
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2402 Session of
2022

INTRODUCED BY GROVE, MARCH 16, 2022

REFERRED TO COMMITTEE ON HEALTH, MARCH 16, 2022

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 hospital presumptive eligibility.

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 443.13. Hospital Presumptive Eligibility.--(a) The
11 department shall request Federal approval from the Centers for
12 Medicare and Medicaid Services of the United States Department
13 of Health and Human Services for a demonstration waiver under
14 section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C.
15 § 1315) to enable the department to eliminate mandatory hospital
16 presumptive eligibility and restrict presumptive eligibility
17 determinations to children and pregnant women eligibility
18 groups. If Federal approval for the waiver is denied, the
19 department shall resubmit a request for approval within twenty-

1 four months of the original denial and each subsequent denial
2 thereafter.

3 (b) Unless required under Federal law, the department may
4 not designate itself as a qualified health entity for the
5 purpose of making presumptive eligibility determinations or for
6 any purpose not expressly authorized by State law.

7 (c) In making presumptive eligibility determinations, a
8 hospital shall:

9 (1) Notify the department of each presumptive eligibility
10 determination within five working days from the date that the
11 determination was made.

12 (2) Assist individuals determined to be presumptively
13 eligible with completing and submitting a full medical
14 assistance application form.

15 (3) Notify an applicant in writing and on all relevant forms
16 with plain language and large print that if the applicant does
17 not file a full medical assistance application with the
18 department before the last day of the following month,
19 presumptive eligibility coverage will end on that last day.

20 (4) Notify an applicant that if the applicant files a full
21 medical assistance application with the department before the
22 last day of the following month, presumptive eligibility
23 coverage will continue until an eligibility determination is
24 made on the application that was filed.

25 (d) The department shall use the following standards to
26 establish and ensure accurate presumptive eligibility
27 determinations made by each qualified hospital:

28 (1) Was the medical assistance presumptive eligibility card
29 received by the department within five working days from the
30 determination date?

1 (2) Was a full medical assistance application received by
2 the department before the expiration of the presumptive
3 eligibility period?

4 (3) If a full medical assistance application was received,
5 was the individual found to be eligible for full medical
6 assistance coverage?

7 (e) The following apply to corrective action:

8 (1) The first time that a qualified hospital fails to meet
9 any of the standards established for any presumptive eligibility
10 determination that the hospital made, the department shall
11 notify the hospital in writing within five days from when the
12 standard was not met. The notice shall include:

13 (i) A description of the standard that was not met and an
14 explanation of why it was not met.

15 (ii) Confirmation that a second finding will require that
16 all applicable hospital staff participate in mandatory training
17 on hospital presumptive eligibility rules and regulations to be
18 conducted by the department.

19 (2) The second time that a qualified hospital fails to meet
20 any of the standards established for any presumptive eligibility
21 determination that the hospital made, within one year of the
22 first violation, the department shall notify the hospital in
23 writing within five days from when the standard was not met. The
24 notice shall include:

25 (i) A description of the standard that was not met and an
26 explanation of why it was not met.

27 (ii) Confirmation that all applicable hospital staff will be
28 required to participate in a mandatory training on hospital
29 presumptive eligibility rules and regulations to be conducted by
30 the department, including the date, time and location of the

1 training as determined by the department.

2 (iii) A description of available appellate procedures by
3 which a qualified hospital may dispute the finding of failure
4 and remove the finding by providing clear and convincing
5 evidence that the standard was met.

6 (iv) Confirmation that if the hospital again fails to meet
7 the standards for presumptive eligibility for any determination,
8 the hospital will no longer be qualified to make presumptive
9 eligibility determinations.

10 (3) The third time that a qualified hospital fails to meet
11 any of the standards established for any presumptive eligibility
12 determination that the hospital made, within one year of the
13 second violation, the department shall notify the hospital in
14 writing within five days from when the standard was not met. The
15 notice shall include:

16 (i) A description of the standard that was not met and an
17 explanation of why it was not met.

18 (ii) A description of available appellate procedures by
19 which a qualified hospital may dispute the finding of failure
20 and remove the finding by providing clear and convincing
21 evidence that the standard was met.

22 (iii) Confirmation that, effective immediately, the hospital
23 is no longer qualified to make presumptive eligibility
24 determinations of any kind.

25 Section 2. This act shall take effect in 60 days.