

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 83

Session of
2007

INTRODUCED BY DeLUCA, COHEN, CURRY, FREEMAN, GRUCELA, JAMES,
JOSEPHS, McGEEHAN, PALLONE, PETRONE, M. SMITH, WALKO,
YOUNGBLOOD, CALTAGIRONE, MACKERETH, TURZAI, BENNINGHOFF,
CAPPELLI, DENLINGER, ELLIS, GABIG, GINGRICH, GRELL,
HUTCHINSON, KAUFFMAN, MARSICO, McILHATTAN, MOUL, PERRY,
PICKETT, QUIGLEY, RAPP, REED, REICHLEY, SCAVELLO,
R. STEVENSON AND BROOKS, JANUARY 30, 2007

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 8, 2007

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 reporting
4 requirements; further providing for Assistance Recipient
5 Identification Program; providing for income eligibility
6 verification system; further providing for local
7 administration of assistance; providing for fraud detection
8 system and for residency and county assistance offices; and
9 requiring the Department of Public Welfare to provide
10 personal care home information on the department's Internet
11 website.

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

14 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
15 as the Public Welfare Code, is amended by adding a section to
16 read:

17 Section 409.1. Documents submitted.--(a) No later than
18 November 30 of each year the secretary shall submit to the State
19 Treasurer, the officers of the General Assembly and the

Inspector General a copy of the following documents which the department submits to the Federal Department of Health and Human Services under TANF for the Federal fiscal year ending September 30:

(1) Work verification plan.

(2) Quarterly reports submitted in accordance with 45 CFR 265.3 (relating to what reports must the State file on a quarterly basis?).

(3) Annual report.

(4) Any other documents submitted in accordance with 45 CFR Pt. 265 (relating to data collection and reporting requirements) which the Commonwealth submits to the Federal Department of Health and Human Services so that it can determine whether the Commonwealth has met the mandatory work participation requirements of TANF as set forth in 45 CFR 261.21 (relating to what overall work rate must a State meet?) and 261.23 (relating to what two-parent work rate must a State meet?).

(b) The secretary shall post a copy of the documents set forth under subsection (a) on the department's Internet website at the same time the secretary submits the documents to the State Treasurer, the officers of the General Assembly and the Inspector General.

(c) No later than September 30 of each year, the secretary shall submit to the State Treasurer, the officers of the General Assembly and the Inspector General information regarding caseloads and work-related activity with respect to general assistance for the fiscal year ending June 30. In addition, the department shall post on its Internet website the information regarding caseloads and work-related activity at the same time that the secretary submits this information to the State

1 Treasurer, officers of the General Assembly and Inspector
2 General. The information which shall be submitted and posted may
3 be the type submitted by the department to the Federal
4 Department of Health and Human Services pursuant to 45 CFR 260
5 (relating to general temporary assistance for needy families
6 (TANF) provisions), 261 (relating to ensuring that recipients
7 work), 262 (relating to accountability provisions--general), 263
8 (relating to expenditures of State and Federal TANF funds), 264
9 (relating to other accountability provisions) and 265 (relating
10 to data collection and reporting requirements).

11 (d) As used in this section:

12 "Annual report" means the report the Department of Public
13 Welfare files with the Federal Department of Health and Human
14 Services pursuant to 45 CFR 265.9 (relating to what information
15 must the State file annually?).

16 "Officers of the General Assembly" means the President pro
17 tempore of the Senate, the Majority Leader of the Senate, the
18 Minority Leader of the Senate, the chairman of the Public Health
19 and Welfare Committee of the Senate, the minority chairman of
20 the Public Health and Welfare Committee of the Senate, the
21 chairman of the Appropriations Committee of the Senate, the
22 minority chairman of the Appropriations Committee of the Senate,
23 the Speaker of the House of Representatives, the Majority Leader
24 of the House of Representatives, the Minority Leader of the
25 House of Representatives, the chairman of the Health and Human
26 Services Committee of the House of Representatives, the minority
27 chairman of the Health and Human Services Committee of the House
28 of Representatives, the chairman of the Appropriations Committee
29 of the House of Representatives and the minority chairman of the
30 Appropriations Committee of the House of Representatives.

1 "TANF" means as defined in 45 CFR 260.30 (relating to what
2 definitions apply under the TANF regulations?).

3 "Work verification plan" means as set forth in 45 CFR
4 261.62(b) (relating to what must a State do to verify the
5 accuracy of its work participation information?), the document
6 the Department of Public Welfare must submit to the Federal
7 Department of Health and Human Services to ensure accuracy in
8 the reporting of work activities by individuals receiving TANF.

