
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **467** Session of
1961

INTRODUCED BY MESSRS. VAN SANT, SHAFER, WARE,
EHRGOOD, STROUP AND SCOTT, APRIL 4, 1961.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND
WELFARE, APRIL 4, 1961.

AN ACT

Amending the act of June 24 1937 (P L 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys re-

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

ceived from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" extending assistance to include hospitalization for certain aged persons removing certain limitations on the receipt of assistance by aged persons providing for a new plan for medical assistance for aged persons and imposing powers and duties on the Department of Public Welfare in connection therewith making an appropriation and repealing certain existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Section 2 act of June 24 1937 (P L 2051) known as the
2 "Public Assistance Law" amended May 15 1956 (P L 1573) is amended
3 to read

4 Section 2 Definitions As used in this act unless otherwise indicated
5 "Assistance" means assistance in money goods shelter medical care

1 work relief or services provided from or with State or Federal funds
2 for indigent persons who reside in Pennsylvania and need assis-
3 tance to provide for themselves and their dependents a decent and
4 healthful standard of living and for indigent homeless or transient
5 persons The word assistance shall be construed to include pensions for
6 those blind persons who are entitled to pensions as provided in this
7 act and to include also burial for those indigent persons who were
8 receiving assistance at the time of their death The word assistance
9 shall also be construed to include sufficient financial assistance to enable
10 physically disabled persons who require nursing home care as prescribed
11 by responsible physicians to secure adequate nursing home care even
12 though the rate of such assistance may be greater than the usual rate
13 of assistance to persons who do not need nursing home care The word
14 assistance shall also be construed to include inpatient hospital care of
15 recipients of assistance who are sixty-five years of age or over

16 "General Assistance" means assistance provided to persons entitled
17 under this act to assistance other than dependent children aged persons
18 blind persons and disabled persons

19 "Medical Assistance for the Aged" means medical assistance for
20 persons sixty-five years of age or over who are not recipients of "assist

1 ance" as defined in this act but whose income and resources are in-
2 sufficient to meet the costs of necessary medical services Eligibility for
3 said medical assistance for the aged and the nature and extent thereof
4 shall be determined as provided in section 9.1 of this act

5 "Local Board" means any county board of assistance established
6 under the provisions of this act

7 The masculine pronoun includes the feminine

8 Section 2 Subsection (b) of section 9 of the act amended August
9 22 1953 (P L 1361) is amended to read

10 Section 9 Eligibility for Assistance Any person residing within this
11 Commonwealth shall hereafter be entitled to receive public assistance as
12 provided by law without regard to the period of time he or she has
13 resided therein and the Department of Public Assistance shall grant
14 assistance without regard to the period of time any person seeking
15 public assistance and otherwise entitled thereto shall have resided within
16 this State Provided however That if the applicant for public assistance
17 has resided in Pennsylvania for less than one year immediately preced-
18 ing the date of making application for assistance such person shall only
19 be entitled to receive public assistance if he or she was last a resident

1 of a state which by law regulation or reciprocal agreement with Penn-
2 sylvania grants public assistance to a person who has resided therein
3 for less than one year A child less than one year of age is considered
4 as deriving residence from either (1) a parent or (2) other relative with
5 whom he is living as provided in this section Except as hereinafter
6 specifically otherwise provided in the case of pensions for the blind all
7 persons of the following classes except those who hereafter advocate
8 and actively participate by an overt act or acts in a movement proposing
9 a change in the form of government of the United States by means not
10 provided for in the Constitution of the United States shall be eligible
11 to receive assistance in accordance with rules regulations and standards
12 established by the Department of Public Assistance with the approval
13 of the State Board of Assistance as to eligibility for assistance and as
14 to its nature and extent Absence in the service of the Commonwealth
15 or of the United States shall not be deemed to interrupt residence in
16 the Commonwealth if a domicile has not been acquired outside the
17 Commonwealth

18 * * *

19 (b) Aged Persons [An] For purposes of "assistance" an aged
20 person is defined as one who (1) is sixty-five years of age or more (2) is

1 not at the time of receiving assistance an inmate of a public institution
2 other than a public medical institution and (3) has not conveyed or
3 transferred his real or personal property of the value of five hundred
4 dollars (\$500.00) or upwards without fair consideration within two
5 years preceding the date of making such application

6 * * *

7 Section 3 The act is amended by adding after section 9 a new
8 section to read

9 Section 9.1 Medical Assistance for the Aged (a) Any person
10 sixty-five years of age or over who is a resident of this Commonwealth
11 and who is not a recipient of "assistance" as defined in this act but
12 whose income and resources are insufficient to meet the costs of necessary
13 medical care shall be entitled to receive medical assistance for the aged
14 as provided in this section in accordance with rules regulations and
15 reasonable standards established by the Department of Public Welfare
16 (b) The Department of Public Welfare is hereby designated the
17 State agency to supervise and administer a plan of medical assistance
18 for the aged within this Commonwealth and shall adopt such rules
19 regulations and standards as may be necessary to meet qualifications

