

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1144 Session of
2001

INTRODUCED BY GREENLEAF, COSTA, ERICKSON, KITCHEN, WAUGH,
M. WHITE, EARLL, KUKOVICH, O'PAKE, TARTAGLIONE AND TOMLINSON,
OCTOBER 11, 2001

REFERRED TO PUBLIC HEALTH AND WELFARE, OCTOBER 11, 2001

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 the
4 medically needy and determination of eligibility.

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

7 Section 1. Section 442.1 of the act of June 13, 1967
8 (P.L.31, No.21), known as the Public Welfare Code, amended May
9 16, 1996 (P.L.175, No.35), is amended to read:

10 Section 442.1. The Medically Needy; Determination of
11 Eligibility.--(a) A person shall be considered medically needy
12 if that person meets the requirements of clauses (1), (2) and
13 (3):

14 (1) Resides in Pennsylvania continuously for ninety days
15 immediately preceding the effective date of eligibility, except
16 for persons eligible for federally funded categories of medical
17 assistance.

18 (2) Meets the standards of financial and nonfinancial

1 eligibility established by the department with the approval of
2 the Governor. In establishing these standards the department
3 shall take into account:

4 (i) the funds certified by the Budget Secretary as available
5 for medical assistance for the medically needy;

6 (ii) pertinent Federal legislation and regulations; and

7 (iii) the cost of living.

8 (3) Complies with either subclause (i) or (ii):

9 (i) Receives general assistance in the form of cash.

10 (ii) Is not eligible for cash assistance but is:

11 (A) a child under twenty-one years of age;

12 (B) a custodial parent of a dependent child under twenty-one
13 years of age;

14 (C) a person fifty-nine years of age or older;

15 (D) a refugee for whom Federal financial participation is
16 available;

17 (E) a pregnant woman;

18 (F) a person with a disability who is receiving Social
19 Security disability benefits, who has been referred to the
20 Social Security Administration for a determination of
21 eligibility for Supplemental Security Income or who is under
22 review for a disability by the department based upon Social
23 Security disability criteria; or

24 (G) a person who verifies one of the following:

25 (i) employment of at least one hundred hours per month
26 earning at least the minimum wage[.];

27 (ii) performance of community service of at least one hundred
28 hours per month and actions to actively seek employment; or

29 (iii) a combination of employment and performance of
30 community service totaling at least one hundred hours per month.

1 The department may promulgate regulations defining "community
2 service" for the purposes of this subclause.

3 (c) Medical assistance benefits can be authorized
4 retroactively for an eligible person who requests coverage for
5 an unpaid medical expense which was incurred during a period up
6 to three months prior to the month of application. In
7 determining eligibility, all income received or expected to be
8 received in a six-month period shall be counted even if the
9 person requests medical assistance coverage for less than six
10 months. If retroactive medical assistance coverage is requested,
11 the six-month period can combine both retroactive and
12 prospective periods. Medical assistance coverage can continue as
13 long as the need exists, but no longer than the six-month period
14 from which income is counted.

15 Section 2. This act shall take effect in 60 days.