONSIST OF THREE PROJECTS
18 LOCATED IN THREE SEPARATE COUNTIES IN DIFFERENT GEOGRAPHICAL
19 REGIONS REPRESENTING RURAL, SUBURBAN AND URBAN POPULATIONS OF
20 THIS COMMONWEALTH. IN SELECTING SITES FOR PROJECTS, PREFERENCE
21 SHALL BE GIVEN TO AREAS OF PERSISTENT UNEMPLOYMENT AND
22 WIDESPREAD FAILURE OR CLOSURE OF EXISTING DOMINANT INDUSTRIES.

23 (C) THE GOAL OF THE PILOT PROGRAM SHALL BE TO MATCH TRAINEES
24 WITH EXISTING JOB VACANCIES WHICH PAY WAGES AND BENEFITS BASED
25 ON A FORTY-HOUR WORK WEEK AND WHICH ARE SUFFICIENT TO ENSURE THE
26 FINANCIAL SECURITY OF THE TRAINEE AND ANY DEPENDENTS TO ENABLE
27 THAT TRAINEE AND DEPENDENTS TO REMAIN FREE OF ANY STATE
28 ASSISTANCE FOR AT LEAST ONE YEAR.

29 (D) THE PILOT PROGRAM SHALL INCLUDE PROVISIONS TO:

30 (I) ENSURE THAT CONTRACTS WITH TRAINING, PLACEMENT AND OTHER

1 SERVICE PROVIDERS ARE PERFORMANCE-BASED, WITH PAYMENTS DERIVED
2 FROM SUCCESSFUL PLACEMENTS OF WELFARE RECIPIENTS INTO ADEQUATE
3 EMPLOYMENT.

4 (II) REWARD CLIENT INITIATIVE, BY DIRECTING CHILD-CARE,
5 TRAINING AND OTHER PROGRAM RESOURCES TO WELFARE RECIPIENTS WHO
6 ARE ACTIVELY WORKING TOWARD SELF-SUFFICIENCY.

7 (III) MAKE RECEIPT OF BENEFITS AND/OR INCENTIVES CONTINGENT
8 ON RECIPIENTS MEETING OF INDIVIDUALIZED OBLIGATIONS SUCH AS
9 ATTENDANCE AT TRAINING SESSIONS AND PURSUIT OF JOB
10 OPPORTUNITIES.

11 (E) THE DEPARTMENT MAY CONTRACT WITH AN EMPLOYER, A
12 NONPROFIT ASSOCIATION, CORPORATION OR GOVERNMENT AGENCY OR ANY
13 COMBINATION THEREOF.

14 (F) PAYMENTS BY THE DEPARTMENT TO A PROJECT OPERATOR SHALL
15 BE SCHEDULED SO THAT TWENTY-FIVE PERCENT OF THE CONTRACT PRICE
16 IS PAID DURING TRAINING, TWENTY-FIVE PERCENT IS PAID UPON
17 COMPLETION OF TRAINING, TWENTY-FIVE PERCENT AFTER THE TRAINEE IS
18 EMPLOYED CONTINUOUSLY FOR A PERIOD OF AT LEAST SIX MONTHS AND
19 TWENTY-FIVE PERCENT AFTER THE TRAINEE IS EMPLOYED CONTINUOUSLY
20 FOR A PERIOD OF AT LEAST ONE YEAR.

21 (G) THE DEPARTMENT SHALL BE REQUIRED TO ANALYZE THE PILOT
22 PROGRAM, MEASURING ITS RESULTS AGAINST THE GOALS UNDER THIS
23 SECTION AS WELL AS COMPARING IT TO OTHER FEDERAL AND STATE JOB
24 TRAINING PROGRAMS. A REPORT ON THE EVALUATION SHALL BE SUBMITTED
25 TO THE GOVERNOR AND THE GENERAL ASSEMBLY DETAILING THE FINDINGS
26 AND RECOMMENDATIONS OF THE EVALUATION NO LATER THAN TWO YEARS
27 FOLLOWING IMPLEMENTATION OF THE PILOT PROGRAM. THE REPORT SHALL
28 INCLUDE, BUT NOT BE LIMITED TO:

29 (I) COST-EFFECTIVENESS IN THE USE OF JOB TRAINING RESOURCES.

30 (II) RATE OF JOB PLACEMENTS.

1 (III) REDUCTION OF WELFARE ENROLLMENT.

