

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2338 Session of  
2002

INTRODUCED BY READSHAW, CORRIGAN, DeWEESE, EACHUS, FRANKEL,  
GEORGE, HALUSKA, HARHAI, HESS, JOSEPHS, KELLER, KIRKLAND,  
MAHER, MANDERINO, MARKOSEK, McGEEHAN, McILHATTAN, MYERS,  
PISTELLA, SAINATO, SHANER, SOLOBAY, STERN, THOMAS, TRICH,  
WALKO, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, TURZAI, STEELMAN,  
PALLONE, MICHLOVIC AND J. WILLIAMS, FEBRUARY 5, 2002

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 1, 2002

## 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 UNIFORMITY IN ADMINISTRATION OF ASSISTANCE AND REGULATIONS AS <—  
5 TO ASSISTANCE, FOR AUTHORIZED SIGNATURES ON EMPLOYABILITY  
6 ASSESSMENT FORMS, FOR medical assistance payments AND FOR <—  
7 RULES AND REGULATIONS FOR PERSONAL CARE HOME.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Section 443.3 of the act of June 13, 1967 <—~~  
11 ~~(P.L.31, No.21), known as the Public Welfare Code, amended~~  
12 ~~November 28, 1973 (P.L.364, No.128), is amended to read:~~

13 SECTION 1. SECTION 403 OF THE ACT OF JUNE 13, 1967 (P.L.31, <—  
14 NO.21), KNOWN AS THE PUBLIC WELFARE CODE, IS AMENDED BY ADDING A  
15 SUBSECTION TO READ:

16 SECTION 403. UNIFORMITY IN ADMINISTRATION OF ASSISTANCE;  
17 REGULATIONS AS TO ASSISTANCE.--\* \* \*

18 (H) FOR PURPOSES OF POST-ELIGIBILITY DETERMINATION OF

1 ELIGIBILITY FOR MEDICAL ASSISTANCE PAYMENT TOWARD COST OF CARE  
2 IN A FACILITY, AN INDIVIDUAL IS PERMITTED TO DEDUCT AN AMOUNT  
3 FOR MAINTENANCE OF A SINGLE MEDICAL ASSISTANCE ELIGIBLE  
4 INDIVIDUAL'S HOME IF A PHYSICIAN HAS CERTIFIED THAT THE  
5 INDIVIDUAL IS LIKELY TO RETURN TO HIS HOME WITHIN A SIX-MONTH  
6 PERIOD FROM THE DATE HE ENTERED THE FACILITY. WHEN THIS  
7 DEDUCTION IS PROVIDED, IT MAY NOT BE DEDUCTED FOR MORE THAN ONE  
8 PERIOD OF SIX CONSECUTIVE MONTHS. THE MAINTENANCE NEED AMOUNT  
9 FOR THE SINGLE INDIVIDUAL IS THE MEDICAL ASSISTANCE INCOME LIMIT  
10 FOR ONE INDIVIDUAL ESTABLISHED BY THE DEPARTMENT THROUGH  
11 REGULATION. A HOME IS DEFINED AS THE RESIDENCE MAINTAINED BY THE  
12 MEDICAL ASSISTANCE ELIGIBLE INDIVIDUAL BEFORE HE ENTERED THE  
13 FACILITY AND TO WHICH HE PLANS TO RETURN. IF A PERSON IS  
14 DISCHARGED AND SUBSEQUENTLY RETURNS TO A FACILITY, THE SINGLE  
15 MEDICAL ASSISTANCE ELIGIBLE INDIVIDUAL IS ELIGIBLE FOR AN  
16 ADDITIONAL PERIOD OF SIX CONSECUTIVE MONTHS FOR THIS DEDUCTION  
17 IF A PHYSICIAN CERTIFIES THAT THE PERSON IS LIKELY TO RETURN TO  
18 HIS HOME WITHIN A SIX-MONTH PERIOD FROM THE DATE OF ADMITTANCE  
19 TO THE FACILITY.

20 SECTION 2. SECTION 405.1(A.3) OF THE ACT, AMENDED MAY 16,  
21 1996 (P.L.175, NO.35), IS AMENDED TO READ:

22 SECTION 405.1. ESTABLISHMENT OF RESET.--\* \* \*

23 (A.3) AN APPLICANT OR RECIPIENT MAY BE EXEMPT FROM THE  
24 REQUIREMENTS OF SUBSECTION (A.2) IF ANY OF THE FOLLOWING APPLY:

25 (1) THE APPLICANT OR RECIPIENT HAS BEEN ASSESSED BY A  
26 PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER, LICENSED  
27 PHYSICIAN'S ASSISTANT OR PSYCHOLOGIST AS HAVING A VERIFIED  
28 PHYSICAL OR MENTAL DISABILITY WHICH TEMPORARILY OR PERMANENTLY  
29 PRECLUDES THE APPLICANT OR RECIPIENT FROM ANY FORM OF EMPLOYMENT  
30 OR WORK-RELATED ACTIVITY. THE VERIFICATION OF THE PHYSICAL OR