9 Section 2. Section 414 of the act, amended June 30, 1995
10 (P.L.129, No.20), is amended to read:

11 Section 414. Assistance Recipient Identification Program.--

12 (a) The department is authorized to create, in geographic areas
13 where the department determines it to be cost effective, a
14 program to be known as the Assistance Recipient Identification
15 Program.

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

19 (d) A person currently receiving or applying for assistance
20 shall participate in the program. The person shall be identified
21 using available technological means that shall include placing a
22 photograph upon each electronic benefits transfer card and any
23 other benefit card and that may include, but are not limited to,
24 two-digit fingerimaging.

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

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

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

(h) The department shall make a report to the General Assembly no later than March 1, 1996, and every two years thereafter. Each report shall include:

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

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

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

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

(i) As used in this section, the term "program" means the Assistance Recipient Identification Program.

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

Section 414.1. Income Eligibility Verification System.--(a) The department shall establish a computerized income eligibility verification system in order to eliminate duplication of assistance and deter fraud.

(b) The department shall require that as a condition of receiving assistance applicants and recipients supply their social security numbers. The department shall match the social security number of each applicant and recipient with the

1 following:

2 (1) Unearned income information maintained by the Internal
3 Revenue Service.

4 (2) Employer quarterly reports of income and unemployment
5 insurance benefit payment information maintained by the State
6 Wage Information Collection Agency.

7 (3) Earned income information maintained by the Social
8 Security Administration.

9 (4) Immigration status information maintained by the
10 Citizenship and Immigration Services.

11 (5) Death register information maintained by the Social
12 Security Administration.

13 (6) Prisoner information maintained by the Social Security
14 Administration.

15 (7) Public housing and section 8 payment information
16 maintained by the Department of Housing and Urban Development.

17 (8) National fleeing felon information maintained by Federal
18 Bureau of Investigation.

19 (9) Wage reporting and similar information maintained by
20 states contiguous to this Commonwealth.

21 (10) Beneficiary Data Exchange (BENDEX) Title H database
22 maintained by the Social Security Administration.

23 (11) Beneficiary Earnings Exchange Report (BEER) database
24 maintained by the Social Security Administration.

25 (12) State New Hire database maintained by the Commonwealth.

26 (13) National New Hire database maintained by the Federal
27 government.

28 (14) State Data Exchange (SDX) database maintained by the
29 Social Security Administration.

30 (15) Veterans Benefits and Veterans Medical (PARIS)

maintained by the Department of Veterans Affairs with
coordination through the Department of Health and Human
Services.

(16) Day care subsidy payments maintained by the
Commonwealth.

(17) Low Income Home Energy Assistance Program reporting
utility expenses maintained by the Commonwealth.

(18) A database which is substantially similar to or a
successor of a database set forth in this subsection.

(19) The database of all persons who currently hold a
license, permit or certificate from a Commonwealth agency the
cost of which exceeds one thousand dollars (\$1,000).

(c) Notwithstanding any provision of law to the contrary,
the income eligibility verification system shall be utilized for
an applicant at the time of application for assistance and for a
recipient on a quarterly basis.

(d) The department shall notify each applicant and recipient
of the requirement of providing a social security number at the
time of application for assistance and as otherwise required
under the provisions of this section.

(e) If a significant discrepancy results between the
applicant's or a recipient's social security number and one or
more of the databases set forth in subsection (b), the
department shall review the applicant's or recipient's case, as
appropriate, and shall investigate the circumstances to confirm
eligibility of the applicant or recipient utilizing the
procedure set forth in subsection (f).

(f) The department shall institute the following procedure
to investigate the circumstances of a significant discrepancy:

(1) If the information discovered under subsection (b) does

1 not result in ineligibility or modification of the amount or
2 type of assistance, the department shall take no further action.

3 (2) If paragraph (1) does not apply and a significant
4 discrepancy results from the match between the applicant's or
5 recipient's social security number and one or more of the
6 databases in subsection (b), the applicant or the recipient, as
7 appropriate, shall be given an opportunity to explain the
8 discrepancy. The department shall provide written notice to the
9 applicant or recipient which shall describe in sufficient detail
10 the circumstances of the discrepancy, the opportunity to resolve
11 it, the manner in which it may be resolved and the consequences
12 of failing to take action. The explanation of the recipient or
13 applicant may be given over the telephone, as set forth in
14 subsection (i), in person or in writing. After receiving the
15 explanation, the department may request additional documentation
16 if it determines that there is a substantial risk of fraud.

17 (3) If the applicant or recipient, as appropriate, does not
18 respond to the notice, the department may deny assistance for
19 failure to cooperate, in which case the department shall provide
20 notice of intent to discontinue assistance. Eligibility for
21 assistance shall not be reestablished until the significant
22 discrepancy has been resolved.

