

## 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,  
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COMITTA, GAYDOS, MADDEN, ULLMAN AND INNAMORATO,  
JANUARY 10, 2020

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,  
AS AMENDED, SEPTEMBER 29, 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 AMENDING THE ACT OF JUNE 26, 2001 (P.L.755, NO.77), ENTITLED "AN <--  
23 ACT ESTABLISHING A SPECIAL FUND AND ACCOUNT FOR MONEY  
24 RECEIVED BY THE COMMONWEALTH FROM THE MASTER SETTLEMENT  
25 AGREEMENT WITH TOBACCO MANUFACTURERS; PROVIDING FOR HOME AND  
26 COMMUNITY-BASED CARE, FOR TOBACCO USE PREVENTION AND  
27 CESSATION EFFORTS, FOR COMMONWEALTH UNIVERSAL RESEARCH  
28 ENHANCEMENT, FOR HOSPITAL UNCOMPENSATED CARE, FOR HEALTH  
29 INVESTMENT INSURANCE, FOR MEDICAL ASSISTANCE FOR WORKERS WITH

1       DISABILITIES, FOR REGIONAL BIOTECHNOLOGY RESEARCH CENTERS,  
2       FOR THE HEALTHLINK PROGRAM, FOR COMMUNITY-BASED HEALTH CARE  
3       ASSISTANCE PROGRAMS, FOR PACE REINSTATEMENT AND PACENET  
4       EXPANSION, FOR MEDICAL EDUCATION LOAN ASSISTANCE AND FOR  
5       PERCENTAGE ALLOCATION AND APPROPRIATION OF MONEYS," IN  
6       MEDICAL ASSISTANCE FOR WORKERS WITH DISABILITIES, FURTHER  
7       PROVIDING FOR DEFINITIONS AND FOR MEDICAL ASSISTANCE BENEFITS  
8       FOR WORKERS WITH DISABILITIES AND WORKERS WITH MEDICALLY  
9       IMPROVED DISABILITIES.

10       The General Assembly of the Commonwealth of Pennsylvania  
11       hereby enacts as follows:

12       ~~Section 1. Chapter 15 heading of the act of June 26, 2001~~ <--  
13       ~~(P.L.755, No.77), known as the Tobacco Settlement Act, is~~  
14       ~~amended to read:~~

15                               CHAPTER 15

16               MEDICAL ASSISTANCE FOR WORKERS [WITH DISABILITIES]

17       ~~Section 2. Section 1501 of the act is repealed:~~

18       ~~{Section 1501. Scope.~~

19       ~~This chapter deals with medical assistance for workers with~~  
20       ~~disabilities.}~~

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

25       ~~Section 1502. Definitions.~~

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

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

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

34       ~~{"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;~~

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

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

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

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

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

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

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

~~\* \* \*~~

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

~~Section 1503. Medical assistance benefits for workers with disabilities and workers with medically improved disabilities.~~

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

~~\* \* \*~~

~~(d) Department responsibilities. The department shall:~~

~~\* \* \*~~

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

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

~~Section 1504. Medical assistance benefits for workers with job success.~~

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

~~(b) Workers with job success responsibilities. Workers with job success seeking to purchase medical assistance benefits shall:~~

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

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

~~(3) Failure of a worker with job success to make payments in accordance with paragraph (1) will result in the termination of medical assistance coverage.~~

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

~~(d) Provision of benefits. Upon receipt of a worker's payment under subsections (b) (1) or (c), the department or its designee shall provide to the worker medical assistance benefits at the categorically needy level as defined by the department.~~

~~Section 1505. Restrictions in determining eligibility.~~

~~(a) Spouses or dependents. The department or its designee shall not use the income or assets of a spouse or dependent of an individual seeking to participate in the medical assistance purchase program for workers with disabilities and workers with medically improved disabilities under section 1503 or the medical assistance purchase program for workers with job success~~

~~under section 1504 in determining whether the individual is eligible to purchase medical assistance benefits under section 1503(b)(1) or 1504(b)(1).~~

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

~~Section 1506. Funding for medical assistance.~~

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

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

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

~~Section 1507. Regulations.~~

~~The department shall promulgate regulations necessary to implement the medical assistance purchase program for workers with disabilities and workers with medically improved disabilities under section 1503 and the medical assistance purchase program for workers with job success under section 1504.~~

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

SECTION 1. THE DEFINITIONS OF "WORKER WITH A DISABILITY" AND <--  
"WORKER WITH A MEDICALLY IMPROVED DISABILITY" IN SECTION 1502 OF  
THE ACT OF JUNE 26, 2001 (P.L.755, NO.77), KNOWN AS THE TOBACCO  
SETTLEMENT 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:

\* \* \*

"WORKER WITH A DISABILITY." AN INDIVIDUAL WHO MEETS ALL OF  
THE FOLLOWING:

(1) IS AT LEAST 16 YEARS OF AGE [BUT LESS THAN 65 YEARS  
OF AGE] AND MEETS AGE REQUIREMENTS AS ESTABLISHED UNDER  
APPLICABLE FEDERAL LAW;

(2) IS EMPLOYED AND RECEIVING COMPENSATION;

(3) IS ELIGIBLE TO RECEIVE SUPPLEMENTAL SECURITY INCOME  
EXCEPT FOR EARNINGS AND RESOURCES THAT EXCEED THE LIMIT  
ESTABLISHED IN SECTION 1905 OF THE SOCIAL SECURITY ACT (49  
STAT. 620, 42 U.S.C. § 1396D(Q) (2) (B));

(4) HAS MONTHLY INCOME BELOW 250% OF THE FEDERAL POVERTY  
INCOME GUIDELINES; AND

(5) HAS COUNTABLE RESOURCES EQUAL TO OR LESS THAN  
\$10,000.

