
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 890 Session of 2019

INTRODUCED BY MENSCH, SCARNATI, J. WARD, ARGALL, PITTMAN,
MASTRIANO, STEFANO, COSTA, BOSCOLA, COLLETT, BLAKE, KEARNEY,
LEACH, BREWSTER, YUDICHAK, PHILLIPS-HILL, BARTOLOTTA, BAKER,
K. WARD AND YAW, OCTOBER 8, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 8, 2019

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, further
15 providing for definitions and for medical assistance benefits
16 for workers with disabilities and workers with medically
17 improved disabilities.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 1502 of the act of June 26, 2001
21 (P.L.755, No.77), known as the Tobacco Settlement Act, is
22 amended by adding a definition to read:

23 Section 1502. Definitions.

24 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

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

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

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

11 (3) was previously a worker with a disability and
12 participated in medical assistance for at least one year;

13 (4) has monthly income that is less than 400% of the
14 Federal poverty income guidelines during fiscal years 2019-
15 2020 and 2020-2021, less than 500% of the Federal poverty
16 income guidelines during fiscal years 2021-2022 and 2022-2023
17 and less than 600% of the Federal poverty income guidelines
18 in fiscal years 2023-2024 and thereafter; and

19 (5) may have countable assets in excess of \$10,000 that
20 have been developed since the individual's initial
21 eligibility under this subsection.

22 Section 2. Section 1503 of the act is amended to read:

23 Section 1503. Medical assistance benefits for workers with
24 disabilities [and], workers with medically improved
25 disabilities and workers with job success.

26 (a) Program establishment.--There is established in the
27 department a medical assistance purchase program for workers
28 with disabilities [and], workers with medically improved
29 disabilities and workers with job success. Appropriations to the
30 department from [the fund] all sources of funds for the program

1 shall be used by the department to provide medical assistance to
2 a worker with a disability [or] a worker with a medically
3 improved disability or a worker with job success.

4 (b) Worker with a disability [or] worker with a medically
5 improved disability or worker with job success
6 responsibilities.--[A worker with a disability or a worker with
7 a medically improved disability seeking to purchase medical
8 assistance benefits shall:

9 (1) Pay to the department or its designee 5% of the
10 worker's monthly income in a manner to be determined by the
11 department.

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

15 (3) Failure of a worker with a disability or a worker
16 with a medically improved disability to make payments in
17 accordance with paragraph (1) will result in the termination
18 of medical assistance coverage.]

19 (1) A worker with a disability or a worker with a
20 medically improved disability seeking to purchase medical
21 assistance benefits shall pay to the department or its
22 designee 5% of the worker's monthly income in a manner to be
23 determined by the department. Failure of a worker with a
24 disability or a worker with a medically improved disability
25 to make payments in accordance with this paragraph shall
26 result in the termination of medical assistance coverage.

27 (2) A worker with job success seeking to purchase
28 medical assistance benefits shall pay to the department or
29 its designee 7.5% of the worker's monthly income in a manner
30 to be determined by the department. Failure of a worker with

1 job success to make payments in accordance with this
2 paragraph shall result in the termination of medical
3 assistance coverage.

4 (3) A worker with a disability, a worker with a
5 medically improved disability or a worker with job success
6 shall notify the department or its designee of any change in
7 the worker's monthly income in a manner to be determined by
8 the department.

9 (b.1) Payment.--A worker with job success with income at or
10 above \$75,000 compounded by the cost-of-living increases granted
11 by the Federal Government under the Social Security program
12 annually since the year 2000 seeking to purchase medical
13 assistance benefits shall pay to the department or its designee
14 100% of the Commonwealth's average cost of the medical
15 assistance for workers with disabilities program.

16 (b.2) Determination of eligibility.--The income and assets
17 of a spouse or dependent of a worker with medical assistance for
18 workers with a disability shall not be included in the
19 determination of eligibility for the purchase of medical
20 assistance benefits. Assets developed by a medical assistance
21 for workers with disabilities enrollee made eligible under the
22 job success category during the worker's participation in the
23 medical assistance for workers with disabilities program will
24 not be counted in the determination of eligibility for the
25 medical assistance for workers with disabilities program under
26 the job success category.

27 (c) Provision of benefits.--Upon receipt of a worker's
28 payment under subsection (b) (1), the department or its designee
29 shall provide to the worker medical assistance benefits at the
30 categorically needy level as defined by the department.

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

2 (1) Administer the medical assistance purchase program.

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

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