

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1288 Session of 2023

INTRODUCED BY GROVE, HAMM, KAUFFMAN, JAMES, FLICK, ROWE AND
KEEFER, JUNE 1, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 1, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,
34 every State depository and every debtor or creditor of the

1 Commonwealth," in emergency COVID-19 response, providing for
2 Federal maintenance of effort restrictions and for ending
3 maintenance of effort restrictions related to COVID-19 public
4 health emergency.

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

7 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
8 as The Fiscal Code, is amended by adding sections to read:

9 Section 164-C. Federal maintenance of effort restrictions.

10 (a) Procedures.--When the department receives funding
11 contingent on temporary maintenance of effort restrictions or,
12 for any reason, is limited in the ability to disenroll
13 individuals, such as through restrictions imposed by section
14 6008 of the Families First Coronavirus Response Act (Public Law
15 116-127, 134 Stat. 177), the department shall:

16 (1) Continue to conduct redeterminations as in the
17 normal course of business and act on the redeterminations to
18 the fullest extent permissible under the law.

19 (2) Within 60 days of the expiration of the
20 restrictions, complete a full audit in which the department
21 shall:

22 (i) Complete and act on eligibility redeterminations
23 for all cases that have not had a redetermination within
24 the last 12 months.

25 (ii) Request Federal approval from the Centers for
26 Medicare and Medicaid Services for the authority to
27 conduct and act on eligibility redeterminations for each
28 individual enrolled during the period of restrictions
29 enrolled for three or more total months and shall, within
30 60 days of approval, conduct and act on the
31 redeterminations.

32 (iii) Carry out an additional check of all

1 verification measures established under section 441.9 of
2 the Human Services Code, to verify eligibility and act on
3 the information checked.

4 (iv) Submit a summary report of the audit to the
5 members of the General Assembly, the Office of Inspector
6 General, the Attorney General, the Auditor General and
7 the State Treasurer. At a minimum, the report shall
8 include:

9 (A) The number of enrollees enrolled in medical
10 assistance who are ineligible at the time that the
11 restrictions end, how confident the department is in
12 that number and on what basis that confidence is
13 founded.

14 (B) The extent to which the department has
15 continued to conduct redeterminations while
16 restrictions were in place and how much time the
17 department expects to need to disenroll all
18 ineligible individuals.

19 (C) The total State dollars spent on ineligible
20 enrollees in each month in the period in which the
21 restrictions were in place and the basis for that
22 estimate.

23 (D) For each month in the period in which the
24 restrictions were in place, the number of individuals
25 checked for eligibility by cross-checking
26 incarceration records, the number of these
27 individuals determined ineligible and the number of
28 individuals removed within one month on this basis.

29 (E) For each month in the period in which the
30 restrictions were in place, the number of individuals

1 checked for eligibility by cross-checking out-of-
2 State EBT card spending records, the number of these
3 individuals determined ineligible and the number of
4 individuals removed within one month on this basis.

5 (F) For each fiscal quarter in the period in
6 which the restrictions were in place, the number of
7 individuals checked for eligibility by cross-checking
8 tax records, the number of these individuals
9 determined ineligible and the number of individuals
10 removed within one month on this basis.

11 (G) For each month in the period in which the
12 restrictions were in place, the number of individuals
13 checked for eligibility by cross-checking death
14 records, the number of these individuals determined
15 ineligible and the number of individuals removed
16 within one month on this basis.

17 (H) For each month in the period in which the
18 restrictions were in place, the number of individuals
19 checked for eligibility by cross-checking lottery
20 records, the number of these individuals determined
21 ineligible and the number of individuals removed
22 within one month on this basis.

23 (I) For each month in the period in which the
24 restrictions were in place, the number of individuals
25 checked for eligibility by cross-checking wage
26 records, the number of these individuals determined
27 ineligible and the number of individuals removed
28 within one month on this basis.

29 (J) The percentage of enrollees in each
30 eligibility category found to have zero reported and

1 unreported income for each month in the period in
2 which the restrictions were in place.

3 (b) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Department." The Department of Human Services of the
7 Commonwealth.

8 Section 165-C. Ending maintenance of effort restrictions
9 related to COVID-19 public health emergency.

10 (a) Redeterminations.--Notwithstanding section 6008 of the
11 Families First Coronavirus Response Act (Public Law 116-127, 134
12 Stat. 177), the department shall notify the Centers for Medicare
13 and Medicaid Services that the State will proceed with
14 scheduled, annual redeterminations and remove enrollees who are
15 ineligible beginning on the first day of the first full quarter
16 after the effective date of this section.

17 (b) Prioritization.--The department shall prioritize the
18 redetermination of enrollees who the department has designated
19 as the maintained population and shall immediately perform a
20 redetermination on the maintained population.

21 (c) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Department." The Department of Human Services of the
25 Commonwealth.

26 "Maintained population." Enrollees who would have been
27 ineligible or did not return a renewal of their Medicaid
28 coverage maintained between March 2020 and March 2023 under the
29 continuous coverage requirement.

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