

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1387 Session of 2012

INTRODUCED BY WILLIAMS, KITCHEN, FARNESE, WASHINGTON, HUGHES,
BLAKE, BREWSTER, COSTA, DINNIMAN, FERLO, FONTANA, KASUNIC,
LEACH, STACK, TARTAGLIONE, WOZNIAK, YUDICHAK, SCHWANK AND
SOLOBAY, JANUARY 26, 2012

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 26, 2012

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," in public assistance,
4 further providing for administration of assistance programs;
5 and invalidating actions of the Department of Public Welfare.

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

8 Section 1. Section 403.1 of the act of June 13, 1967
9 (P.L.31, No.21), known as the Public Welfare Code, added June
10 30, 2011 (P.L.89, No.22), is amended to read:

11 Section 403.1. Administration of Assistance Programs.--(a)
12 The department is authorized to establish rules, regulations,
13 procedures and standards consistent with law as to the
14 administration of programs providing assistance, including
15 regulations promulgated under subsection (d), that do any of the
16 following:

17 (1) [Establish standards] Promulgate regulations for
18 determining eligibility and the nature and extent of assistance.

Regulations under this paragraph may not penalize savings or ownership of motor vehicles.

(2) Authorize providers to condition the delivery of care or services on the payment of applicable copayments.

(3) Modify existing benefits, establish benefit limits and exceptions to those limits, establish various benefit packages and offer different packages to different recipients, to meet the needs of the recipients.

(4) Establish or revise provider payment rates or fee schedules, reimbursement models or payment methodologies for particular services.

(5) Restrict or eliminate presumptive eligibility.

(6) Establish provider qualifications.

(b) The department is authorized to develop and submit State plans, waivers or other proposals to the Federal Government and to take such other measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance.

(c) Notwithstanding any other provision of law, the department shall take any action specified in subsection (a) as may be necessary to ensure that expenditures for State fiscal year 2011-2012 for assistance programs administered by the department do not exceed the aggregate amount appropriated for such programs by the act of June 30, 2011 (P.L. , No.1A), known as the General Appropriation Act of 2011. The department shall seek such waivers or Federal approvals as may be necessary to ensure that actions taken pursuant to this section comply with applicable Federal law. During State fiscal year 2011-2012, the department shall not enter into a new contract for consulting or professional services, unless the department determines that:

1 (1) it does not have sufficient staff to perform the
2 services and it would be more cost effective to contract for the
3 services than to hire new staff to provide the services; or

4 (2) it does not have staff with the expertise required to
5 perform the services.

6 (d) For purposes of implementing subsection (c), [and
7 notwithstanding any other provision of law, including section
8 814-A,] the secretary shall promulgate regulations [pursuant to
9 section 204(1)(iv) of the act of July 31, 1968 (P.L.769,
10 No.240), referred to as the "Commonwealth Documents Law," which
11 shall be exempt from the following:

12 (1) Section 205 of the "Commonwealth Documents Law."

13 (2) Section 204(b) of the act of October 15, 1980 (P.L.950,
14 No.164), known as the "Commonwealth Attorneys Act."

15 (3) The act of June 25, 1982 (P.L.633, No.181), known as the
16 "Regulatory Review Act."].

17 (e) The regulations promulgated under subsection (d) may be
18 retroactive to July 1, 2011, and shall be promulgated no later
19 than June 30, 2012.

20 Section 2. The following are void:

21 (1) A standard adopted in violation of the amendment of
22 section 403.1(a)(1) of the act.

23 (2) A regulation promulgated in violation of the
24 amendment of section 403.1(d) of the act.

25 Section 3. Section 2 of this act shall apply retroactively
26 to July 1, 2011.

27 Section 4. This act shall take effect immediately.