

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2202 Session of 2020

INTRODUCED BY KLUNK, FRANKEL, KAUFFMAN, RYAN, CALTAGIRONE,
 KINSEY, READSHAW, YOUNGBLOOD, HENNESSEY, PICKETT, MOUL,
 KORTZ, RAVENSTAHL, BERNSTINE, SCHLEGEL CULVER, BROOKS,
 GALLOWAY, SCHLOSSBERG, D. MILLER, DALEY, McNEILL AND BOYLE,
 JANUARY 10, 2020

REFERRED TO COMMITTEE ON HEALTH, JANUARY 10, 2020

AN ACT

1 Amending the act of June 26, 2001 (P.L.755, No.77), entitled "An
 2 act establishing a special fund and account for money
 3 received by the Commonwealth from the Master Settlement
 4 Agreement with tobacco manufacturers; providing for home and
 5 community-based care, for tobacco use prevention and
 6 cessation efforts, for Commonwealth universal research
 7 enhancement, for hospital uncompensated care, for health
 8 investment insurance, for medical assistance for workers with
 9 disabilities, for regional biotechnology research centers,
 10 for the HealthLink Program, for community-based health care
 11 assistance programs, for PACE reinstatement and PACENET
 12 expansion, for medical education loan assistance and for
 13 percentage allocation and appropriation of moneys," in
 14 medical assistance for workers with disabilities, repealing
 15 provisions relating to scope, further providing for
 16 definitions and for medical assistance benefits for workers
 17 with disabilities and workers with medically improved
 18 disabilities and providing for medical assistance benefits
 19 for workers with job success, for restrictions in determining
 20 eligibility, for funding for medical assistance and for
 21 regulations.

22 The General Assembly of the Commonwealth of Pennsylvania
 23 hereby enacts as follows:

24 Section 1. Chapter 15 heading of the act of June 26, 2001
 25 (P.L.755, No.77), known as the Tobacco Settlement Act, is
 26 amended to read:

CHAPTER 15

MEDICAL ASSISTANCE FOR WORKERS [WITH DISABILITIES]

Section 2. Section 1501 of the act is repealed:

[Section 1501. Scope.

This chapter deals with medical assistance for workers with disabilities.]

Section 3. The definitions of "department," "medical assistance," "Medicare" and "monthly income" in section 1502 of the act are amended and the section is amended by adding a definition to read:

Section 1502. Definitions.

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

"Department." The Department of [Public Welfare] Human Services of the Commonwealth.

"Medical assistance." The State program of medical assistance established under the act of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare] Human Services Code.

["Medicare." The Federal program established under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395 et seq.).]

"Monthly income." The monthly income of an individual as determined by the Department of [Public Welfare] Human Services when determining eligibility for medical assistance.

* * *

"Worker with job success." An individual who meets all of the following:

(1) is at least 16 years of age but less than 65 years of age;

1 (2) is employed and is earning at least the applicable
2 minimum wage under section 6 of the Fair Labor Standards Act
3 of 1938 (52 Stat. 1060, 29 U.S.C. § 206);

4 (3) was previously determined to be a worker with a
5 disability and participated in medical assistance for at
6 least one year;

7 (4) has monthly income that is less than:

8 (i) four hundred percent of the Federal poverty
9 level for fiscal years 2019-2020 and 2020-2021;

10 (ii) five hundred percent of the Federal Poverty
11 level for fiscal years 2021-2022 and 2022-2023; or

12 (iii) six hundred percent of the Federal poverty
13 level for fiscal year 2023-2024 and each fiscal year
14 thereafter; and

15 (5) may have acquired countable assets in excess of
16 \$10,000 since the individual was initially deemed a worker
17 with a disability.

18 * * *

19 Section 4. Section 1503(a) and (d)(2) of the act are amended
20 to read:

21 Section 1503. Medical assistance benefits for workers with
22 disabilities and workers with medically improved
23 disabilities.

