
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 993 Session of
2013

INTRODUCED BY MURT, BRIGGS, BROOKS, V. BROWN, BROWNLEE, CARROLL, CHRISTIANA, COHEN, D. COSTA, P. COSTA, CRUZ, SCHLEGEL CULVER, P. DALEY, DAVIDSON, DAVIS, DAY, DEAN, DeLISSIO, DeLUCA, DERMODY, DiGIROLAMO, DONATUCCI, FABRIZIO, FARRY, FLECK, FRANKEL, FREEMAN, GERGELY, GIBBONS, GOODMAN, HACKETT, HANNA, HARKINS, J. HARRIS, HELM, HENNESSEY, HESS, KAVULICH, KILLION, KIM, KINSEY, KORTZ, LONGIETTI, MARKOSEK, MARSHALL, MARSICO, MASSER, MATZIE, McCARTER, McGEEHAN, MICCARELLI, MIRANDA, MOLCHANY, MUNDY, MUSTIO, NEUMAN, O'NEILL, PAINTER, PARKER, PASHINSKI, PAYNE, QUINN, RAVENSTAHL, READSHAW, REESE, ROEBUCK, ROSS, SACCONI, SANTARSIERO, SCAVELLO, SCHLOSSBERG, SIMS, SNYDER, STEPHENS, STEVENSON, STURLA, TAYLOR, TOEPEL, WATERS, WATSON, WHEATLEY, WHITE, YOUNGBLOOD, HARPER, CLYMER, HARHART, McNEILL, BRADFORD, TURZAI, JAMES, GINGRICH, CUTLER, KAMPF, BARRAR, MAHER, GODSHALL, VEREB, BOBACK, ADOLPH, AUMENT, MENTZER, GRELL, MICOZZIE, PETRI, MILNE, FEE, PEIFER, D. MILLER, SAMUELSON AND CALTAGIRONE, MARCH 13, 2013

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 1, 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," changing the name of the
4 Department of Public Welfare to the Department of Human
5 Services; ~~and~~ providing for a transition period; AND <--
6 ESTABLISHING A TOLL-FREE DHS FRAUD TIP LINE.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. Section 102 of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Public Welfare Code, is amended to read:

11 Section 102. Definitions.--Subject to additional definitions

1 contained in subsequent articles of this act, the following
2 words when used in this act shall have, unless the context
3 clearly indicates otherwise, the meanings given them in this
4 section:

5 "Department" means the Department of [Public Welfare] Human
6 Services of this Commonwealth.

7 "Secretary" means the Secretary of [Public Welfare] Human
8 Services of this Commonwealth.

9 Section 2. The act is amended by adding ~~a section~~ SECTIONS <--
10 to read:

11 Section 103. Redesignation.--(a) The Department of Public
12 Welfare shall be known as the Department of Human Services.

13 (b) A reference to the Department of Public Welfare in a
14 statute or a regulation shall be deemed a reference to the
15 Department of Human Services.

16 (c) In order to provide an efficient and cost-minimizing
17 transition, licenses, contracts, deeds and any other official
18 actions of the Department of Public Welfare shall not be
19 affected by the use of the designation of the department as the
20 Department of Human Services. The department may continue to use
21 the name Department of Public Welfare on badges, licenses,
22 contracts, deeds, stationary and any other official documents
23 until existing supplies are exhausted. The Department of Public
24 Welfare may substitute the title "Department of Human Services"
25 for "Department of Public Welfare" on its documents and
26 materials on such schedule as it deems appropriate.

27 (d) The Department of Human Services shall not replace
28 existing signage at department locations with the redesignated
29 name until the signs are worn and in need of replacement. This
30 transition shall be coordinated with changes in administration.

1 (e) The department shall continue to use the name Department
2 of Public Welfare on its computer systems until the time of
3 routine upgrades in each computer system in the department. The
4 change in name shall be made at the time of the routine upgrade
5 to the department computer systems.

6 SECTION 1418. TOLL-FREE DHS FRAUD TIP LINE.--(A) THE <--
7 DEPARTMENT SHALL:

8 (1) ESTABLISH A TOLL-FREE TELEPHONE NUMBER AND E-MAIL
9 ADDRESS FOR PERSONS TO REPORT SUSPECTED FRAUD OR ABUSE OF PUBLIC
10 ASSISTANCE PROGRAMS, INCLUDING, BUT NOT LIMITED TO, MEDICAL
11 ASSISTANCE, CASH ASSISTANCE AND FOOD STAMPS.

