

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 847 Session of 2019

INTRODUCED BY MARTIN, ARGALL, GORDNER, FOLMER, AUMENT, PHILLIPS-HILL, K. WARD, STEFANO AND J. WARD, SEPTEMBER 5, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, SEPTEMBER 5, 2019

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 providing for community engagement requirements.

5 The General Assembly of the Commonwealth of Pennsylvania
 6 hereby enacts as follows:

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

10 Section 441.10. Community Engagement Requirements.--(a)
 11 Within ninety days of the effective date of this subsection, the
 12 secretary shall apply to the Centers for Medicare and Medicaid
 13 Services of the United States Department of Health and Human
 14 Services for approval of a demonstration program under section
 15 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1315)
 16 for the purpose of instituting a community engagement
 17 requirement for medical assistance enrollees in accordance with
 18 this section. The application for the demonstration program
 19 shall take into account other assistance programs that have work

1 requirements to reduce monitoring and other administrative costs
2 of the department.

3 (b) In order to maintain enrollment in the medical
4 assistance program, a medical assistance enrollee shall
5 participate in community engagement activities for twenty hours
6 per week or for four hundred forty hours during the enrollee's
7 six-month review period. Participation in any of the following
8 community engagement activities satisfies the requirements of
9 this subsection:

10 (1) Employment or self-employment.

11 (2) Enrollment in an accredited postsecondary education
12 institution or a general education development (GED) program on
13 at least a half-time basis.

14 (3) An internship.

15 (4) Job training.

16 (5) Actively seeking employment. No more than ten hours per
17 week of participation in actively seeking employment may be used
18 to satisfy the community engagement requirements of this
19 section. The requirements to satisfy participation under this
20 clause shall be established by the department and shall include
21 at a minimum:

22 (i) Registration by an enrollee for employment search
23 services offered by the Pennsylvania CareerLink system or its
24 successor agency within thirty days after initial application
25 for benefits.

26 (ii) Posting a resume on the Pennsylvania CareerLink system
27 or its successor agency's database unless the enrollee is
28 seeking work in an employment sector in which resumes are not
29 commonly used.

30 (iii) Applying for positions that offer employment and wages

1 similar to those the enrollee had prior to unemployment and that
2 are within a forty-five-minute commuting distance.

3 (6) Volunteering. The requirements to satisfy participation
4 under this clause shall be established by the department and
5 shall include at a minimum volunteer work that is performed for
6 the direct benefit of the community and the enrollee in a
7 variety of capacities while under supervision, such as
8 participating in AmeriCorps, volunteer work in connection with
9 probation conditions and volunteer work for a faith-based
10 organization or animal shelter or in an educational or athletic
11 setting.

12 (7) Serving as a caregiver to an individual with a chronic
13 health condition who is unable to attend work or school as
14 verified by a physician.

15 (c) A medical assistance enrollee may participate in any
16 combination of the activities described in subsection (b) in
17 order to maintain enrollment in the medical assistance program.

18 (d) A medical assistance enrollee who fails to comply with
19 the community engagement requirement shall relinquish medical
20 assistance program eligibility for the following time periods:

21 (1) For a first violation, a minimum of thirty days and
22 continuing thereafter until the enrollee has demonstrated and
23 maintained compliance for at least one week.

24 (2) For a second violation, a minimum of sixty days and
25 continuing thereafter until the enrollee has demonstrated and
26 maintained compliance for at least one week.

27 (3) For third and subsequent violations, a minimum of ninety
28 days and continuing thereafter until the enrollee has
29 demonstrated and maintained compliance for at least one week.

30 (e) (1) A medical assistance enrollee may apply to the

1 department for exemption from the community engagement
2 requirement. The department shall exempt a medical assistance
3 enrollee who:

4 (i) Is attending high school as a full-time student.

5 (ii) Is currently receiving temporary or permanent long-term
6 disability benefits.

7 (iii) Is an individual eighteen years of age or younger.

8 (iv) Is a pregnant woman.

9 (v) Receives Supplemental Security Income (SSI) benefits.

10 (vi) Resides in a mental health institution, correctional
11 institution, long-term care facility or is receiving long-term
12 care support services.

13 (vii) Is hospitalized or is experiencing a serious medical
14 condition and unable to attend work or school as verified by a
15 physician.

16 (viii) Is in treatment for a substance use disorder as
17 verified by the licensed treatment provider.

18 (ix) Is the primary caregiver to a dependent who is six
19 years of age or younger. In the case of a two-parent or
20 caregiver household, this clause shall only apply to one parent
21 or caregiver.

22 (x) Is the primary caregiver to a dependent who is
23 permanently disabled as verified by a physician.

24 (xi) Is the primary caregiver to a dependent who is
25 experiencing a serious medical condition and is unable to attend
26 work or school as verified by a physician.

27 (xii) Is designated medically frail.

28 (xiii) Is on unpaid leave from employment under the Family
29 and Medical Leave Act of 1993 (Public Law 103-3, 29 U.S.C. §
30 2601 et seq.).

1 (xiv) Is an individual sixty-five years of age or older.

2 (xv) Is participating in the medical assistance for workers
3 with disabilities program under Chapter 15 of the act of June
4 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act.

5 (xvi) Has a permanent disability.

6 (2) Except as provided under clause (3), an exemption
7 approved by the department expires six months from the date of
8 approval unless renewed at six-month intervals thereafter.

9 (3) For an exemption approved by the department under clause
10 (1)(xiv), (xv) or (xvi), the exemption shall be provided without
11 any requirement for renewal.

12 (f) A medical assistance enrollee subject to the community
13 engagement requirement shall verify on a biannual basis
14 compliance with this section.

15 (g) Sanctions set forth in section 481 shall apply to a
16 medical assistance enrollee who fails to provide truthful and
17 accurate information under this section.

18 (h) The department shall develop forms to be used to
19 determine compliance and eligibility for exemption.

20 (i) The Department of the Auditor General shall biennially
21 review a random, statistically valid sample of medical
22 assistance enrollees to determine compliance with this section.

23 (j) The department shall provide for the dissemination of
24 information to medical assistance enrollees on existing
25 educational and job training opportunities in the community, job
26 openings, eligible transportation and child care programs. The
27 information shall be made available through county assistance
28 offices in conjunction with Pennsylvania CareerLink, local
29 workforce development boards, transit systems, drug and alcohol
30 programs, other State agencies and other appropriate outlets.

1 Section 2. When the Department of Human Services receives
2 Federal approval of the application of the department for a
3 demonstration program instituting a community engagement
4 requirement as specified in section 441.10 of the act, the
5 department shall transmit notice of that fact to the Legislative
6 Reference Bureau for publication in the Pennsylvania Bulletin.

7 Section 3. This act shall take effect as follows:

8 (1) The following provisions shall take effect
9 immediately:

10 (i) The addition of section 441.10 of the act.

11 (ii) This section.

12 (iii) Section 2 of this act.

13 (2) The remainder of this act shall take effect one year
14 after the date of publication of the notice under section 2
15 of this act.