

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, TOOIL,
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,
DENLINGER, EVERETT, SONNEY, KOTIK, MOUL, LAWRENCE AND
CREIGHTON, 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

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

11 * * *

12 (10) Agreeing to comply with the requirements of the
13 Electronic Benefits Transfer Card Management Program under
14 section 414.1.

15 * * *

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

17 Section 414.1. Electronic Benefits Transfer Card Management
18 Program.--(a) The department shall establish and maintain a
19 program to be known as the Electronic Benefits Transfer Card
20 Management Program.

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

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

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

1 (1) Suspicious electronic benefits transfer card
2 transactions that might indicate fraudulent use.

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

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

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

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

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

17 Section 3. This act shall take effect in 60 days.