12 (2) OBTAIN THE TELEPHONE NUMBER 1-866-DHS-TIPS FOR SUCH
13 PURPOSES. IF THE PHONE NUMBER 1-866-DHS-TIPS IS NOT AVAILABLE,
14 THE DEPARTMENT SHALL OBTAIN A SUBSTANTIALLY SIMILAR TELEPHONE
15 NUMBER ACRONYM FOR SUCH PURPOSES.

16 (3) PERMIT PERSONS TO PROVIDE INFORMATION ANONYMOUSLY,
17 SHOULD THEY CHOOSE TO DO SO.

18 (4) CONDUCT A THOROUGH INVESTIGATION OF ALL CREDIBLE
19 COMPLAINTS OR PROVIDE A REFERRAL TO THE OFFICE OF INSPECTOR
20 GENERAL FOR INVESTIGATION, WHETHER PERTAINING TO A BENEFIT
21 RECIPIENT OR PROVIDER.

22 (B) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT ON ITS
23 FRAUD PREVENTION ACTIVITIES TO THE GOVERNOR AND GENERAL
24 ASSEMBLY. THE REPORT SHALL:

25 (1) INCLUDE, BUT NOT BE LIMITED TO, INFORMATION PERTAINING
26 TO THE FOLLOWING:

27 (I) THE NUMBER OF COMPLAINTS RECEIVED THROUGH THE TOLL-FREE
28 DHS FRAUD TIP LINE, REGULAR MAIL OR VIA THE INTERNET.

29 (II) THE NUMBER OF INVESTIGATIONS CONDUCTED BY THE
30 DEPARTMENT AND THE OFFICE OF INSPECTOR GENERAL AS A RESULT OF

1 SUCH COMPLAINTS.

2 (III) THE NUMBER OF CRIMINAL PROSECUTIONS AND CIVIL ACTIONS
3 RESULTING FROM SUCH INVESTIGATIONS.

4 (IV) THE ESTIMATED TOTAL COST AVOIDED AND FUNDS RECLAIMED BY
5 THE DEPARTMENT AS A RESULT OF SUCH COMPLAINTS.

6 (2) BE MADE AVAILABLE TO THE PUBLIC THROUGH THE DEPARTMENT'S
7 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

8 (C) THE FOLLOWING PROVISIONS APPLY TO POSTING INFORMATION
9 RELATING TO THE DHS FRAUD TIP LINE:

10 (1) AN OWNER, MANAGER OR PROVIDER WHO OPERATES A BUSINESS OR
11 MEDICAL FACILITY IN A PUBLIC PLACE WHO ACCEPTS FOOD STAMPS OR
12 MEDICAL ASSISTANCE AS A FORM OF PAYMENT FOR GOODS OR SERVICES
13 SHALL POST A SIGN CONTAINING INFORMATION REGARDING THE TOLL-FREE
14 DHS FRAUD TIP LINE.

15 (2) ANY OTHER OWNER, MANAGER OR PROVIDER MAY POST THE SIGN.

16 (3) AN OWNER, MANAGER OR PROVIDER UNDER PARAGRAPH (1) SHALL
17 POST AT LEAST ONE SIGN, NO SMALLER THAN 8 1/2 BY 11 INCHES AND
18 NO LARGER THAN 1 BY 2 FEET, IN A CONSPICUOUS MANNER CLEARLY
19 VISIBLE TO THE PUBLIC AND EMPLOYEES INSIDE THE BUSINESS OR
20 MEDICAL FACILITY.

21 (4) THE DEPARTMENT SHALL DESIGN THE SIGN TO INCLUDE THE
22 FOLLOWING INFORMATION:

23 (I) THE TOLL-FREE DHS FRAUD TIP LINE TELEPHONE NUMBER,
24 INCLUDING THE ACRONYM.

25 (II) NOTICE THAT CALLERS MAY PROVIDE INFORMATION ANONYMOUSLY
26 IF THEY CHOOSE TO DO SO.

27 (5) THE DEPARTMENT SHALL DESIGN THE SIGN TO DRAW ATTENTION
28 TO THE TELEPHONE NUMBER OF THE TOLL-FREE DHS FRAUD TIP LINE BY
29 DISPLAYING THE NUMBER AND ACRONYM IN BOLD TYPE AND LARGE FONT.