23 (4) If an applicant or recipient disagrees with the findings
24 of the match between his or her social security number and one
25 or more database, the department shall reinvestigate the matter,
26 and if the department finds that there has been an error, the
27 department shall take immediate action to correct it and no
28 further action shall be taken. If, after investigation, the
29 department determines that there is no error, the department
30 shall determine the effect of the match on the applicant's or

1 recipient's case and take appropriate action. Written notice of
2 the department's action shall be given to the applicant or
3 recipient.

4 (5) If the applicant or recipient agrees with the findings
5 of the match between the applicant's or recipient's social
6 security number and one or more database, the department shall
7 determine the effect on the applicant's or recipient's case and
8 take appropriate action. Written notice of the department's
9 action shall be given to the applicant or recipient.

10 (6) If the findings of a match between the applicant's or
11 recipient's social security number and one or more database
12 result in no change in eligibility or overpayment, the
13 department shall take no further action.

14 (g) The department may review and investigate a case when
15 there is a match between the social security number and one or
16 more database which does not result in a significant
17 discrepancy. In such a case, the department shall utilize the
18 procedure in subsection (f).

19 (h) In no case shall the department discontinue or modify
20 the amount or type of assistance solely as a result of a match
21 between the applicant's or recipient's social security number
22 and one or more database. Nothing in this subsection shall be
23 construed to limit the right of appeal provided by law.

24 (i) The department shall establish a single Statewide toll-
25 free telephone number and call center to be used by applicants
26 and recipients in order to resolve discrepancies. The call
27 center shall have sufficient capacity and staff to promptly
28 handle incoming telephone calls and the department shall assign
29 sufficient numbers of case workers to enable the department to
30 make prompt eligibility determinations under this section.

1 (j) No later than one year after the effective date of this
2 section and every year thereafter, the department shall provide
3 a written report to the Governor, the General Assembly and the
4 Inspector General detailing the results achieved under this
5 section and the amount of case closures and savings that
6 resulted.

7 (k) As used in this section, the following words and phrases
8 shall have the meanings given to them in this subsection:

9 "Significant discrepancy" means information regarding
10 assets, income, resources or status of an applicant or recipient
11 of assistance, derived from one or more of the databases in
12 subsection (b), which gives the department grounds to suspect
13 that either:

14 (i) an applicant or recipient is ineligible to receive
15 assistance, under Federal or State law; or

16 (ii) the assets, income or resources of an applicant or
17 recipient are at least, in terms of a dollar amount, twenty-five
18 percent greater than the dollar amount reflected in the
19 information the department possesses about the applicant or
20 recipient with respect to the applicant's or recipient's assets,
21 income or resources.

22 "Status" means the applicant or recipient is in the United
23 States illegally, is no longer living, is an inmate in a prison
24 or jail or is a fleeing felon.

25 Section 4. Section 419 of the act is amended to read:

26 Section 419. Administration of Assistance and Related
27 Functions.--Each county board shall:

28 (1) Administer public assistance in the county, and
29 determine the eligibility for assistance of applicants and
30 continued eligibility for assistance of persons receiving the

1 same in accordance with law and rules, regulations and standards
2 established by the department. This paragraph includes requiring
3 photographic identification under section 414(d) before
4 providing any assistance.

5 (2) Take measures to promote the welfare and self-dependency
6 of individuals and families eligible for assistance by helping
7 them to secure rehabilitative, remedial or other constructive
8 aid, through local community resources, or in the absence or
9 inadequacy of such resources, through direct provision of such
10 aid, in accordance with rules, regulations and standards adopted
11 by the department.

12 (3) With the approval of the secretary, supervise the
13 administration of and promote any other public function related
14 to assistance, or the work of the department, or of the county
15 board, which may be committed to the county board by a political
16 subdivision of the Commonwealth.

17 Section 5. The act is amended by adding sections to read:

18 Section 422.1. Fraud Detection System.--Within one year of
19 the effective date of this section, each county shall establish
20 procedures to identify, investigate and resolve potential cases
21 of fraud, misrepresentation or inadequate documentation prior to
22 determining an applicant's eligibility for assistance and submit
23 to the department a plan describing its antifraud procedures.
24 The plan shall ensure that every case is reviewed and include
25 utilization of the income eligibility verification system
26 established in section 414.1.

27 Section 432.23. Residency and County Assistance Offices.--
28 The following shall apply to an applicant and a recipient of
29 assistance:

30 (1) Subject to clause (2), for a county with only one county

1 assistance office, an individual who is a resident of that
2 county shall only apply to or receive assistance from that
3 county assistance office.