2 (IV) RATE OF IN-MIGRATION AND OUT-MIGRATION IN THE PROGRAM
3 AREA.

4 (H) AN EMPLOYER MAY NOT CONTRACT A PROGRAM PARTICIPANT TO
5 ANOTHER EMPLOYER UNLESS THE PROGRAM PARTICIPANT IS THE SOLE
6 RECIPIENT OF ANY ADDITIONAL WAGES, BENEFITS OR COMPENSATION THAT
7 MAY RESULT FROM THE CONTRACT.

8 (I) THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO IMPLEMENT
9 THE PROVISIONS OF THIS SECTION.

10 SECTION 308.1. PROPERTY IN PHILADELPHIA.--NEITHER THE
11 DEPARTMENT OF PUBLIC WELFARE NOR ANY OTHER COMMONWEALTH AGENCY
12 NOR ANY OFFICIAL THEREOF SHALL LEASE THE PREMISES SITUATED AT
13 5243 FRANKFORD AVENUE IN PHILADELPHIA FOR THE PURPOSE OF
14 OPERATING A FINANCIAL EXCHANGE OFFICE OR ANY RELATED OFFICE. ANY
15 EXISTING LEASE, INCLUDING ANY RENEWAL THEREOF, WHICH IS
16 INCONSISTENT WITH THIS SECTION SHALL BE TERMINATED BY THE
17 COMMONWEALTH ON THE EFFECTIVE DATE OF THIS SECTION OR AS SOON
18 THEREAFTER AS IS LEGALLY POSSIBLE.

19 SECTION 308.2. EMBREEVILLE CENTER.--NEITHER THE DEPARTMENT
20 NOR ANY OTHER COMMONWEALTH AGENCY NOR ANY OFFICIAL THEREOF SHALL
21 LEASE THE PREMISES ON WHICH THE EMBREEVILLE CENTER IN CHESTER
22 COUNTY IS SITUATED, IF THE LEASE WOULD PERMIT THE USE OF SUCH
23 PREMISES FOR ANY PURPOSE RELATING TO THE SHELTER, CARE,
24 CONFINEMENT, DIAGNOSIS OR TREATMENT OF DELINQUENT, PREDELINQUENT
25 AND DEPENDENT JUVENILES UNDER THE JURISDICTION OF THE JUVENILE
26 COURT OR ANY PERSON UNDER SENTENCE FOR A CRIMINAL CONVICTION.
27 ANY EXISTING LEASE, INCLUDING ANY RENEWAL THEREOF, WHICH IS
28 INCONSISTENT WITH THIS SECTION SHALL BE TERMINATED BY THE
29 COMMONWEALTH ON THE EFFECTIVE DATE OF THIS SECTION OR AS SOON
30 THEREAFTER AS IS LEGALLY POSSIBLE AND NO SUCH LEASE SHALL BE

1 MODIFIED TO PERMIT AN EXPANSION OF ANY USE PROHIBITED BY THIS
2 SECTION PRIOR TO ITS TERMINATION.

3 Section 2. Section 403 of the act is amended by adding a
4 subsection to read:

5 Section 403. Uniformity in Administration of Assistance;
6 Regulations as to Assistance.--* * *

7 (g) Regulations which authorize payment for purchase of an
8 automobile, for parts for an automobile or for repair of an
9 automobile for a recipient of public assistance shall provide
10 that the payment shall be made jointly to the seller of the
11 automobile or parts or the garage or mechanic which made the
12 repairs and the recipient.

13 Section 3. Section 405.2(a), (b), (c) and (d) of the act,
14 amended or added April 8, 1982 (P.L.231, No.75) and June 16,
15 1994 (P.L.319, No.49), are amended to read:

16 Section 405.2. [Community Work] Workfare Program.--(a) The
17 department shall [coordinate the establishment of community work
18 projects by] enter into cooperative agreements to establish
19 workfare projects with departments, agencies or institutions of
20 the Commonwealth or any political subdivision located within the
21 Commonwealth or any agency of the Federal Government or
22 department-approved nonprofit organizations [that receive State
23 or county funds and] or established, for-profit temporary help
24 organizations for temporary placement with private, nonprofit or
25 for-profit employers. Participating, for-profit temporary help
26 organizations shall recover their costs and profit from fees
27 charged to employers. The department shall assign to these work
28 projects cash assistance recipients [for whom the Office of
29 Employment Security has] who are able to work but have been
30 unable to secure employment. In instances when [community work]

1 workfare projects are not available for all [able-bodied cash
2 assistance] recipients, priority shall be given to general
3 assistance recipients for referral to available projects.