24 (a) Program establishment.--There is established in the
25 department a medical assistance purchase program for workers
26 with disabilities and workers with medically improved
27 disabilities. [Appropriations to the department from the fund
28 for the program shall be used by the department to provide
29 medical assistance to a worker with a disability or a worker
30 with a medically improved disability.]

1 * * *

2 (d) Department responsibilities.--The department shall:

3 * * *

4 (2) Prepare and submit by November 30, 2002, and
5 annually thereafter a report to the chair and minority chair
6 of the [Public Health and Welfare] Health and Human Services
7 Committee of the Senate and the chair and minority chair of
8 the Health [and Human Services] Committee of the House of
9 Representatives on the number of individuals purchasing
10 medical benefits, the average amount paid for the benefits
11 and any other information deemed necessary by the department.
12 The annual report shall be made available for public
13 inspection and posted on the department's publicly accessible
14 [World Wide Web site] Internet website.

15 Section 5. The act is amended by adding sections to read:

16 Section 1504. Medical assistance benefits for workers with job
17 success.

18 (a) Program establishment.--There is established in the
19 department a medical assistance purchase program for workers
20 with job success.

21 (b) Workers with job success responsibilities.--Workers with
22 job success seeking to purchase medical assistance benefits
23 shall:

24 (1) Subject to subsection (c), pay to the department or
25 its designee 7.5% of the worker's monthly income in a manner
26 to be determined by the department.

27 (2) Notify the department or its designee of any change
28 in the worker's monthly income in a manner to be determined
29 by the department.

30 (3) Failure of a worker with job success to make

1 payments in accordance with paragraph (1) will result in the
2 termination of medical assistance coverage.

3 (c) Payment.--A worker with job success with an income at or
4 above \$75,000 compounded by the cost-of-living increases granted
5 by the Federal Government under the Social Security program
6 annually since the calendar year 2000 seeking to purchase
7 medical assistance benefits under this section shall pay to the
8 department or its designee 100% of the Commonwealth's average
9 cost of medical assistance for a worker with disabilities.

10 (d) Provision of benefits.--Upon receipt of a worker's
11 payment under subsections (b) (1) or (c), the department or its
12 designee shall provide to the worker medical assistance benefits
13 at the categorically needy level as defined by the department.
14 Section 1505. Restrictions in determining eligibility.

15 (a) Spouses or dependents.--The department or its designee
16 shall not use the income or assets of a spouse or dependent of
17 an individual seeking to participate in the medical assistance
18 purchase program for workers with disabilities and workers with
19 medically improved disabilities under section 1503 or the
20 medical assistance purchase program for workers with job success
21 under section 1504 in determining whether the individual is
22 eligible to purchase medical assistance benefits under section
23 1503(b) (1) or 1504(b) (1).

24 (b) Income or assets acquired.--The department or its
25 designee shall not use the income or assets acquired by an
26 individual deemed to be a worker with a disability or a worker
27 with a medically improved disability under section 1503 in
28 determining whether the individual is eligible to participate in
29 the medical assistance purchase program for workers with job
30 success under section 1504.

1 Section 1506. Funding for medical assistance.

2 The department or its designee shall use all of the following
3 to provide medical assistance coverage to workers with
4 disabilities and workers with medically improved disabilities
5 under section 1503 and workers with job success under section
6 1504.

7 (1) Money received from the purchase of medical
8 assistance benefits under section 1503(b) (1) and 1504(b) (1).

9 (2) Money appropriated to the department from the fund
10 for the medical assistance purchase program for workers with
11 disabilities and workers with medically improved disabilities
12 under section 1503 and the medical assistance purchase
13 program for workers with job success under section 1504.

14 Section 1507. Regulations.

15 The department shall promulgate regulations necessary to
16 implement the medical assistance purchase program for workers
17 with disabilities and workers with medically improved
18 disabilities under section 1503 and the medical assistance
19 purchase program for workers with job success under section
20 1504.

21 Section 6. This act shall take effect in 60 days.