1 for the receipt of funds appropriated by the Federal government under
2 the Social Security Act as amended by the Social Security Amendments
3 of 1960 (Title VI of Public Law 86-778 September 13 1960) Such
4 rules and regulations shall establish a complete plan for medical
5 assistance for the aged including rules determining eligibility its nature
6 and extent and shall

7 (1) Provide a plan which shall be in effect in all political sub-
8 divisions of this Commonwealth which plan may be administered in the
9 same manner as other assistance payable under this act is administered
10 therein

11 (2) Determine and provide for whatever financial participation by
12 the Commonwealth is necessary to take full advantage of Federal funds
13 available for such plan

14 (3) Grant an opportunity for a fair hearing to any individual
15 whose claim for assistance under the plan is denied or is not acted
16 upon with reasonable promptness which hearing and appeals therefrom
17 shall be as provided for in subsection (e) of section 7 of this act for
18 hearings and appeals relating to other assistance

19 (4) Provide such methods of administration (including methods
20 relating to the establishment and maintenance of personnel standards

1 on a merit basis) as are found by the United States Secretary of Health
2 Education and Welfare to be necessary for the proper and efficient
3 operation of the plan

4 (5) Provide for the making of such reports in such form and con-
5 taining such information as the United States Secretary of Health
6 Education and Welfare may from time to time require and provide
7 for compliance with such provisions as said Secretary may from time
8 to time find necessary to assure the correctness and verification of
9 such reports

10 (6) Provide safeguards which restrict the use or disclosure of in-
11 formation concerning applicants and recipients to purposes directly
12 connected with the plan

13 (7) Provide that all individuals wishing to make application for
14 assistance under the plan shall have opportunity to do so and that such
15 assistance shall be furnished with reasonable promptness to all eligible
16 individuals

17 (8) Establish and maintain standards for private and public institu-
18 tions in which individuals receive such assistance

1 (9) Satisfy all other requirements which may from time to time be
2 necessary for the receipt of Federal funds for such plan

3 (c) Medical assistance for the aged shall include payment of part
4 or all of the cost of both institutional and non-institutional care and
5 services of such nature as shall be determined by the Department of
6 Public Welfare and may include but shall not be limited to

7 (1) Inpatient hospital services

8 (2) Skilled nursing-home services

9 (3) Physicians' services

10 (4) Outpatient hospital or clinic services

11 (5) Home health care services

12 (6) Private duty nursing services

13 (7) Physical therapy and related services

14 (8) Dental services

15 (9) Laboratory and X-ray services

16 (10) Prescribed drugs eyeglasses dentures and prosthetic devices

17 (11) Diagnostic screening and preventive services

1 (12) Any other medical care or remedial care recognized under
2 State law

3 (d) No enrollment fee premium or similar charge shall be imposed
4 as a condition of any individual's eligibility for medical assistance for
5 the aged

6 (e) Provision shall be made for the receipt of medical assistance
7 for the aged by residents of this Commonwealth who are temporarily
8 absent from the Commonwealth

9 (f) No lien shall be imposed against the property of any individual
10 prior to his death on account of medical assistance for the aged paid
11 or to be paid on his behalf (except pursuant to the judgment of a
12 court of record on account of benefits incorrectly paid on behalf of
13 such individual and there shall be no adjustment or recovery except
14 after death of such individual and his surviving spouse if any from
15 such individual's estate of any medical assistance for the aged correctly
16 paid on behalf of such individual

17 (g) Medical assistance for the aged shall not include

18 (1) Payments to or care in behalf of any individual who is an in-
19 mate of a public institution (except as a patient in a public medical

1 institution) or for any individual who is a patient in an institution for
2 tuberculosis or mental disease or

3 (2) Payments to or care in behalf of any individual who has been
4 diagnosed as having tuberculosis or psychosis and is a patient in a
5 medical institution as a result thereof or

6 (3) Payments to or care in behalf of any individual who is a
7 patient in a medical institution as a result of a diagnosis of tuberculosis
8 or psychosis with respect to any period after the individual has been a
9 patient in such an institution as a result of such diagnosis for forty-
10 two days

11 Section 4 The sum of

12 or as much thereof as may be necessary is hereby appropriated to the
13 Department of Public Welfare for the fiscal period beginning June 1
14 1961 for the purpose of carrying out the provisions of this act

15 Section 5 The act of June 24 1937 (P L 2045) known as "The
16 Support Law" is repealed in so far as it authorizes the filing of a lien
17 or any other encumbrance against real or personal property of an
18 applicant for or a recipient of medical assistance for the aged as defined
19 in this act which lien or other encumbrance takes effect during the life-
20 time of such person or during the lifetime of his surviving spouse

- 1** Section 6 All other acts or parts of acts are repealed in so far as
- 2** they are inconsistent with the provisions of this act

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor