

the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third class; to provide the time of paying the same; and to repeal certain acts," are amended to read:

AN ACT

To ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third and fourth class; to provide the time of paying the same; and to repeal certain acts.

Section 1. Fees.—The fees to be received by the prothonotary of the court of common pleas of this Commonwealth in counties of the third and fourth class shall be as follows:

* * *

Section 2. The act of July 20, 1961 (P. L. 805), known as "The Common Pleas Prothonotaries Fee Act," is repealed in so far as it relates to counties of the fourth class.

Section 3. This act shall take effect January 1, 1966.

APPROVED—The 26th day of August, A. D. 1965.

WILLIAM W. SCRANTON

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No. 203

AN ACT

HB 1211

Amending the act of June 24, 1937 (P. L. 2051), entitled, as amended, "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 Welfare and county boards of assistance hereby created for this purpose; authorizing the Department of Public Welfare to cooperate with, and to accept and disburse moneys received 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," further regulating the granting of assistance and eligibility therefor; making certain information confidential and making editorial changes.

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

Section 1. Section 2, act of June 24, 1937 (P. L. 2051), known as the "Public Assistance Law," amended August 13, 1963 (P. L. 777), is amended to read:

Section 2. Definitions.—As used in this act, unless otherwise indicated, “Assistance” means assistance in money, services, goods, shelter, burial, or medical or other health care, including nursing home care, medical assistance for the aged, and purchased hospital and post hospital care, [work relief or services,] provided from or with State, Federal, county, county institution district or municipal funds, for [indigent] needy persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living, and for [indigent] needy homeless or transient persons. [The word, assistance, shall be construed to include pensions for those blind persons who are entitled to pensions, as provided in this act, and to include also burial for those indigent persons who were receiving assistance at the time of their death. The word, assistance, shall also be construed to include sufficient financial assistance to enable physically disabled persons who require nursing home care, as prescribed by responsible physicians, to secure adequate nursing home care even though the rate of such assistance may be greater than the usual rate of assistance to persons who do not need nursing home care.]

“Department” means the Department of Public Welfare.

“Federal-State Blind Pension” means assistance paid as aid to the blind in accordance with the provisions of the Federal Social Security Act and of this act.

“General Assistance” means assistance [provided to persons entitled under this act to assistance, other than dependent children, aged persons, blind persons, disabled persons, persons entitled to medical assistance for the aged, and persons entitled only to purchased hospital and post hospital care.] granted under the provisions of clause (2) of section 8.1 of this act.

“Local Board” means any county board of assistance, established under the provisions of this act.

The masculine pronoun includes the feminine.

Section 2. Clause (h) of section 4 of the act is repealed.

Section 3. Section 4 of the act is amended by adding after clause (k), a new clause to read:

Section 4. General Powers and Duties of Department of Public Welfare.—The Department of Public Welfare shall have the power, and its duty shall be:

* * *

(k.1) To encourage employable recipients of assistance to accept full or part-time employment by providing that such recipients will again be granted assistance upon termination of such employment if they are in need thereof.

* * *

Section 4. Clause (l.1) of section 4 of the act, added August 14, 1963 (P. L. 1053), is amended to read:

Section 4. General Powers and Duties of Department of Public Welfare.—The Department of Public Welfare shall have the power, and its duty shall be:

* * *

(l.1) To establish rules, regulations and standards, consistent with the Federal Social Security Act and regulations issued thereunder, for administration by local boards of community work and training programs for employable recipients of assistance. The conditions applicable to work performed by employable recipients of general assistance shall be the same as those pertaining to recipients of assistance for which Federal financial participation is available to the Commonwealth, except that work required to be performed by recipients of general assistance may be work for a public or nonprofit private agency. Any agency for which work is performed under the provisions of this subsection shall reimburse the persons performing such work for any additional expenses reasonably attributable to such work, and for which provisions are not made in the assistance grant or shall make provision for meeting the needs for which such expenses would be incurred, to the same extent and in the same manner that provision for meeting such expenses or needs is made under rules and regulations of the department in the case of other adult assistance recipients who are employed. Such work shall be of a constructive nature for the conservation of work skills and development of new skills for individuals who have attained the age of eighteen, and are receiving aid to families with dependent children or general assistance under conditions which are designed to assure protection of the health and welfare of such individuals and the dependent children involved.

