
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 44 Session of
2021

INTRODUCED BY MUTH, COLLETT, L. WILLIAMS, BREWSTER, CAPPELLETTI,
COMITTA, COSTA, FONTANA, HAYWOOD, HUGHES, KANE, KEARNEY,
SABATINA, SANTARSIERO, SAVAL, SCHWANK, STREET, TARTAGLIONE
AND A. WILLIAMS, MARCH 15, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 15, 2021

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 preliminary provisions,
4 providing for construction; and, in public assistance,
5 further providing for definitions, for eligibility and for
6 the medically needy and determination of eligibility.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

12 Section 104. Construction.--A reference to general
13 assistance in this act, another statute or a regulation shall
14 refer to emergency relief or general assistance-related
15 categorically needy medical assistance as those terms are
16 defined in section 402.

17 Section 2. Section 402 is amended by adding a definition to
18 read:

19 Section 402. Definitions.--As used in this article, unless

1 the context clearly indicates otherwise:

2 * * *

3 "Emergency relief" means assistance in the form of cash for
4 persons who meet the requirements of section 432(3.1).

5 * * *

6 Section 3. Section 432 introductory paragraph and (3)
7 introductory paragraph of the act are amended and the section is
8 amended by adding a clause to read:

9 Section 432. Eligibility.--Except as hereinafter otherwise
10 provided, and subject to the rules, regulations, and standards
11 established by the department, both as to eligibility for
12 assistance and as to its nature and extent, needy persons of the
13 classes defined in clauses (1), (2), [and] (3) and (3.1) shall
14 be eligible for assistance:

15 * * *

16 (3) Other persons who are citizens of the United States, or
17 lawfully admitted aliens who are eligible for general
18 [assistance] assistance-related categorically needy medical
19 assistance under this clause.

20 * * *

21 (3.1) Other persons who are citizens of the United States or
22 lawfully admitted aliens who are eligible for emergency relief
23 under this clause.

24 (i) Persons who may be eligible for emergency relief for an
25 indeterminate period of time as a result of medical, social or
26 related circumstances shall be limited to:

27 (A) A veteran who has been assessed by a physician,
28 psychiatrist or psychologist as having a disability or
29 behavioral health disorder incurred in or exacerbated by active
30 military service that temporarily or permanently precludes the

1 veteran from obtaining or retaining gainful employment. The
2 disability or disorder resulting from active military service
3 may be established by a statement from the veteran's physician,
4 psychiatrist or psychologist or from a proper military authority
5 that has actual documented knowledge of the veteran's disability
6 or behavioral health disorder. For the purposes of this unit,
7 the term "veteran" shall mean an individual who served in the
8 armed forces of the United States, including a reserve component
9 or the National Guard, who retired or was discharged, released
10 or separated from active military service under conditions other
11 than dishonorable.

12 (B) A caretaker of a veteran described under unit (A) who
13 needs personal care services because the veteran cannot perform
14 one or more activities of daily living or who needs supervision
15 or protection due to permanent neurological impairment or
16 physical injury. A veteran described under unit (A) may appoint
17 one primary caretaker and one secondary caretaker to serve as
18 backup support or to relieve the primary caretaker when
19 necessary.

20 (C) A child who is under eighteen years of age or an
21 individual who is eighteen through twenty years of age and
22 attends a secondary or equivalent vocational or technical school
23 full time and may reasonably be expected to complete the program
24 before reaching twenty-one years of age.

25 (D) Persons who are parents residing in a two-parent
26 household with their child who is under thirteen years of age or
27 who is thirteen years of age or older and has a verified
28 disability. Every possible effort shall be made by the
29 department to place these persons in the Temporary Assistance
30 for Needy Families (TANF) program.

1 (E) A person who has been assessed by a physician,
2 psychiatrist or psychologist as having a disability or
3 behavioral health disorder that temporarily or permanently
4 precludes the person from obtaining or retaining gainful
5 employment. The disability or disorder must be verified and
6 established by written documentation in a form prescribed by the
7 department and must be based on acceptable clinical and
8 laboratory diagnostic techniques. The department may also
9 require the applicant or recipient to submit to an independent
10 examination as a condition of receiving emergency relief. An
11 applicant or recipient with a disability or disorder which is
12 temporary in nature shall pursue appropriate treatment as a
13 condition of receiving relief.

14 (F) A person who is a nonparental caretaker of a child under
15 thirteen years of age or a caretaker of another person because
16 of illness or disability. The child or other person for whom the
17 person is a caretaker must be a member of the household and the
18 caretaker must be a person whose presence is required in the
19 home to care for another person as determined in accordance with
20 department regulations. A person shall not be eligible for
21 emergency relief under this unit if there is another adult in
22 the household who is capable of providing the care without
23 emergency relief under this unit.

24 (G) A person who is currently undergoing active treatment
25 for a substance use disorder, including opioid use disorder, in
26 a drug and alcohol program licensed or approved by the
27 Department of Health or the Department of Drug and Alcohol
28 Programs or administered by an agency of the Federal Government
29 that precludes the person from any form of employment in
30 accordance with standards established by the department. Persons

1 eligible under this clause may not receive general assistance
2 under this clause for more than nine months of the person's
3 lifetime.

4 (H) A pregnant woman.

5 (I) A victim of domestic violence, sexual assault or
6 stalking who is receiving protective services as defined by the
7 department. Persons eligible under this clause may not receive
8 general assistance under this clause for more than nine months
9 of the person's lifetime.

10 (ii) Applicants for emergency relief shall be required to
11 apply for benefits under Federal programs for which they may be
12 eligible before receiving emergency relief and shall cooperate
13 with the department as required under, and shall otherwise
14 comply with, section 432.21. Grant of emergency relief under
15 this clause shall continue as long as the person remains
16 eligible. The department shall redetermine eligibility on at
17 least an annual basis and persons shall be required to seek
18 employment, accept any offer of employment and maintain
19 employment as conditions of eligibility except as otherwise
20 exempt under section 405.1(a.3).

21 Section 4. Section 442.1(a) (3) introductory paragraph of the
22 act is amended and the clause is amended by adding a subclause
23 to read:

24 Section 442.1. The Medically Needy; Determination of
25 Eligibility.--(a) A person shall be considered medically needy
26 if that person meets the requirements of clauses (1), (2) and
27 (3):

28 * * *

29 (3) Complies with subclause (ii) or (iii):

30 * * *

1 (iii) Receives emergency relief.

2 * * *

3 Section 5. This act shall take effect immediately.