1 MENTAL DISABILITY SHALL BE ESTABLISHED BY WRITTEN DOCUMENTATION  
2 IN A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL BE BASED ON  
3 ACCEPTABLE CLINICAL AND LABORATORY DIAGNOSTIC TECHNIQUES, RATHER  
4 THAN A STATEMENT OF SYMPTOMS BY THE APPLICANT OR RECIPIENT. THE  
5 DEPARTMENT MAY ALSO REQUIRE THE APPLICANT OR RECIPIENT TO SUBMIT  
6 TO AN INDEPENDENT EXAMINATION AS A CONDITION OF RECEIVING  
7 ASSISTANCE. AN APPLICANT OR RECIPIENT WITH A VERIFIED PHYSICAL  
8 OR MENTAL DISABILITY THAT IS TEMPORARY IN NATURE MUST PURSUE  
9 APPROPRIATE TREATMENT AS A CONDITION OF RECEIVING ASSISTANCE.

10 (2) THE APPLICANT OR RECIPIENT IS A SPECIFIED RELATIVE  
11 CARING FOR A CHILD WHO IS UNDER SIX YEARS OF AGE AND FOR WHOM  
12 ALTERNATE CHILD CARE ARRANGEMENTS ARE UNAVAILABLE.

13 (3) THE APPLICANT OR RECIPIENT IS UNDER EIGHTEEN YEARS OF  
14 AGE. AN APPLICANT OR RECIPIENT UNDER THIS CLAUSE SHALL BE  
15 REQUIRED TO PURSUE A HIGH SCHOOL DIPLOMA OR A CERTIFICATE OF  
16 HIGH SCHOOL EQUIVALENCY.

17 \* \* \*

18 SECTION 3. SECTION 443.3 OF THE ACT, AMENDED NOVEMBER 28,  
19 1973 (P.L.364, NO.128), IS AMENDED TO READ:

20 Section 443.3. Other Medical Assistance Payments.--Payments  
21 on behalf of eligible persons shall be made for other services,  
22 as follows:

23 (1) Rates established by the department for outpatient  
24 services as specified by regulations of the department adopted  
25 under Title XIX of the Federal Social Security Act consisting of  
26 preventive, diagnostic, therapeutic, rehabilitative or  
27 palliative services; furnished by or under the direction of a  
28 physician, chiropractor or podiatrist, by a hospital or  
29 outpatient clinic which qualifies to participate under Title XIX  
30 of the Federal Social Security Act, to a patient to whom such

1 hospital or outpatient clinic does not furnish room, board and  
2 professional services on a continuous, twenty-four hour a day  
3 basis.

4 (2) Rates established by the department for (i) other  
5 laboratory and X-ray services prescribed by a physician,  
6 chiropractor or podiatrist and furnished by a facility other  
7 than a hospital which is qualified to participate under Title  
8 XIX of the Federal Social Security Act, (ii) physician's  
9 services consisting of professional care by a physician,  
10 chiropractor or podiatrist in his office, the patient's home, a  
11 hospital, a nursing home or elsewhere, (iii) the first three  
12 pints of whole blood, (iv) remedial eye care, as provided in  
13 Article VIII consisting of medical or surgical care and aids and  
14 services and other vision care provided by a physician skilled  
15 in diseases of the eye or by an optometrist which are not  
16 otherwise available under this Article, (v) special medical  
17 services for school children, as provided in the Public School  
18 Code of 1949, consisting of medical, dental, vision care  
19 provided by a physician skilled in diseases of the eye or by an  
20 optometrist or surgical care and aids and services which are not  
21 otherwise available under this article.

22 (3) Rates established by the department for physician  
23 consultations using interactive video teleconferencing.  
24 Reimbursement shall be on a fee-for-service basis.

25 SECTION 4. SECTION 1057.3(A)(10) OF THE ACT, ADDED DECEMBER <—  
26 21, 1988 (P.L.1883, NO.185), IS AMENDED TO READ:

27 SECTION 1057.3. RULES AND REGULATIONS FOR PERSONAL CARE  
28 HOME.--(A) THE RULES AND REGULATIONS FOR THE LICENSING OF  
29 PERSONAL CARE HOMES PROMULGATED BY THE DEPARTMENT SHALL REQUIRE  
30 THAT:

1       \* \* \*

2       (10) ALL RESIDENTS MAY LEAVE AND RETURN TO THE PERSONAL CARE  
3 HOME, RECEIVE VISITORS, HAVE ACCESS TO [A] LOCAL AND LONG-  
4 DISTANCE TELEPHONE SERVICE AND MAIL AND PARTICIPATE IN RELIGIOUS  
5 ACTIVITIES.

6       \* \* \*

7       ~~Section 2. This act shall take effect in 60 days.~~ <—

8       SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

9           (1) THE AMENDMENT OR ADDITION OF SECTIONS 403(H), 443.3  
10 AND 1057.3(A)(10) OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

11           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
12 IMMEDIATELY.