

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1324 Session of
2002

INTRODUCED BY EARLL, M. WHITE, ERICKSON, COSTA, HELFRICK,
C. WILLIAMS, RHOADES, MOWERY, TOMLINSON, LAVALLE, SCHWARTZ,
WAGNER, TARTAGLIONE, WAUGH, O'PAKE, STOUT, ORIE, BOSCOLA,
HUGHES, LEMMOND, THOMPSON, BELL AND ROBBINS, MARCH 12, 2002

AS AMENDED ON THIRD CONSIDERATION, JUNE 4, 2002

AN ACT

1 Authorizing the Department of Public Welfare to enter into
2 interstate compacts relating to adoption assistance; and
3 providing for terms and implementation of the interstate
4 compacts, FOR MEDICAL ASSISTANCE BENEFITS AND FOR FALSE
5 CLAIMS. <—

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Interstate
10 Adoption Compact Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Adoption assistance state." The state OTHER THAN THE <—
16 COMMONWEALTH OF PENNSYLVANIA which is signatory to an adoption
17 assistance agreement in a particular case.

18 "County agency." The county children and youth social

1 service agency pursuant to section 405 of the act of June 24,
2 1937 (P.L.2017, No.396), known as the County Institution
3 District Law, or its successor, and supervised by the Department
4 of Public Welfare under Article IX of the act of June 13, 1967
5 (P.L.31, No.21), known as the Public Welfare Code.

6 "Department." The Department of Public Welfare of the
7 Commonwealth.

8 "Residence state." The state in which the child resides.

9 "State." A state of the United States, the District of
10 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,
11 Guam, the Commonwealth of the Northern Mariana Islands or a
12 territory or possession of or administered by the United States.

13 Section 3. Authorization for compacts.

14 The department may enter into ~~an~~ interstate ~~compact~~ COMPACTS <—
15 on behalf of the Commonwealth with other states in order to
16 carry out the purposes of this act. Each compact shall have the
17 force and effect of law.

18 Section 4. Compacts.

19 (a) Requirements.--A compact entered into in accordance with
20 this act shall include all of the following:

21 (1) A provision making the compact available for joinder
22 by another state.

23 (2) A provision allowing withdrawal from the compact
24 upon written notice to the ~~parties~~ OTHER PARTY STATES. <—

25 Withdrawal shall be effective one year following the date of
26 the written notice.

27 (3) A requirement that compact protections remain in
28 force for the duration of adoption assistance and apply to
29 all children and their adoptive parents who, on the effective
30 date of withdrawal, are receiving adoption assistance from a

1 party state other than the one in which the child and
2 adoptive parent are resident and have their principal place
3 of abode.

4 (4) A requirement that all adoption assistance TO BE <—
5 PROVIDED under the compact be covered by a written adoption
6 assistance agreement between the adoptive parents and the
7 county agency of the state providing the adoption assistance.
8 The agreement shall be for the benefit of the adoptive child
9 and enforceable by the adoptive parents and the department or
10 county agency providing the assistance.

11 (5) Any other provision necessary to enforce or
12 implement the proper administration of the compact.

13 Section 5. Medical assistance.

14 (a) Special needs.--A child with special needs who resides
15 in this Commonwealth and who is the subject of an adoption
16 assistance agreement with another state shall receive medical
17 assistance from the Commonwealth upon the provision of a
18 certified copy of the adoption assistance agreement with the
19 other state to the department. The adoptive parents shall
20 annually present evidence of the continuation or renewal of the
21 agreement in accordance with procedures adopted by the
22 department.

23 (b) Benefits.--The department shall ensure that a child
24 eligible for medical assistance under subsection (a) receives
25 the same medical assistance benefits as provided to other
26 recipients of medical assistance in this Commonwealth.

27 (c) Additional coverage.--The county agency shall provide
28 reimbursement or payment for medical services and benefits
29 specified in the adoption assistance agreement for a child
30 living in another party state which are not available under the

1 medical assistance program of the resident state under Title XIX
2 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et
3 seq.).

4 (d) False claims.--A claim for payment or reimbursement for
5 services or benefits or a statement related to the claim which
6 the maker knows or has reason to believe is false, misleading or
7 fraudulent shall be a violation of 18 Pa.C.S. § 4904 (relating
8 to unsworn falsification to authorities).

9 (e) Continuation.--This section shall apply only to medical
10 assistance for children under adoption assistance agreements
11 from states that have entered into ~~a compact~~ COMPACTS with the <—
12 Commonwealth. All other children entitled to medical assistance
13 pursuant to adoption assistance agreements shall be eligible to
14 receive it in accordance with the laws and procedures applicable
15 thereto.

16 Section 6. Federal participation.

17 The department shall include the provision of adoption
18 assistance and medical assistance for which the Federal
19 Government pays all or part of the cost in any State plan
20 developed pursuant to the Adoption Assistance and Child Welfare
21 Act of 1980 (P.L.96-272), Title IV-E and XIX of the Social
22 Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) and any
23 other applicable Federal laws.

24 Section 7. Regulations.

25 The department shall promulgate regulations as necessary to
26 carry out the purposes of this act.

27 Section 8. Effective date.

28 This act shall take effect in 60 days.