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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1709 Session of  
2019

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INTRODUCED BY KENYATTA, SHUSTERMAN, WILLIAMS, DAWKINS, KINSEY,  
DONATUCCI, KIRKLAND, FRANKEL, HARRIS, ZABEL, CALTAGIRONE,  
D. MILLER, YOUNGBLOOD, CEPHAS, STURLA, BURGOS, ISAACSON,  
SOLOMON, RABB, ROZZI, McCLINTON, FIEDLER, OTTEN, SANCHEZ,  
HANBIDGE, HOHENSTEIN, SCHLOSSBERG, DERMODY, ULLMAN, DRISCOLL,  
PASHINSKI, FREEMAN, MADDEN, HILL-EVANS, DALEY AND MARKOSEK,  
JULY 16, 2019

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REFERRED TO COMMITTEE ON HEALTH, JULY 16, 2019

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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 preliminary provisions,  
4 providing for construction; and, in public assistance,  
5 further providing for definitions, for eligibility and for  
6 the medically needy and determination of eligibility.

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

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
10 as the Human Services Code, is amended by adding a section to  
11 read:

12 Section 104. Construction.--A reference in this act, another  
13 statute or a regulation to general assistance shall refer to  
14 emergency relief or general assistance-related categorically  
15 needy medical assistance as those terms are defined in section  
16 402.

17 Section 2. Section 402 of the act is amended by adding a

1 definition to read:

2 Section 402. Definitions.--As used in this article, unless  
3 the context clearly indicates otherwise:

4 \* \* \*

5 "Emergency relief" means assistance in the form of cash for  
6 persons who meet the requirements of section 432(3.1).

7 \* \* \*

8 Section 3. Section 432 introductory paragraph and (3)  
9 introductory paragraph of the act are amended and the section is  
10 amended by adding a clause to read:

11 Section 432. Eligibility.--Except as hereinafter otherwise  
12 provided, and subject to the rules, regulations, and standards  
13 established by the department, both as to eligibility for  
14 assistance and as to its nature and extent, needy persons of the  
15 classes defined in clauses (1), (2), [and] (3) and (3.1) shall  
16 be eligible for assistance:

17 \* \* \*

18 (3) Other persons who are citizens of the United States, or  
19 lawfully admitted aliens who are eligible for general  
20 [assistance] assistance-related categorically needy medical  
21 assistance under this clause.

22 \* \* \*

23 (3.1) Other persons who are citizens of the United States or  
24 lawfully admitted aliens who are eligible for emergency relief  
25 under this clause.

26 (i) Persons who may be eligible for emergency relief for an  
27 indeterminate period of time as a result of medical, social or  
28 related circumstances shall be limited to:

29 (A) A veteran who has been assessed by a physician,  
30 psychiatrist or psychologist as having a disability or

1 behavioral health disorder incurred in or exacerbated by active  
2 military service that temporarily or permanently precludes the  
3 veteran from obtaining or retaining gainful employment. The  
4 disability or disorder resulting from active military service  
5 may be established by a statement from the veteran's physician,  
6 psychiatrist or psychologist or from a proper military authority  
7 that has actual documented knowledge of the veteran's disability  
8 or behavioral health disorder. For the purpose of this unit, the  
9 term "veteran" shall mean an individual who served in the armed  
10 forces of the United States, including a reserve component or  
11 the National Guard, who retired or was discharged, released or  
12 separated from active military service under conditions other  
13 than dishonorable.

14 (B) A caretaker of a veteran described under unit (A) who  
15 needs personal care services because the veteran cannot perform  
16 one or more activities of daily living or who needs supervision  
17 or protection due to permanent neurological impairment or  
18 physical injury. A veteran described under unit (A) may appoint  
19 one primary caretaker and one secondary caretaker to serve as  
20 backup support or to relieve the primary caretaker when  
21 necessary.

22 (C) A child who is under eighteen years of age or an  
23 individual who is eighteen through twenty years of age and  
24 attends a secondary or equivalent vocational or technical school  
25 full time and may reasonably be expected to complete the program  
26 before reaching twenty-one years of age.

27 (D) Persons who are parents residing in a two-parent  
28 household with their child who is under thirteen years of age or  
29 who is thirteen years of age or older and has a verified  
30 disability. Every possible effort shall be made by the

1 department to place these persons in the Temporary Assistance  
2 for Needy Families (TANF) program.

3 (E) A person who has been assessed by a physician,  
4 psychiatrist or psychologist as having a disability or  
5 behavioral health disorder that temporarily or permanently  
6 precludes the person from obtaining or retaining gainful  
7 employment. The disability or disorder must be verified and  
8 established by written documentation in a form prescribed by the  
9 department and must be based on acceptable clinical and  
10 laboratory diagnostic techniques. The department may also  
11 require the applicant or recipient to submit to an independent  
12 examination as a condition of receiving emergency relief. An  
13 applicant or recipient with a disability or disorder which is  
14 temporary in nature shall pursue appropriate treatment as a  
15 condition of receiving emergency relief.

16 (F) A person who is a nonparental caretaker of a child under  
17 thirteen years of age or a caretaker of another person because  
18 of illness or disability. The child or other person for whom the  
19 person is a caretaker must be a member of the household and the  
20 caretaker must be a person whose presence is required in the  
21 home to care for another person as determined in accordance with  
22 department regulations. A person shall be ineligible for  
23 emergency relief under this unit if there is another adult in  
24 the household who is capable of providing the care without  
25 emergency relief under this unit.

26 (G) A person who is currently undergoing active treatment  
27 for a substance use disorder, including opioid use disorder, in  
28 a drug and alcohol program licensed or approved by the  
29 Department of Health or the Department of Drug and Alcohol  
30 Programs or administered by an agency of the Federal Government

1 that precludes the person from any form of employment in  
2 accordance with standards established by the department. Persons  
3 eligible under this unit may not receive general assistance  
4 under this clause for more than nine months of the person's  
5 lifetime.

6 (H) A pregnant woman.

7 (I) A victim of domestic violence, sexual assault or  
8 stalking who is receiving protective services as defined by the  
9 department. Persons eligible under this unit may not receive  
10 general assistance under this clause for more than nine months  
11 of the person's lifetime.

12 (ii) Applicants for emergency relief shall be required to  
13 apply for benefits under Federal programs for which applicants  
14 may be eligible before receiving emergency relief and shall  
15 cooperate with the department as required under, and shall  
16 otherwise comply with, section 432.21. Grant of emergency relief  
17 under this clause shall continue as long as the person remains  
18 eligible. The department shall redetermine eligibility on at  
19 least an annual basis, and persons shall be required to seek  
20 employment, accept any offer of employment and maintain  
21 employment as conditions of eligibility except as otherwise  
22 exempt under section 405.1(a.3).

23 Section 4. Section 442.1(a)(3) introductory paragraph of the  
24 act, amended June 28, 2019 (P.L.43, No.12), is amended and the  
25 clause is amended by adding a subclause to read:

26 Section 442.1. The Medically Needy; Determination of  
27 Eligibility.--(a) A person shall be considered medically needy  
28 if that person meets the requirements of clauses (1), (2) and  
29 (3):

30 \* \* \*

1 (3) Complies with subclause (ii) or (iii):

2 \* \* \*

3 (iii) Receives emergency relief.

4 \* \* \*

5 Section 5. This act shall take effect immediately.