4 (b) Every individual who has not received a bona fide offer
5 of training or employment under section 405.1 shall, as a
6 condition of continuing eligibility for cash assistance, report
7 to and work in [a community work] an available workfare project
8 established under this section unless such individual is exempt
9 from the registration requirements of section 405.1. Such
10 individual shall be required to work that number of hours which
11 when multiplied by the applicable minimum wage equals the amount
12 of cash assistance such person receives: Provided, however,
13 That:

14 (1) such work shall not exceed forty hours per week; and

15 (2) the parent or other caretaker of a child between the
16 ages of six and fourteen who is personally providing care for
17 the child with only very brief and infrequent absences from the
18 child shall not be required to participate in [community work]
19 workfare projects except on days and at times when the child is
20 in school or when there are adequate day-care arrangements
21 available for the child at no cost to the recipient.

22 (c) [Community work] Workfare projects established under
23 this section must be approved by the department. To qualify for
24 approval, a work site must conform to appropriate health and
25 safety standards. Cash assistance recipients shall not be
26 assigned to work opportunities available due to a labor dispute,
27 strike, or lockout and shall not be assigned to perform work so
28 as to cause the layoff, downgrading or prevention of return to
29 work of an available competent employee. Cash assistance
30 recipients shall be assigned to [community work] workfare

1 projects within twenty-five miles of their place of residence
2 unless the department determines that a greater distance is not
3 a hardship.

4 (d) A person who without good cause fails or refuses to
5 accept assignment to and participate in a [community work]
6 workfare project shall be [disqualified from receiving cash
7 assistance for sixty days for the first violation and thereafter
8 until such time he or she is willing to comply. For the second
9 violation and subsequent violations the disqualification period
10 shall be one hundred twenty days. The disqualification period
11 shall commence on the date the department's order imposing
12 disqualification is final.] terminated from assistance pursuant
13 to section 432.3.

14 * * *

15 Section 4. Section 414 of the act, added June 16, 1994
16 (P.L.319, No.49), is amended to read:

17 Section 414. Assistance Recipient Identification Program.--

18 (a) [Subject to Federal approval, only where necessary, there
19 is hereby created a pilot program within the] The department is
20 authorized to create, in geographic areas where the department
21 determines it to be cost effective, a program to be known as the
22 Assistance Recipient Identification Program.

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

26 [(c) The department shall select three geographic areas in
27 this Commonwealth representing rural, suburban and urban areas
28 to participate in this program.]

29 (d) A person currently receiving or applying for assistance
30 shall participate in the program. The person shall be identified

1 using available technological means that may include, but are
2 not limited to, two-digit fingerimaging.

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

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

9 (g) Absent a court order, only the department, the
10 Pennsylvania State Police, the chief of a local municipal police
11 department, or his designee within the department, including the
12 sheriff's office in counties of the second class, and the
13 designated officials of neighboring states with whom the
14 department executes agreements under subsection (e) shall have
15 access to records under this program.

16 (h) The department shall make a report to the General
17 Assembly [one year after the effective date of this act. The] no
18 later than March 1, 1996, and every two years thereafter. Each
19 report shall include:

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

23 (2) Attempts at and instances of multiple enrollment by
24 persons.

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

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

28 [(i) This section shall expire two years after the effective
29 date of this act unless extended by the General Assembly.]

30 (j) As used in this section, the term "program" means the

1 Assistance Recipient Identification Program.

2 Section 5. Section 432(3) of the act, amended June 16, 1994
3 (P.L.319, No.49), is amended and the section is amended by
4 adding ~~a clause~~ CLAUSES to read: <—

5 Section 432. Eligibility.--Except as hereinafter otherwise
6 provided, and subject to the rules, regulations, and standards
7 established by the department, both as to eligibility for
8 assistance and as to its nature and extent, needy persons of the
9 classes defined in clauses (1), (2), and (3) shall be eligible
10 for assistance:

11 * * *

12 (3) Other persons who are citizens of the United States, or
13 lawfully admitted aliens [and] who are [chronically needy or
14 transitionally needy persons] eligible for general assistance
15 benefits.