30 (6) THE DEPARTMENT SHALL PROVIDE THE SIGN ON ITS PUBLICLY

1 ACCESSIBLE INTERNET WEBSITE FOR OWNERS, MANAGERS AND PROVIDERS
2 TO PRINT AS NEEDED.

3 (D) THE FOLLOWING PROVISIONS RELATE TO ENFORCEMENT:

4 (1) A COMPLAINT REGARDING A POSSIBLE VIOLATION OF THIS
5 SECTION SHALL BE MADE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY
6 OR TO THE DEPARTMENT.

7 (2) EXCEPT AS OTHERWISE PROVIDED UNDER PARAGRAPH (3), UPON
8 RECEIPT OF A COMPLAINT BY THE DEPARTMENT, THE FOLLOWING APPLY:

9 (I) THE DEPARTMENT SHALL INVESTIGATE THE COMPLAINT AND
10 ENFORCE THIS ACT; OR

11 (II) IF THE BUSINESS OR MEDICAL FACILITY IS SUBJECT TO
12 LICENSURE BY THE COMMONWEALTH, THE DEPARTMENT SHALL REFER THE
13 COMPLAINT TO THE APPROPRIATE LICENSING AGENCY FOR INVESTIGATION
14 AND ENFORCEMENT OF THIS ACT.

15 (3) IF THE COMPLAINT IS MADE TO A LAW ENFORCEMENT AGENCY
16 REGARDING A BUSINESS, THE AGENCY SHALL INVESTIGATE THE COMPLAINT
17 AND ENFORCE THIS ACT.

18 (E) IT IS A VIOLATION OF THIS ACT TO FAIL TO POST A SIGN AS
19 REQUIRED UNDER SUBSECTION (C).

20 (F) ANY OF THE FOLLOWING SHALL BE AN AFFIRMATIVE DEFENSE TO
21 A PROSECUTION OR IMPOSITION OF AN ADMINISTRATIVE PENALTY UNDER
22 THIS ACT:

23 (1) WHEN THE VIOLATION OCCURRED, THE ACTUAL CONTROL OF THE
24 BUSINESS OR MEDICAL FACILITY WAS NOT EXERCISED BY THE OWNER,
25 MANAGER OR PROVIDER, BUT BY A LESSEE.

26 (2) THE OWNER, MANAGER OR PROVIDER MADE A GOOD FAITH EFFORT
27 TO POST THE SIGN.

28 (3) THE OWNER, MANAGER OR PROVIDER ASSERTING THE AFFIRMATIVE
29 DEFENSE MUST DO SO IN THE FORM OF A SWORN AFFIDAVIT SETTING
30 FORTH THE RELEVANT INFORMATION MENTIONED UNDER PARAGRAPHS (1)

1 AND (2).

2 (G) IF THE DEPARTMENT OR A STATE LICENSING AGENCY DETERMINES
3 THAT:

4 (1) A PERSON HAS VIOLATED SUBSECTION (E), THE PERSON SHALL
5 BE ISSUED A WARNING BY THE DEPARTMENT OR STATE LICENSING AGENCY.

6 (2) A PERSON HAS VIOLATED SUBSECTION (E) WITHIN ONE YEAR OF
7 RECEIVING A WARNING UNDER PARAGRAPH (1), THE PERSON SHALL BE
8 SUBJECT TO A PENALTY NOT TO EXCEED \$250.

9 (3) A PERSON HAS VIOLATED SUBSECTION (E) WITHIN ONE YEAR OF
10 RECEIVING A PENALTY UNDER PARAGRAPH (2), THE PERSON SHALL BE
11 SUBJECT TO A PENALTY NOT TO EXCEED \$500.

12 (H) THE PROVISIONS OF SUBSECTION (G) SHALL BE SUBJECT TO 2
13 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

14 (I) THE PENALTIES COLLECTED UNDER SUBSECTION (G) SHALL BE
15 RETAINED BY THE DEPARTMENT OR THE STATE LICENSING AGENCY
16 INITIATING THE ENFORCEMENT ACTION.

17 Section 3. This act shall take effect ~~July 1, 2013~~ IN 60 <--
18 DAYS.