

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 799 Session of 2019

INTRODUCED BY MUTH, L. WILLIAMS, COLLETT, IOVINO, KEARNEY,
 FONTANA, SANTARSIERO, LEACH, STREET, A. WILLIAMS,
 TARTAGLIONE, FARNESE, HAYWOOD, HUGHES, SABATINA, BREWSTER,
 BLAKE, SCHWANK, DINNIMAN AND COSTA, JULY 23, 2019

REFERRED TO HEALTH AND HUMAN SERVICES, JULY 23, 2019

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 preliminary provisions,
 4 providing for construction; and, in public assistance,
 5 further providing for definitions, for eligibility and for
 6 the medically needy and determination of eligibility.

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

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
 10 as the Human Services Code, is amended by adding a section to
 11 read:

12 Section 104. Construction.--A reference in this act, another
 13 statute or a regulation to general assistance shall refer to
 14 emergency relief or general assistance-related categorically
 15 needy medical assistance as those terms are defined in section
 16 402.

17 Section 2. Section 402 introductory paragraph of the act,
 18 amended June 28, 2019 (P.L.43, No.12), is amended and the
 19 section is amended by adding a definition to read:

1 Section 402. Definitions.--As used in this article, unless
2 the context clearly indicates otherwise:

3 * * *

4 "Emergency relief" means assistance in the form of cash for
5 persons who meet the requirements of section 432(3.1).

6 * * *

7 Section 3. Section 432 introductory paragraph and (3)
8 introductory paragraph of the act are amended and the section is
9 amended by adding a clause to read:

10 Section 432. Eligibility.--Except as hereinafter otherwise
11 provided, and subject to the rules, regulations, and standards
12 established by the department, both as to eligibility for
13 assistance and as to its nature and extent, needy persons of the
14 classes defined in clauses (1), (2), [and] (3) and (3.1) shall
15 be eligible for assistance:

16 * * *

17 (3) Other persons who are citizens of the United States, or
18 lawfully admitted aliens who are eligible for general
19 [assistance] assistance-related categorically needy medical
20 assistance under this clause.

21 * * *

22 (3.1) Other persons who are citizens of the United States or
23 lawfully admitted aliens who are eligible for emergency relief
24 under this clause.

25 (i) Persons who may be eligible for emergency relief for an
26 indeterminate period of time as a result of medical, social or
27 related circumstances shall be limited to:

28 (A) A veteran who has been assessed by a physician,
29 psychiatrist or psychologist as having a disability or
30 behavioral health disorder incurred in or exacerbated by active

1 military service that temporarily or permanently precludes the
2 veteran from obtaining or retaining gainful employment. The
3 disability or disorder resulting from active military service
4 may be established by a statement from the veteran's physician,
5 psychiatrist or psychologist or from a proper military authority
6 that has actual documented knowledge of the veteran's disability
7 or behavioral health disorder. For the purposes of this unit,
8 the term "veteran" shall mean an individual who served in the
9 armed forces of the United States, including a reserve component
10 or the National Guard, who retired or was discharged, released
11 or separated from active military service under conditions other
12 than dishonorable.

13 (B) A caretaker of a veteran described under unit (A) who
14 needs personal care services because the veteran cannot perform
15 one or more activities of daily living or who needs supervision
16 or protection due to permanent neurological impairment or
17 physical injury. A veteran described under unit (A) may appoint
18 one primary caretaker and one secondary caretaker to serve as
19 backup support or to relieve the primary caretaker when
20 necessary.

21 (C) A child who is under eighteen years of age or an
22 individual who is eighteen through twenty years of age and
23 attends a secondary or equivalent vocational or technical school
24 full time and may reasonably be expected to complete the program
25 before reaching twenty-one years of age.

26 (D) Persons who are parents residing in a two-parent
27 household with their child who is under thirteen years of age or
28 who is thirteen years of age or older and has a verified
29 disability. Every possible effort shall be made by the
30 department to place these persons in the Temporary Assistance

1 for Needy Families (TANF) program.

2 (E) A person who has been assessed by a physician,
3 psychiatrist or psychologist as having a disability or
4 behavioral health disorder that temporarily or permanently
5 precludes the person from obtaining or retaining gainful
6 employment. The disability or disorder must be verified and
7 established by written documentation in a form prescribed by the
8 department and must be based on acceptable clinical and
9 laboratory diagnostic techniques. The department may also
10 require the applicant or recipient to submit to an independent
11 examination as a condition of receiving emergency relief. An
12 applicant or recipient with a disability or disorder which is
13 temporary in nature shall pursue appropriate treatment as a
14 condition of receiving relief.

15 (F) A person who is a nonparental caretaker of a child under
16 thirteen years of age or a caretaker of another person because
17 of illness or disability. The child or other person for whom the
18 person is a caretaker must be a member of the household and the
19 caretaker must be a person whose presence is required in the
20 home to care for another person as determined in accordance with
21 department regulations. A person shall not be eligible for
22 emergency relief under this unit if there is another adult in
23 the household who is capable of providing the care without
24 emergency relief under this unit.

25 (G) A person who is currently undergoing active treatment
26 for a substance use disorder, including opioid use disorder, in
27 a drug and alcohol program licensed or approved by the
28 Department of Health or the Department of Drug and Alcohol
29 Programs or administered by an agency of the Federal Government
30 that precludes the person from any form of employment in

1 accordance with standards established by the department. Persons
2 eligible under this clause may not receive general assistance
3 under this clause for more than nine months of the person's
4 lifetime.

5 (H) A pregnant woman.

6 (I) A victim of domestic violence, sexual assault or
7 stalking who is receiving protective services as defined by the
8 department. Persons eligible under this clause may not receive
9 general assistance under this clause for more than nine months
10 of the person's lifetime.

11 (ii) Applicants for emergency relief shall be required to
12 apply for benefits under Federal programs for which they may be
13 eligible before receiving emergency relief and shall cooperate
14 with the department as required under, and shall otherwise
15 comply with, section 432.21. Grant of emergency relief under
16 this clause shall continue as long as the person remains
17 eligible. The department shall redetermine eligibility on at
18 least an annual basis, and persons shall be required to seek
19 employment, accept any offer of employment and maintain
20 employment as conditions of eligibility except as otherwise
21 exempt under section 405.1(a.3).

22 Section 4. Section 442.1(a)(3) introductory paragraph of the
23 act, amended June 28, 2019 (P.L.43, No.12), is amended and the
24 clause is amended by adding a subclause to read:

25 Section 442.1. The Medically Needy; Determination of
26 Eligibility.--(a) A person shall be considered medically needy
27 if that person meets the requirements of clauses (1), (2) and
28 (3):

29 * * *

30 (3) Complies with subclause (ii) or (iii):

1 * * *

2 (iii) Receives emergency relief.

3 * * *

4 Section 5. This act shall take effect immediately.