

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2115 Session of  
1995

INTRODUCED BY OLIVER, DeWEESE, THOMAS, BELARDI, TRELLO, DALEY,  
JOSEPHS, OLASZ AND MANDERINO, OCTOBER 18, 1995

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
OCTOBER 18, 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," further providing for  
4 eligibility.

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

7 Section 1. Section 432(3) of the act of June 13, 1967  
8 (P.L.31, No.21), known as the Public Welfare Code, amended June  
9 30, 1995 (P.L.129, No.20), is amended to read:

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

16 \* \* \*

17 (3) Other persons who are citizens of the United States, or  
18 lawfully admitted aliens who are eligible for general assistance

1 benefits.

2 (i) Persons who may be eligible for general assistance for  
3 an indeterminate period as a result of medical, social or  
4 related circumstances shall be limited to:

5 (A) A child who is under age eighteen or who is eighteen  
6 through twenty years of age and attending a secondary or  
7 equivalent vocational or technical school full-time and may  
8 reasonably be expected to complete the program before reaching  
9 twenty-one years of age.

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

14 (C) A person who has a serious physical or mental handicap  
15 which prevents him or her from working in any substantial  
16 gainful activity as determined in accordance with standards  
17 established by the department. The department may require that  
18 documentation of disability be submitted from a physician or  
19 psychologist. The department may also require further medical  
20 documentation of disability and may also order at the  
21 department's expense a person to submit to an independent  
22 examination as a condition of receiving assistance under this  
23 clause.

24 (D) A person who is a nonparental caretaker of a child under  
25 eighteen years of age or a caretaker of another person because  
26 of illness or disability. Such child or other person must be a  
27 member of the household and the caretaker must be a person whose  
28 presence is required in the home to care for another person as  
29 determined in accordance with department regulations.

30 (E) A person who is currently undergoing active treatment

1 for substance abuse in a drug and alcohol program licensed or  
2 approved by the Department of Health or administered by an  
3 agency of the Federal Government. No individual shall qualify  
4 for general assistance under this clause for more than nine  
5 months in a lifetime.

6 (F) A pregnant woman whose pregnancy has been medically  
7 verified.

8 (G) A person who is a victim of domestic violence and who is  
9 receiving protective services as defined by the department. No  
10 individual shall qualify for general assistance under this  
11 provision for more than nine months in his lifetime.

12 (H) A person who is fifty-five years of age or older.

13 (ii) General assistance shall continue as long as the person  
14 remains eligible. Redeterminations shall be conducted on at  
15 least an annual basis and persons capable of work, even though  
16 otherwise eligible for general assistance, would be required to  
17 register for employment and accept employment if offered as a  
18 condition of eligibility except as otherwise exempt under  
19 section 405.1.

20 (iii) Transitionally needy persons are those persons who are  
21 otherwise eligible for general assistance but do not qualify as  
22 chronically needy. Assistance for transitionally needy persons  
23 shall be authorized for not more than sixty days in any twenty-  
24 four month period. Any transitionally needy benefits received in  
25 the twelve-month period prior to the effective date of this  
26 subclause shall be applied toward the total period of benefits  
27 an individual is eligible for, beginning with the receipt of the  
28 first cash assistance check in the previous twelve-month period.  
29 This subclause shall expire September 1, 1995.

30 (iv) No transitionally needy benefits shall be initially

1 authorized after June 30, 1995. Any person receiving  
2 transitionally needy general assistance as of the effective date  
3 of this subclause may continue to receive that assistance until  
4 sixty days of benefits are exhausted in accordance with  
5 subclause (iii). Transitionally needy benefits received after  
6 June 30, 1993, shall be applied to the total period of benefits.  
7 Transitionally needy general assistance benefits shall cease on  
8 the earlier of:

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

10 (B) August 29, 1995.

11 \* \* \*

12 Section 2. Within 60 days of the effective date of this act,  
13 the Department of Public Welfare shall notify any person 55  
14 years of age or older whose benefits were terminated under the  
15 act of June 16, 1994 (P.L.319, No.49), entitled "An act amending  
16 the act of June 13, 1967 (P.L.31, No.21), entitled 'An act to  
17 consolidate, editorially revise, and codify the public welfare  
18 laws of the Commonwealth,' further providing for State  
19 participation in cooperative Federal programs, for legislative  
20 intent, for uniformity in administration of assistance and for  
21 the community work program; providing for responsibilities of  
22 the Department of Public Welfare and assistance recipients, for  
23 a job creation task force, for education savings accounts and  
24 for a recipient identification program; further providing for  
25 eligibility, for identification and proof of residence and for  
26 determination of medically needy eligibility; providing for  
27 additional services to the medically needy; further providing  
28 for medical assistance reimbursement and for employment  
29 incentive payments; providing for minimum school attendance  
30 requirements; further providing for business enterprises, for

1 special recipient participation, for penalties and for third-  
2 party liability; providing for repayment from probate estates;  
3 conferring powers and duties on the Department of Public  
4 Welfare; making appropriations; and making repeals," that he may  
5 qualify as a chronically needy person and may reapply for  
6 benefits.

7 Section 3. This act shall take effect immediately.