16 (i) [Chronically needy persons are those persons chronically
17 in need] Persons who may be eligible for general assistance for
18 an indeterminate period as a result of medical, social or
19 related circumstances [and] shall be limited to:

20 (A) A child who is under age eighteen or who is eighteen
21 through twenty years of age and attending a secondary or
22 equivalent vocational or technical school full-time and may
23 reasonably be expected to complete the program before reaching
24 twenty-one years of age.

25 (B) Persons who are parents residing in two-parent
26 households with their child who is under eighteen years of age.
27 Every possible effort shall be made by the department to place
28 these persons in the AFDC program.

29 (C) A person who has a serious physical or mental handicap
30 which prevents him or her from working in any substantial

1 gainful activity as determined in accordance with standards
2 established by the department. The department may require that
3 documentation of disability be submitted from a physician or
4 psychologist. The department may also require further medical
5 documentation of disability and may also order at the
6 department's expense a person to submit to an independent
7 examination as a condition of receiving assistance under this
8 clause.

9 (D) A person who is a nonparental caretaker of a child under
10 eighteen years of age or a caretaker of another person because
11 of illness or disability. Such child or other person must be a
12 member of the household and the caretaker must be a person whose
13 presence is required in the home to care for another person as
14 determined in accordance with department regulations.

15 (E) A person who is currently undergoing active treatment
16 for substance abuse in a drug and alcohol program licensed or
17 approved by the Department of Health or administered by an
18 agency of the Federal Government. No individual shall qualify as
19 chronically needy under this clause for more than nine months in
20 a lifetime.

21 (F) A pregnant woman whose pregnancy has been medically
22 verified.

23 (G) A person who is a victim of domestic violence and who is
24 receiving protective services as defined by the department. No
25 individual shall qualify as chronically needy under this
26 provision for more than nine months in his lifetime.

27 (ii) [Assistance for chronically needy persons] General
28 assistance shall continue as long as the person remains
29 eligible. Redeterminations shall be conducted on at least an
30 annual basis and persons capable of work, even though otherwise

1 eligible for general assistance [to the chronically needy],
2 would be required to register for employment and accept
3 employment if offered as a condition of eligibility except as
4 otherwise exempt under section 405.1.

5 (iii) Transitionally needy persons are those persons who are
6 otherwise eligible for general assistance but do not qualify as
7 chronically needy. Assistance for transitionally needy persons
8 shall be authorized for not more than sixty days in any twenty-
9 four month period. Any transitionally needy benefits received in
10 the twelve-month period prior to the effective date of this
11 subclause shall be applied toward the total period of benefits
12 an individual is eligible for, beginning with the receipt of the
13 first cash assistance check in the previous twelve-month period.
14 This subclause shall expire September 1, 1995.

15 (iv) No transitionally needy benefits shall be initially
16 authorized after June 30, 1995. Any person receiving
17 transitionally needy general assistance as of the effective date
18 of this subclause may continue to receive that assistance until
19 sixty days of benefits are exhausted in accordance with
20 subclause (iii). Transitionally needy benefits received after
21 June 30, 1993, shall be applied to the total period of benefits.
22 Transitionally needy general assistance benefits shall cease on
23 the earlier of:

24 (A) the date of the final issuance of benefits; or

25 (B) August 29, 1995.

26 * * *

27 (9) Assistance may not be granted to any person who has been
28 sentenced for a felony or misdemeanor offense and who has not
29 otherwise satisfied the penalty imposed on that person by law.
30 The department and the Pennsylvania State Police shall enter

into a cooperative agreement. Notwithstanding any provisions in
18 Pa.C.S. Ch. 91 (relating to criminal history record
information), this agreement 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 SHALL HAVE ACCESS TO THE RECORDS OF
THE ASSISTANCE RECIPIENT IDENTIFICATION PROGRAM UNDER SECTION
414 WITHIN THE DEPARTMENT IN ORDER TO CARRY OUT THE OBJECTIVES
OF SECTION 414. For general 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
general 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. 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 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 full payment of all fines, costs and restitution.