"WORKER WITH A MEDICALLY IMPROVED DISABILITY." AN INDIVIDUAL  
WHO MEETS ALL OF THE FOLLOWING:

(1) IS AT LEAST 16 YEARS OF AGE [BUT LESS THAN 65 YEARS  
OF AGE] AND MEETS AGE REQUIREMENTS AS ESTABLISHED UNDER  
APPLICABLE FEDERAL LAW;

1 (2) IS EMPLOYED AT LEAST 40 HOURS PER MONTH AND IS  
2 EARNING AT LEAST THE APPLICABLE MINIMUM WAGE UNDER SECTION 6  
3 OF THE FAIR LABOR STANDARDS ACT OF 1938 (52 STAT. 1060, 29  
4 U.S.C. § 206);

5 (3) WAS PREVIOUSLY A WORKER WITH A DISABILITY AND  
6 PARTICIPATED IN MEDICAL ASSISTANCE;

7 (4) HAS MONTHLY INCOME BELOW 250% OF THE FEDERAL POVERTY  
8 INCOME GUIDELINES; AND

9 (5) HAS COUNTABLE RESOURCES EQUAL TO OR LESS THAN  
10 \$10,000.

11 "WORKER WITH JOB SUCCESS." AN INDIVIDUAL WHO MEETS ALL OF  
12 THE FOLLOWING:

13 (1) IS AT LEAST 16 YEARS OF AGE AND MEETS AGE  
14 REQUIREMENTS AS ESTABLISHED UNDER FEDERAL LAW;

15 (2) IS EARNING AT LEAST THE MINIMUM WAGE UNDER SECTION 6  
16 OF THE FAIR LABOR STANDARDS ACT OF 1938 (52 STAT. 1060, 29  
17 U.S.C. § 206);

18 (3) HAS PARTICIPATED IN A MEDICAL ASSISTANCE FOR WORKERS  
19 WITH DISABILITIES CATEGORY OR A MEDICAL ASSISTANCE FOR  
20 WORKERS WITH MEDICALLY IMPROVED DISABILITIES CATEGORY FOR THE  
21 PREVIOUS 12 CONSECUTIVE MONTHS;

22 (4) HAS MONTHLY INCOME THAT IS MORE THAN 250% OF THE  
23 FEDERAL POVERTY INCOME GUIDELINES; AND

24 (5) MAY HAVE COUNTABLE ASSETS IN EXCESS OF \$10,000 THAT  
25 HAVE BEEN DEVELOPED SINCE THE INDIVIDUAL'S INITIAL  
26 ELIGIBILITY UNDER THIS SUBSECTION.

27 SECTION 2. SECTION 1503 OF THE ACT IS AMENDED TO READ:

28 SECTION 1503. MEDICAL ASSISTANCE BENEFITS FOR WORKERS WITH

29 DISABILITIES [AND] WORKERS WITH MEDICALLY IMPROVED

30 DISABILITIES AND WORKERS WITH JOB SUCCESS.



1 (A) PROGRAM ESTABLISHMENT.--THERE IS ESTABLISHED IN THE  
2 DEPARTMENT A MEDICAL ASSISTANCE PURCHASE PROGRAM FOR WORKERS  
3 WITH DISABILITIES [AND] WORKERS WITH MEDICALLY IMPROVED  
4 DISABILITIES AND WORKERS WITH JOB SUCCESS. APPROPRIATIONS TO THE  
5 DEPARTMENT FROM [THE FUND] ALL SOURCES OF FUNDS FOR THE PROGRAM  
6 SHALL BE USED BY THE DEPARTMENT TO PROVIDE MEDICAL ASSISTANCE TO  
7 A WORKER WITH A DISABILITY [OR] A WORKER WITH A MEDICALLY  
8 IMPROVED DISABILITY OR A WORKER WITH JOB SUCCESS.

9 (B) WORKER WITH A DISABILITY [OR] WORKER WITH A MEDICALLY  
10 IMPROVED DISABILITY OR WORKER WITH JOB SUCCESS  
11 RESPONSIBILITIES.--[A WORKER WITH A DISABILITY OR A WORKER WITH  
12 A MEDICALLY IMPROVED DISABILITY SEEKING TO PURCHASE MEDICAL  
13 ASSISTANCE BENEFITS SHALL:

14 (1) PAY TO THE DEPARTMENT OR ITS DESIGNEE 5% OF THE  
15 WORKER'S MONTHLY INCOME IN A MANNER TO BE DETERMINED BY THE  
16 DEPARTMENT.

