

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of 2013

INTRODUCED BY DiGIROLAMO, SCHLOSSBERG, DERMODY, GAINNEY, BROWNLEE, NEILSON, B. BOYLE, CALTAGIRONE, FRANKEL, STURLA, WHEATLEY, O'BRIEN, FREEMAN, K. BOYLE, DAVIS, PARKER, GODSHALL, V. BROWN, KIM, DeLISSIO, BRIGGS, SANTARSIERO, DEAN, M. DALEY, DAVIDSON, BIZZARRO, PAINTER, MAHONEY, HANNA, MARKOSEK, DONATUCCI, J. HARRIS, BISHOP, P. DALEY, KULA, KINSEY, BRADFORD, P. COSTA, SIMS, WATERS, MUNDY, SNYDER, KAVULICH, GOODMAN, D. COSTA, FABRIZIO, FLYNN, BARBIN, McGEEHAN, MULLERY, THOMAS, PASHINSKI, CLAY, MOLCHANY, DEASY, GALLOWAY, HAGGERTY, FARINA, CONKLIN, KIRKLAND, COHEN, D. MILLER, SCHREIBER, SAMUELSON, SABATINA, GERGELY, MATZIE, ROEBUCK, DeLUCA, LONGIETTI, MURT, VITALI, TAYLOR, W. KELLER, ROZZI, D. EVANS, CRUZ, NEUMAN, McCARTER AND MICOZZIE, JUNE 11, 2013

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2014

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 ~~further providing for persons eligible for medical assistance~~ <--
5 PROVIDING FOR PENNSYLVANIA-SPECIFIC HEALTH INSURANCE <--
6 COVERAGE.

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

9 ~~Section 1. Section 441.1(a) of the act of June 13, 1967~~ <--

10 ~~(P.L.31, No.21), known as the Public Welfare Code, is amended by~~
11 ~~adding paragraphs to read:~~

12 ~~Section 441.1. Persons Eligible for Medical Assistance. (a)~~

13 ~~The following persons shall be eligible for medical assistance:~~

1 * * *

2 ~~(6) Persons who are eligible for the Medicaid expansion~~
3 ~~described in section 1902(a)(10)(A)(i), (ii), (iii), (iv), (v)~~
4 ~~or (vi) of the Social Security Act (42 U.S.C. § 1396a(a)(10)(A)~~
5 ~~(i) or (ii)) and whose income as determined under Federal law,~~
6 ~~section 1902(e)(14) of the Social Security Act (42 U.S.C. §~~
7 ~~1396a(e)(14)) does not exceed one hundred thirty three percent~~
8 ~~of the poverty line as defined in section 2110(c)(5) of the~~
9 ~~Social Security Act (42 U.S.C. § 1397jj(c)(5)) applicable to a~~
10 ~~family of the size involved, subject to section 1902(k) of the~~
11 ~~Social Security Act (42 U.S.C. § 1396a(k)).~~

12 ~~(7) The secretary:~~

13 ~~(i) Shall file a State Plan Amendment to implement the~~
14 ~~coverage described in paragraph (6) provided that the secretary~~
15 ~~may suspend the category of eligibility described in paragraph~~
16 ~~(6) if the Federal medical assistance percentages described in~~
17 ~~section 1905(y)(1) of the Social Security Act (42 U.S.C. §~~
18 ~~1396d(y)(1)) is reduced.~~

19 ~~(ii) May also suspend the category of eligibility described~~
20 ~~in paragraph (6) if the Federal government disapproves the~~
21 ~~assessment of revenue from medicaid managed care organizations~~
22 ~~as defined in section 801-F and the secretary finds that such~~
23 ~~disapproval makes the expansion of eligibility to be~~
24 ~~impracticable.~~

25 ~~(8) Individuals eligible under paragraph (6) may be charged~~
26 ~~premiums or cost sharing, including deductibles, copayments and~~
27 ~~similar charges for medical services as permitted under Federal~~
28 ~~law. In establishing such premiums or cost sharing, the~~
29 ~~secretary shall consider the funds certified by the Budget~~
30 ~~Secretary as available, the cost of living and the number of~~