(10) ASSISTANCE SHALL NOT BE GRANTED TO ANY APPLICANT WHO IS <—
UNDER EIGHTEEN YEARS OF AGE AND WHO HAS NEVER BEEN MARRIED AND
IS PREGNANT AND/OR CARING FOR A DEPENDENT CHILD UNLESS THE
APPLICANT IS RESIDING WITH A PARENT, GUARDIAN OR OTHER ADULT. IN
THE EVENT THAT THE APPLICANT IS RESIDING WITH A PARENT, GUARDIAN
OR OTHER ADULT, ASSISTANCE SHALL BE PAID TO THE PARENT, GUARDIAN
OR OTHER ADULT WITH WHICH THE APPLICANT IS RESIDING. EXEMPTIONS
TO THIS SUBSECTION WILL BE GRANTED BY THE DEPARTMENT IF THE

1 DEPARTMENT DETERMINES THAT AN EXEMPTION WOULD BE IN THE BEST
2 INTERESTS OF THE APPLICANT AND THE CHILD/CHILDREN OR IF THE
3 APPLICANT CAN PRESENT EVIDENCE THAT THE PARENT, GUARDIAN OR
4 OTHER ADULT:

5 (I) REFUSES OR IS UNABLE TO ALLOW THE APPLICANT TO LIVE IN
6 HIS OR HER HOME;

7 (II) POSES AN EMOTIONAL OR PHYSICAL THREAT TO THE APPLICANT;

8 (III) HAS PHYSICALLY OR SEXUALLY ABUSED THE APPLICANT OR THE
9 APPLICANT'S CHILD/CHILDREN, OR POSES A RISK OF DOING SO;

10 (IV) HAS EXHIBITED NEGLECT OF THE APPLICANT OR THE
11 APPLICANT'S CHILD/CHILDREN; OR

12 (V) HAS SPENT THE APPLICANT'S ASSISTANCE BENEFITS IN AN
13 IMPROPER MANNER.

14 IF AN EXEMPTION IS GRANTED, THE COUNTY ASSISTANCE OFFICE SHALL
15 DETERMINE THE MOST APPROPRIATE LIVING ARRANGEMENT FOR THE
16 APPLICANT AND THE APPLICANT'S CHILD/CHILDREN THAT WOULD BE IN
17 THE BEST INTEREST OF THE APPLICANT AND THE APPLICANT'S
18 CHILD/CHILDREN.

19 SECTION 6. SECTION 432.12 OF THE ACT IS AMENDED BY ADDING
20 SUBSECTIONS TO READ:

21 SECTION 432.12. DETERMINATION OF NEED.--* * *

22 (D) IN DETERMINING THE AMOUNT OF ASSISTANCE PAYMENTS TO A
23 RECIPIENT FAMILY FOR AID TO FAMILIES WITH DEPENDENT CHILDREN,
24 THE DEPARTMENT SHALL REVISE THE SCHEDULE OF BENEFITS TO BE PAID
25 TO THE RECIPIENT FAMILY BY ELIMINATING THE INCREMENT IN BENEFITS
26 UNDER THE PROGRAM FOR WHICH THAT FAMILY WOULD OTHERWISE BE
27 ELIGIBLE AS A RESULT OF THE BIRTH OF A CHILD CONCEIVED DURING
28 THE PERIOD IN WHICH THE FAMILY IS ELIGIBLE FOR AID TO FAMILIES
29 WITH DEPENDENT CHILDREN BENEFITS, OR DURING A TEMPORARY PERIOD
30 IN WHICH THE FAMILY OR RECIPIENT IS INELIGIBLE FOR AID TO

1 FAMILIES WITH DEPENDENT CHILDREN BENEFITS PURSUANT TO A PENALTY
2 IMPOSED BY THE DEPARTMENT FOR FAILURE TO COMPLY WITH BENEFIT
3 ELIGIBILITY REQUIREMENTS, SUBSEQUENT TO WHICH THE FAMILY OR
4 RECIPIENT IS AGAIN ELIGIBLE FOR BENEFITS. THE DEPARTMENT SHALL
5 PROVIDE INSTEAD THAT A RECIPIENT FAMILY IN WHICH THE RECIPIENT
6 PARENTS AN ADDITIONAL CHILD CONCEIVED DURING THE RECIPIENT'S
7 PERIOD OF ELIGIBILITY FOR AID TO FAMILIES WITH DEPENDENT
8 CHILDREN BENEFITS, OR DURING A TEMPORARY PENALTY PERIOD OF
9 INELIGIBILITY FOR BENEFITS, MAY RECEIVE ADDITIONAL BENEFITS ONLY
10 PURSUANT TO SUBSECTION (E), EXCEPT IN THE CASE OF A GENERAL
11 INCREASE IN THE AMOUNT OF AID TO FAMILIES WITH DEPENDENT
12 CHILDREN BENEFITS WHICH IS PROVIDED TO ALL PROGRAM RECIPIENTS
13 AND PROVIDE THAT ANY CHILD SUPPORT PAID FOR THE EXCLUDED CHILD
14 SHOULD BE PAID TO THE FAMILY FOR THE BENEFIT OF THE EXCLUDED
15 CHILD AND SHOULD BE DISREGARDED IN COMPUTING THE AMOUNT OF
16 FINANCIAL ASSISTANCE WHICH IS AVAILABLE TO THE REST OF THE
17 FAMILY.

