

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1948 Session of 2011

INTRODUCED BY KRIEGER, REESE, SACCONI, GINGRICH, BAKER, KAUFFMAN, ROAE, DUNBAR, GROVE, EVANKOVICH, GABLER, REICHLIY, TOEPEL, HARRIS, STERN, STEPHENS, HICKERNELL, HEFFLEY, CALTAGIRONE, CUTLER, LONGIETTI, COX, BOBACK, PICKETT, TOOHIL, BLOOM, TALLMAN, PYLE, HALUSKA, AUMENT, CLYMER, MILLER, SAINATO, GRELL, MAJOR, OBERLANDER, O'NEILL, FARRY, BOYD, GILLEN, STEVENSON, VULAKOVICH, ROCK, MILLARD, FLECK, MURT, PERRY, METCALFE, HUTCHINSON, BURNS, SWANGER, GIBBONS, DELOZIER, SIMMONS, MARSICO, TAYLOR, BROOKS, SAYLOR AND DENLINGER, OCTOBER 31, 2011

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 31, 2011

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 responsibilities and obligations of the
5 Department of Public Welfare, applicants and recipients; and
6 establishing the Electronic Benefits Transfer Card Management
7 Program.

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

10 Section 1. Section 405.3(a) of the act of June 13, 1967
11 (P.L.31, No.21), known as the Public Welfare Code, is amended by
12 adding a paragraph to read:

13 Section 405.3. Responsibilities and Obligations of
14 Department, Applicants and Recipients.--(a) Subject to Federal
15 approval, only where necessary, each adult applicant or
16 recipient of cash assistance or other person who is required to

1 sign an application for assistance shall be required as a
2 condition of eligibility to enter into a mutual agreement with
3 the department that will set forth the responsibilities and
4 obligations to be undertaken by the recipient to achieve self-
5 sufficiency, the time frames within which each obligation is to
6 be completed, the penalties for failure to comply and the
7 actions to be taken by the department to support the efforts of
8 the applicant or recipient. Where appropriate, these obligations
9 shall include, but not be limited to:

10 * * *

11 (10) Agreeing to comply with the requirements of the
12 Electronic Benefits Transfer Card Management Program under
13 section 415.

14 * * *

15 Section 2. The act is amended by adding a section to read:

16 Section 415. Electronic Benefits Transfer Card Management
17 Program.--(a) The department shall establish and maintain a
18 program to be known as the Electronic Benefits Transfer Card
19 Management Program.

20 (b) The purpose of the program is to ensure the efficient
21 delivery of public assistance through the proper management of
22 electronic benefits transfer cards.

23 (c) The department shall promulgate rules and regulations
24 enumerating acceptable purchases and transaction types which are
25 consistent with assisting the recipient in achieving self-
26 sufficiency.

27 (d) The department shall develop electronic controls,
28 oversight mechanisms and follow-up procedures to detect and
29 track the following:

30 (1) Suspicious electronic benefits transfer card

1 transactions that might indicate fraudulent use.

2 (2) The use of electronic benefits transfer cards outside
3 this Commonwealth that might indicate the receipt of benefits by
4 a nonresident.

5 (3) The possible use of electronic benefits transfer cards
6 to acquire goods and services that do not comply with the rules
7 and regulations promulgated under subsection (c).

8 (e) It is a violation for a person to evade or attempt to
9 evade departmental controls or detection mechanisms relating to
10 electronic benefits transfer cards.

11 (f) Data and information gathered under subsection (d) shall
12 be made available upon request to the Office of Inspector
13 General, the Auditor General and the Attorney General.

14 (g) As used in this section, the term "program" means the
15 Electronic Benefits Transfer Card Management Program.

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