4 (2) Notwithstanding the provisions of clause (1), an
5 individual who lives in a county with only one county assistance
6 office may apply for or receive assistance from a county
7 assistance office which is located in a county contiguous to the
8 individual's county of residence if the county assistance office
9 in the contiguous county is closer to the residence of the
10 individual, by the most direct travel route, than the county
11 assistance office in the county in which the individual resides.

12 (3) For a county with more than one county assistance
13 office, an individual who is a resident of the county shall only
14 apply for or receive assistance from the county assistance
15 office which is closest, by the most direct travel route, to the
16 residence of the applicant.

17 ~~Section 1088. Disclosure of Information. The department~~ <—
18 ~~shall maintain and provide to the public on the department's~~
19 ~~Internet website the following information relating to personal~~
20 ~~care homes:~~

21 ~~(1) The following incidents and conditions reported to the~~
22 ~~department by a personal care home as required by regulation:~~

23 SECTION 1088. DISCLOSURE OF INFORMATION.--(A) EXCEPT AS <—
24 PROVIDED UNDER SUBSECTION (B), THE DEPARTMENT SHALL MAINTAIN AND
25 PROVIDE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET WEBSITE THE
26 FOLLOWING INFORMATION RELATING TO INCIDENTS AND CONDITIONS
27 REPORTED TO THE DEPARTMENT BY A PERSONAL CARE HOME AS REQUIRED
28 BY REGULATION:

29 ~~(i)~~ (1) A serious bodily injury or trauma requiring <—
30 treatment at a hospital or medical facility.

1 ~~(ii)~~ (2) A violation of a resident's rights under 55 Pa. <—
2 Code § 2600.41 (relating to notification of rights and complaint
3 procedures), 2600.42 (relating to specific rights), 2600.43
4 (relating to prohibition against deprivation of rights) or
5 2600.44 (relating to complaint procedures).

6 ~~(iii)~~ (3) An unexplained absence of a resident for twenty- <—
7 four hours or more, or when the resident's support plan so
8 provides, a period of less than twenty-four hours, or an absence
9 of a resident from a secured dementia care unit.

10 ~~(iv)~~ (4) Misuse of a resident's funds by the home's staff <—
11 persons or legal entity.

12 ~~(v)~~ (5) An outbreak of a serious communicable disease as <—
13 defined in 28 Pa. Code § 27.2 (relating to specific identified
14 reportable diseases, infections and conditions).

15 ~~(vi)~~ (6) Food poisoning of residents. <—

16 ~~(vii)~~ (7) A physical or sexual assault by or against a <—
17 resident.

18 ~~(viii)~~ (8) A complaint of resident abuse, suspected resident <—
19 abuse or referral of a complaint of resident abuse to a local
20 authority.

21 ~~(ix)~~ (9) A prescription medication error as defined in 55 <—
22 Pa. Code § 2600.188 (relating to medication errors).

23 ~~(x)~~ (10) A criminal conviction against the legal entity, <—
24 administrator or staff that is subsequent to the reporting on
25 the criminal history checks under 55 Pa. Code § 2600.51
26 (relating to criminal history checks).

27 ~~(2) The following additional information:~~ <—
28 ~~(i) The ratio of direct care staff to residents.~~
29 ~~(ii) The annual staff turnover.~~

30 (11) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES IS <—

1 IN THE PUBLIC INTEREST.

2 (B) THE DEPARTMENT SHALL NOT PROVIDE TO THE PUBLIC ON THE
3 DEPARTMENT'S INTERNET WEBSITE ANY INFORMATION THAT WOULD
4 DISCLOSE THE NAME, INITIALS, BIRTH DATE OR IDENTITY OF ANY
5 INDIVIDUAL.

6 (C) THE DEPARTMENT MAY REMOVE INFORMATION FROM ITS INTERNET
7 WEBSITE THAT IS REQUIRED TO BE POSTED UNDER THIS SECTION AFTER
8 IT HAS BEEN POSTED FOR A PERIOD OF FIVE YEARS OR LONGER.

9 Section 6. This act shall take effect as follows:

10 ~~(1) This section shall take effect immediately.~~ <—

11 ~~(2) The addition of section 409.1 of the act shall take~~
12 ~~effect July 1, 2007, or immediately, whichever is later.~~

13 ~~(3)~~ (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT <—
14 IMMEDIATELY:

15 (I) THE ADDITION OF SECTION 409.1 OF THE ACT.

16 (II) THIS SECTION.

17 (2) The remainder of this act shall take effect in ~~60~~ <—

18 180 days. <—