18 (E) IN THE CASE OF A FAMILY THAT RECEIVES AID TO FAMILIES
19 WITH DEPENDENT CHILDREN IN WHICH THE RECIPIENT PARENTS AN
20 ADDITIONAL CHILD CONCEIVED DURING THE PERIOD IN WHICH THE FAMILY
21 IS ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN
22 BENEFITS, OR DURING A TEMPORARY PENALTY PERIOD OF INELIGIBILITY
23 FOR BENEFITS SUBSEQUENT TO WHICH THE FAMILY OF THE RECIPIENT
24 AGAIN BECOMES ELIGIBLE FOR BENEFITS, THE DEPARTMENT, SUBJECT TO
25 FEDERAL APPROVAL, SHALL, IN ADDITION TO ELIMINATING THE INCREASE
26 IN THE BENEFIT AS PROVIDED IN SUBSECTION (D), PROVIDE THAT IN
27 COMPUTING THE AMOUNT OF FINANCIAL ASSISTANCE WHICH IS AVAILABLE
28 TO THE FAMILY THAT RECEIVES AID TO FAMILIES WITH DEPENDENT
29 CHILDREN, THE MONTHLY EARNED INCOME DISREGARD FOR EACH EMPLOYED
30 PERSON IN THE FAMILY SHALL INCREASE BY AN AMOUNT EQUAL TO THAT

1 WHICH THE FAMILY WOULD HAVE OTHERWISE RECEIVED BY PARENTING AN
2 ADDITIONAL CHILD, ADJUSTED FOR FAMILY SIZE.

3 (F) ELIMINATION OF BENEFITS UNDER SUBSECTION (D) SHALL NOT
4 APPLY TO ANY CHILD CONCEIVED AS A RESULT OF RAPE OR INCEST IF
5 THE DEPARTMENT:

6 (1) RECEIVES A NON-NOTARIZED, SIGNED STATEMENT FROM THE
7 PREGNANT WOMAN STATING THAT SHE WAS A VICTIM OF RAPE OR INCEST,
8 AS THE CASE MAY BE, AND THAT SHE REPORTED THE CRIME, INCLUDING
9 THE IDENTITY OF THE OFFENDER, IF KNOWN, TO A LAW ENFORCEMENT
10 AGENCY HAVING THE REQUISITE JURISDICTION OR, IN THE CASE OF
11 INCEST WHERE A PREGNANT MINOR IS THE VICTIM, TO THE COUNTY CHILD
12 PROTECTIVE SERVICE AGENCY AND STATING THE NAME OF THE LAW
13 ENFORCEMENT AGENCY OR CHILD PROTECTIVE SERVICE AGENCY TO WHICH
14 THE REPORT WAS MADE AND THE DATE SUCH REPORT WAS MADE;

15 (2) RECEIVES THE SIGNED STATEMENT OF THE PREGNANT WOMAN
16 WHICH IS DESCRIBED IN THIS SUBSECTION. THE STATEMENT SHALL BEAR
17 THE NOTICE THAT ANY FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE
18 BY LAW AND SHALL STATE THAT THE PREGNANT WOMAN IS AWARE THAT
19 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES ARE PUNISHABLE BY
20 LAW; AND

21 (3) VERIFIES WITH THE LAW ENFORCEMENT AGENCY OR CHILD
22 PROTECTIVE SERVICE AGENCY NAMED IN THE STATEMENT OF THE PREGNANT
23 WOMAN WHETHER A REPORT OF RAPE OR INCEST WAS FILED WITH THE
24 AGENCY IN ACCORDANCE WITH THE STATEMENT.