1 ~~persons who may be eligible.~~

2 ~~Section 2. This act shall take effect January 1, 2014.~~

3 SECTION 1. THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN <--
4 AS THE PUBLIC WELFARE CODE, IS AMENDED BY ADDING A SECTION TO
5 READ:

6 SECTION 441.10. PENNSYLVANIA-SPECIFIC HEALTH INSURANCE
7 COVERAGE.-- (A) THE DEPARTMENT SHALL PURSUE AN AGREEMENT WITH
8 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
9 IMPLEMENT A PENNSYLVANIA-SPECIFIC DEMONSTRATION PROGRAM UNDER
10 SECTION 1115 OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C.
11 § 1315) TO EXTEND HEALTH INSURANCE COVERAGE TO PERSONS DESCRIBED
12 UNDER SECTION 1902(A)(10)(A)(I)(VIII) OF THE SOCIAL SECURITY ACT
13 (49 STAT. 620, 42 U.S.C. § 1396A(A)(10)(A)(I)(VIII)).

14 (B) THE DEPARTMENT SHALL ADMINISTER A TEMPORARY BRIDGE TO
15 THE HEALTH INSURANCE COVERAGE ESTABLISHED IN SUBSECTION (A):

16 (1) THE SECRETARY:

17 (I) SHALL FILE A STATE PLAN AMENDMENT IMMEDIATELY TO EXTEND
18 MEDICAL ASSISTANCE TO PERSONS DESCRIBED UNDER SECTION 1902(A)
19 (10)(A)(I)(VIII) OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42
20 U.S.C. § 1396A(A)(10)(A)(I)(VIII)) PROVIDED THAT THE SECRETARY
21 MAY SUSPEND THE CATEGORY OF ELIGIBILITY DESCRIBED IN THIS
22 PARAGRAPH IF THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES
23 DESCRIBED IN SECTION 1905(Y)(1) OF THE SOCIAL SECURITY ACT (49
24 STAT. 620, 42 U.S.C. § 1396D(Y)(1)) IS REDUCED.

25 (II) MAY ALSO SUSPEND THE CATEGORY OF ELIGIBILITY DESCRIBED
26 IN THIS PARAGRAPH IF THE FEDERAL GOVERNMENT DISAPPROVES THE
27 ASSESSMENT OF REVENUE FROM MEDICAID MANAGED CARE ORGANIZATIONS
28 AS DEFINED IN SECTION 801-F AND THE SECRETARY FINDS THAT SUCH
29 DISAPPROVAL MAKES THE EXPANSION OF ELIGIBILITY TO BE
30 IMPRACTICABLE.

1 (2) AUTHORITY FOR A TEMPORARY BRIDGE TO HEALTH INSURANCE
2 COVERAGE SHALL CEASE NINETY DAYS AFTER THE UNITED STATES
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT REACH
4 AN AGREEMENT PURSUANT TO SUBSECTION (A), OR ON DECEMBER 31,
5 2016, WHICHEVER IS SOONER.

6 (3) THIS SUBSECTION AND THE EXPIRATION OF THE AUTHORITY FOR
7 A TEMPORARY BRIDGE TO HEALTH INSURANCE COVERAGE SHALL NOT
8 CONSTRAIN THE SECRETARY FROM FILING ANY STATE PLAN AMENDMENTS
9 WITHIN THE SECRETARY'S AUTHORITY.

10 (C) THE DEPARTMENT SHALL SEEK THE FULL FEDERAL MEDICAL
11 ASSISTANCE PERCENTAGE UNDER SECTION 1905(Y) OF THE SOCIAL
12 SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1396D(Y) FOR PERSONS
13 ELIGIBLE FOR HEALTH INSURANCE COVERAGE UNDER THIS SECTION AND
14 MEDICAL ASSISTANCE UNDER SECTION 441.1 RETROACTIVE TO THE
15 BEGINNING OF THE CALENDAR QUARTER IN WHICH THIS SECTION TAKES
16 EFFECT.

17 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.