

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **156** Session of
2021

INTRODUCED BY MENSCH, K. WARD, BROOKS, GORDNER, ARGALL, BAKER,
BARTOLOTTA, DiSANTO, PITTMAN, STEFANO, J. WARD, BLAKE,
BREWSTER, COLLETT, COMITTA, HAYWOOD, MUTH, SANTARSIERO,
SCHWANK, TARTAGLIONE, BOSCOLA, HUGHES, SABATINA, COSTA AND
KANE, FEBRUARY 2, 2021

AS AMENDED ON THIRD CONSIDERATION, MAY 10, 2021

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. The definitions of "worker with a disability" and
21 "worker with a medically improved disability" in section 1502 of
22 the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco
23 Settlement Act, are amended and the section is amended by adding
24 a definition to read:

1 Section 1502. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 * * *

6 "Worker with a disability." An individual who meets all of
7 the following:

8 (1) is at least 16 years of age [~~but less than 65 years~~
9 ~~of age;~~] and meets age requirements as established under
10 applicable Federal law;

11 (2) is employed and receiving compensation;

12 (3) is eligible to receive Supplemental Security Income
13 except for earnings and resources that exceed the limit
14 established in section 1905 of the Social Security Act (49
15 Stat. 620, 42 U.S.C. § 1396d(q) (2) (B));

16 (4) has monthly income below 250% of the Federal poverty
17 income guidelines; and

18 (5) has countable resources equal to or less than
19 \$10,000.

20 "Worker with a medically improved disability." An individual
21 who meets all of the following:

22 (1) is at least 16 years of age [~~but less than 65 years~~
23 ~~of age;~~] and meets age requirements as established under
24 applicable Federal law;

25 (2) is employed at least 40 hours per month and is
26 earning at least the applicable minimum wage under section 6
27 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29
28 U.S.C. § 206);

29 (3) was previously a worker with a disability and
30 participated in medical assistance;

1 (4) has monthly income below 250% of the Federal poverty
2 income guidelines; and

3 (5) has countable resources equal to or less than
4 \$10,000.

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

7 (1) is at least 16 years of age and meets age
8 requirements as established under APPLICABLE Federal law; <--

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

12 (3) has participated in a medical assistance for workers
13 with disabilities category or a medical assistance for
14 workers with medically improved disabilities category for the
15 previous 12 consecutive months;

16 (4) has monthly income that is more than 250% of the
17 Federal poverty income guidelines and less than 600% of the
18 Federal poverty income guidelines; 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 who participates
10 in medical assistance for workers with disabilities with income
11 at or above \$75,000 compounded by the cost-of-living increases
12 granted by the Federal Government under the Social Security
13 program annually since the year 2000 AND WHO IS seeking to <--
14 purchase medical assistance benefits shall pay to the department
15 or its designee 100% of the Commonwealth's average cost of the
16 medical assistance for workers with disabilities program.

17 (b.2) Determination of eligibility.--Assets developed by a
18 medical assistance for workers with disabilities enrollee who
19 was made eligible under the job success category will not be
20 counted in the determination of eligibility for the medical
21 assistance for workers with disabilities program if the enrollee
22 loses eligibility in the job success category.

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

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

28 (1) Administer the medical assistance purchase program.

29 (2) [Prepare] Annually prepare and submit by November

30 30[, 2002, and annually thereafter] of each year a report to

1 the chair and minority chair of the [Public Health and <--
2 Welfare] HEALTH AND HUMAN SERVICES Committee of the Senate <--
3 and the chair and minority chair of the Health [and Human <--
4 Services] Committee of the House of Representatives on the <--
5 number of individuals purchasing medical benefits, the
6 average amount paid for the benefits and any other
7 information deemed necessary by the department. The annual
8 report shall be made available for public inspection and
9 posted on the department's publicly accessible [World Wide
10 Web site] Internet website.
11 Section 3. This act shall take effect in 180 days.