25 THE COMMONWEALTH AGENCY SHALL REPORT ANY EVIDENCE OF FALSE
26 STATEMENTS OR OF FRAUD IN THE PROCUREMENT OR ATTEMPTED
27 PROCUREMENT OF ANY PAYMENT FROM FEDERAL OR STATE FUNDS
28 APPROPRIATED BY THE COMMONWEALTH PURSUANT TO THIS SUBSECTION TO
29 THE DISTRICT ATTORNEY OF APPROPRIATE JURISDICTION AND, WHERE
30 APPROPRIATE, TO THE ATTORNEY GENERAL.

1 Section ~~6~~ 7. The act is amended by adding a section to read: <—

2 Section 434.2. Prohibition against Duplicate Payments and
3 Expedited Authorization.--In no case shall duplicate payments be
4 made on behalf of an aid to families with dependent children or
5 general assistance child. Notwithstanding any provision of this
6 act, a child, formerly in the custody of a parent or other
7 caregiver who is no longer exercising care and control of the
8 child, shall be eligible for expedited authorization of cash
9 assistance benefits.

10 Section ~~7~~ 8. Section 442.1 of the act, amended June 16, 1994 <—
11 (P.L.319, No.49), is amended to read:

12 Section 442.1. The Medically Needy; Determination of
13 Eligibility.--(a) A person shall be considered medically needy
14 if he:

15 (1) Resides in Pennsylvania, regardless of the duration of
16 his residence or his absence therefrom;

17 (2) Meets the standards of financial eligibility established
18 by the department with the approval of the Governor. In
19 establishing these standards the department shall take into
20 account (i) the funds certified by the Budget Secretary as
21 available for medical assistance for the medically needy; (ii)
22 pertinent Federal legislation and regulations; and (iii) the
23 cost of living; and

24 (3) Is twenty-one years of age or older and receives or is
25 eligible to receive general assistance benefits.

26 (b) [Transitionally needy persons] Persons who are not
27 eligible for cash assistance by reason of section [432(3)(iii)]
28 432(3)(i) shall be considered medically needy.

29 Section ~~8~~ 9. Section 447 of the act, amended July 31, 1968 <—
30 (P.L.904, No.273), is amended to read:

1 Section 447. Relatives' Responsibility; Repayment.--(a)
2 Notwithstanding any other provision of law, no repayment shall
3 be required of any medical assistance paid in behalf of any
4 person for which he was eligible; and, with respect to the
5 determination of eligibility for such assistance, no relative,
6 other than spouses for each other and parents for unemancipated
7 minor children, shall be required to contribute to the cost of
8 the care for which such assistance is provided.

9 (b) Persons who apply for medical assistance shall be
10 required to cooperate with the department in establishing
11 paternity and pursuing a medical support order.

12 Section 9 10. The act is amended by adding a section to <—
13 read:

14 Section 481.1. Penalty for Failure to Appear at Criminal
15 Court Proceeding.--Any person receiving any form of assistance
16 under this article who fails, as a defendant, to appear at a
17 criminal court proceeding when issued a summons shall be
18 disqualified from receiving assistance until such time as that
19 person complies with the summons. The court shall cooperate with
20 the department in the implementation of this section.

21 Section ~~10~~ 11. Sections 491(b) and 1412 of the act, amended <—
22 or added June 16, 1994 (P.L.319, No.49), are amended to read:

23 Section 491. Employment Incentive Payments.--* * *

24 (b) An employment incentive payment may be claimed by an
25 employer who hires any person who is receiving aid to families
26 with dependent children or who is [classified as chronically or
27 transitionally needy] receiving general assistance at the time
28 of employment except that payments shall not be provided for:

29 (1) The employment of any person who displaces any other
30 individual from employment, except persons discharged for cause

1 as certified by the Office of Employment Security.

2 (2) The employment of any person closely related, as defined
3 by paragraphs (1) through (8) of section 152(a) of the Internal
4 Revenue Code, to the taxpayer, or, if the taxpayer is a
5 corporation, to an individual who owns, directly or indirectly
6 more than fifty percent of the outstanding stock of the
7 corporation, bank, savings institution, company, insurance
8 company, or mutual thrift institution.

9 (3) The employment of an individual for whom the employer is
10 simultaneously receiving Federally or State funded job training
11 payments.