17 (2) NOTIFY THE DEPARTMENT OR ITS DESIGNEE OF ANY CHANGE  
18 IN THE WORKER'S MONTHLY INCOME IN A MANNER TO BE DETERMINED  
19 BY THE DEPARTMENT.

20 (3) FAILURE OF A WORKER WITH A DISABILITY OR A WORKER  
21 WITH A MEDICALLY IMPROVED DISABILITY TO MAKE PAYMENTS IN  
22 ACCORDANCE WITH PARAGRAPH (1) WILL RESULT IN THE TERMINATION  
23 OF MEDICAL ASSISTANCE COVERAGE.]

24 (1) A WORKER WITH A DISABILITY OR A WORKER WITH A  
25 MEDICALLY IMPROVED DISABILITY SEEKING TO PURCHASE MEDICAL  
26 ASSISTANCE BENEFITS SHALL PAY TO THE DEPARTMENT OR ITS  
27 DESIGNEE 5% OF THE WORKER'S MONTHLY INCOME IN A MANNER TO BE  
28 DETERMINED BY THE DEPARTMENT. FAILURE OF A WORKER WITH A  
29 DISABILITY OR A WORKER WITH A MEDICALLY IMPROVED DISABILITY  
30 TO MAKE PAYMENTS IN ACCORDANCE WITH THIS PARAGRAPH SHALL

1 RESULT IN THE TERMINATION OF MEDICAL ASSISTANCE COVERAGE.

2 (2) A WORKER WITH JOB SUCCESS SEEKING TO PURCHASE  
3 MEDICAL ASSISTANCE BENEFITS SHALL PAY TO THE DEPARTMENT OR  
4 ITS DESIGNEE 7.5% OF THE WORKER'S MONTHLY INCOME IN A MANNER  
5 TO BE DETERMINED BY THE DEPARTMENT. FAILURE OF A WORKER WITH  
6 JOB SUCCESS TO MAKE PAYMENTS IN ACCORDANCE WITH THIS  
7 PARAGRAPH SHALL RESULT IN THE TERMINATION OF MEDICAL  
8 ASSISTANCE COVERAGE.

9 (3) A WORKER WITH A DISABILITY, A WORKER WITH A  
10 MEDICALLY IMPROVED DISABILITY OR A WORKER WITH JOB SUCCESS  
11 SHALL NOTIFY THE DEPARTMENT OR ITS DESIGNEE OF ANY CHANGE IN  
12 THE WORKER'S MONTHLY INCOME IN A MANNER TO BE DETERMINED BY  
13 THE DEPARTMENT.

14 (B.1) PAYMENT.--A WORKER WITH JOB SUCCESS WHO PARTICIPATES  
15 IN MEDICAL ASSISTANCE FOR WORKERS WITH DISABILITIES WITH INCOME  
16 AT OR ABOVE \$75,000 COMPOUNDED BY THE COST-OF-LIVING INCREASES  
17 GRANTED BY THE FEDERAL GOVERNMENT UNDER THE SOCIAL SECURITY  
18 PROGRAM ANNUALLY SINCE THE YEAR 2000 SEEKING TO PURCHASE MEDICAL  
19 ASSISTANCE BENEFITS SHALL PAY TO THE DEPARTMENT OR ITS DESIGNEE  
20 100% OF THE COMMONWEALTH'S AVERAGE COST OF THE MEDICAL  
21 ASSISTANCE FOR WORKERS WITH DISABILITIES PROGRAM.

22 (B.2) DETERMINATION OF ELIGIBILITY.-- ASSETS DEVELOPED BY A  
23 MEDICAL ASSISTANCE FOR WORKERS WITH DISABILITIES ENROLLEE WHO  
24 WAS MADE ELIGIBLE UNDER THE JOB SUCCESS CATEGORY WILL NOT BE  
25 COUNTED IN THE DETERMINATION OF ELIGIBILITY FOR THE MEDICAL  
26 ASSISTANCE FOR WORKERS WITH DISABILITIES PROGRAM IF THE ENROLLEE  
27 LOSES ELIGIBILITY IN THE JOB SUCCESS CATEGORY.

28 (C) PROVISION OF BENEFITS.--UPON RECEIPT OF A WORKER'S  
29 PAYMENT UNDER SUBSECTION (B) (1), THE DEPARTMENT OR ITS DESIGNEE  
30 SHALL PROVIDE TO THE WORKER MEDICAL ASSISTANCE BENEFITS AT THE

1 CATEGORICALLY NEEDY LEVEL AS DEFINED BY THE DEPARTMENT.

2 (D) DEPARTMENT RESPONSIBILITIES.--THE DEPARTMENT SHALL:

3 (1) ADMINISTER THE MEDICAL ASSISTANCE PURCHASE PROGRAM.

4 (2) [PREPARE] ANNUALLY PREPARE AND SUBMIT BY NOVEMBER  
5 30[, 2002, AND ANNUALLY THEREAFTER] OF EACH YEAR A REPORT TO  
6 THE CHAIR AND MINORITY CHAIR OF THE PUBLIC HEALTH AND WELFARE  
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 3. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.