

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 398 Session of 2021

INTRODUCED BY OWLETT, BOBACK, PICKETT, RYAN, ROTHMAN, RAPP,
SAYLOR, JAMES, ZIMMERMAN AND MOUL, FEBRUARY 4, 2021

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 4, 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 public assistance,
4 further providing for verification of eligibility.

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

7 Section 1. Section 441.9 of the act of June 13, 1967
8 (P.L.31, No.21), known as the Human Services Code, is amended by
9 adding subsections to read:

10 Section 441.9. Verification of Eligibility.--* * *

11 (d) All applicants and recipients shall, as a condition of
12 eligibility, cooperate with the department in securing medical
13 support from the noncustodial parent of any child for whom
14 medical assistance is sought or provided in all cases in which
15 support is being sought for the child. The department may not
16 accept a private agreement between a custodial parent and a
17 noncustodial parent that the custodial parent will provide
18 medical support if the agreement results in the child foregoing
19 medical support which would otherwise be available to the child

1 under 23 Pa.C.S. § 4326 (relating to mandatory inclusion of
2 child medical support). An agreement made in violation of this
3 subsection shall be considered void as contrary to public
4 policy. Medical assistance shall be provided to a child without
5 delay while the department is making a determination of the
6 noncustodial parent's ability to provide medical support.

7 (e) The requirements of subsection (d) may not apply if:

8 (1) The custodial parent is a victim of domestic violence
9 perpetrated by the noncustodial parent. Domestic violence shall
10 be verified using State standards developed under section 402(a)
11 (7) of the Personal Responsibility and Work Opportunity
12 Reconciliation Act of 1996 (Public Law 104-193, 42 U.S.C. §
13 602(a)(7)).

14 (2) The application of subsection (d) endangers the well-
15 being of a child by interrupting the child's continuity of
16 medical care.

17 (3) The pursuit of medical support from the noncustodial
18 parent harms either the child or the custodial parent's well-
19 being as documented in accordance with regulations promulgated
20 by the department.

21 (f) If the department determines that the noncustodial
22 parent withheld information required under subsection (d), the
23 noncustodial parent shall reimburse the department for the cost
24 of the medical assistance provided to the child. Nothing in this
25 section shall be construed to make the minor ineligible for
26 medical assistance.

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