12 * * *

13 Section 1412. Repayment from Probate Estates.--(a)
14 Notwithstanding any other provision of this act or any other
15 law, the department shall establish and implement an estate
16 recovery program to recover medical assistance paid with respect
17 to individuals who were fifty-five years of age or older at the
18 time that assistance was received. Under this program, the
19 department shall recover from the probate estate of an
20 individual the amount of medical assistance paid for all nursing
21 facility services, home- and community-based services and
22 related hospital and prescription drug services. With the
23 approval of the Governor, the department may expand the estate
24 recovery program by regulation to include medical assistance for
25 services other than those listed in this section and to recover
26 against other real and personal property in which an individual
27 had any legal title or interest at the time of death. The
28 department's claim shall have the priority of a debt due the
29 Commonwealth. [If property subject to the department's claim is
30 transferred without the department's claim being satisfied, then

1 the executor or administrator transferring such property, if
2 applicable, and the person receiving such property shall become
3 liable to pay the department's claim.]

4 (a.1) Liability for debt shall be as follows:

5 (1) If property subject to the department's claim is
6 transferred without the department's claim being satisfied, then
7 the executor or administrator transferring such property, if
8 there is one, shall become liable to pay the department's claim.

9 (2) If property subject to the department's claim is
10 transferred to the extent that the transfer is made without
11 valuable and adequate consideration in money or something worth
12 money at the time of the transfer and without the department's
13 claim being satisfied, then the executor or administrator
14 transferring such property, if there is one, and the person
15 receiving such property shall become liable to pay the
16 department's claim.

17 (b) The executor or administrator of the estate of a
18 decedent who attained fifty-five years of age shall ascertain
19 whether the decedent received medical assistance during the five
20 years preceding death and, if so, shall give notice to the
21 department to secure from the department a statement of the
22 department's claim for medical assistance consistent with 20
23 Pa.C.S. § 3392(3) and (6) (relating to classification and order
24 of payment). The department must submit its claim to the
25 executor or administrator within [thirty] forty-five days of
26 receipt of notice or the claim shall be forfeited.

27 (c) This section shall apply notwithstanding the provisions
28 of section 447.

29 Section ~~11~~ 12. Within 90 days of the effective date of this
30 section, the Department of Public Welfare shall submit to the

<—

1 appropriate Federal agency a request for any and all waivers of
2 Federal law and regulations and for any other approvals by the
3 Federal Government necessary for the implementation of the
4 programs added by this act. It shall be the obligation of the
5 Department of Public Welfare to enter into good faith
6 negotiations with the appropriate Federal authorities and to
7 make every effort to obtain the necessary Federal waivers and
8 approvals.

9 Section ~~12~~ 13. It is the intent of the General Assembly that <—
10 the Department of Public Welfare promulgate final-form
11 regulations which omit notice of proposed rulemaking for the
12 purpose of revising regulations implementing sections 443.1,
13 443.3 and 443.4 of the act. These regulations shall be submitted
14 before September 1, 1995. This section shall expire September 1,
15 1995.

16 SECTION 14. WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS <—
17 ACT, THE DEPARTMENT OF PUBLIC WELFARE SHALL SUBMIT TO THE
18 APPROPRIATE FEDERAL AGENCY A REQUEST FOR ANY AND ALL WAIVERS OF
19 FEDERAL LAW AND REGULATIONS AND FOR ANY OTHER APPROVALS BY THE
20 FEDERAL GOVERNMENT NECESSARY FOR THE IMPLEMENTATION OF THIS ACT.
21 IT SHALL BE THE OBLIGATION OF THE DEPARTMENT TO ENTER INTO GOOD
22 FAITH NEGOTIATIONS WITH APPROPRIATE FEDERAL AUTHORITIES AND TO
23 MAKE EVERY EFFORT TO OBTAIN THE NECESSARY FEDERAL WAIVERS AND
24 APPROVALS.

25 Section ~~13~~ 15. All references in the act to the Community <—
26 Work Program shall be deemed to be references to the Workfare
27 Program.

28 Section ~~14~~ 16. This act shall take effect as follows: <—

29 (1) THE ADDITION OF SECTION 214 OF THE ACT SHALL TAKE <—
30 EFFECT IN 120 DAYS.

1 ~~(1)~~ (2) The addition of section 432(3)(iv) of the act <—
2 shall take effect July 1, 1995, or immediately, whichever is
3 later.
4 (3) THE AMENDMENT OF SECTION 432.12 OF THE ACT SHALL <—
5 TAKE EFFECT JULY 1, 1996.
6 ~~(2)~~ (4) The remainder of this act shall take effect <—
7 immediately.