* * *

Section 5. The act is amended by adding after section 4, a new section to read:

Section 4.1. Protection of Information.—(a) The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of public assistance from improper publication and to restrict the use of information furnished to other agencies or persons to purposes connected with the administration of public assistance. Upon request by any adult resident of the Commonwealth, the department may furnish the address and amount of assistance with respect to persons about whom inquiry is made, but information so obtained shall not be used for commercial or political purposes and no information shall be furnished regarding any person's application for, or receipt of, medical assistance for the aged.

(2) To protect the rights and interests of persons about whom personal or confidential information is in its possession.

(b) Such regulations shall not prevent or interfere with investigations by proper authorities as to the rights of persons to receive assistance or as to the amounts of assistance received.

Section 6. The act is amended by adding after section 8, a new section to read:

Section 8.1. Eligibility for Assistance other than Medical Assistance for the Aged and Purchased Hospital and Post Hospital Care.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1) and (2) of this section shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as old-age assistance, aid to the blind, aid to families with dependent children, aid to the permanently and totally disabled, or as other assistance, and which assistance is not precluded by other provisions of law.

(2) Other persons who are citizens of the United States, or who, during the period January 1, 1938, to December 31, 1939, filed their declaration of intention to become citizens.

(3) Assistance other than Federal-State blind pension shall not be

granted: (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more without fair consideration, within two years immediately preceding the date of application for assistance; (ii) to an inmate of a public institution; or (iii) in behalf of an inmate of a public institution unless he is a patient in a medical institution who is eligible for aid to the permanently and totally disabled.

(4) Federal-State blind pension shall be granted only to or in behalf of any person who: (i) is twenty-one years of age or older and meets the requirement as to residence prescribed in clause (6) of this section: (ii) has three-sixtieths or ten two-hundredths, or less, normal vision; (iii) is not an inmate of a public institution (except as a patient in a medical institution), a penal institution, or a hospital for mental disease; (iv) does not own real or personal property of a combined value of more than five thousand dollars (\$5000); (v) does not own nonresident real or personal property of a combined value of more than one thousand five hundred dollars (\$1500); (vi) has not disposed of any property without fair consideration within the two years immediately preceding the date of application for Federal-State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension; (vii) does not have actual annual income of his own of two thousand eight hundred eighty dollars (\$2880) or more, disregarding any amounts of such income equal to the expenses reasonably attributable to the earning of the income, and disregarding also the first eighty-five dollars (\$85) per month of earned income plus one-half of earned income in excess of eighty-five dollars (\$85) per month; and who (viii) has total recognized needs of a monthly amount exceeding the amount of his monthly net income.

(5) With respect to the determination of eligibility for and provision of Federal-State blind pension grants: (i) the value of resident real

property shall be deemed to be its assessed value minus encumbrances; the value of nonresident real property shall be deemed to be its market value minus encumbrances; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest; (ii) notwithstanding any other provisions of law, no relative shall be required to make monetary or any other payments or contributions for the support or maintenance of the blind person: Provided, however, That the income and property of the blind person's spouse living with the blind person shall be considered in determining eligibility of the blind person; (iii) monthly net income shall be the actual monthly income less the amounts disregarded in accordance with the provisions of subclause (vii) of clause (4) of this section; (iv) the department shall determine minimum basic needs, special needs and total recognized needs of blind persons. The monthly amount of Federal-State blind pension paid to an eligible person shall be the excess of his monthly total recognized needs over his monthly net income, not exceeding the maximum amount determined by the department on the basis of the funds available for Federal-State blind pension; (v) notwithstanding any other provisions of law, no repayment shall be required of any Federal-State blind pension for which a blind person was eligible; (vi) all Federal funds received by the Commonwealth for assistance paid as Federal-State blind pension shall be used only for grants to or in behalf of persons eligible for Federal-State blind pension.

(6) Assistance may be granted only to or in behalf of a person residing in Pennsylvania who: (i) has resided therein for at least one year immediately preceding the date of application; (ii) last resided in a state which, by law, regulation or reciprocal agreement with Pennsylvania, grants public assistance to or in behalf of a person who has resided in such state for less than one year; (iii) is a married woman residing with a husband who meets the requirement prescribed in subclause (i) or (ii) of this clause; or who (iv) is a child less than one year of age whose

parent, or relative with whom he is residing, meets the requirement prescribed in subclause (i), (ii) or (iii) of this clause or resided in Pennsylvania for at least one year immediately preceding the child's birth: Provided, however, That needy persons who do not meet any of the requirements stated in this clause and who are transients or without residence in any state, may be granted assistance in accordance with rules, regulations, and standards established by the department.

Section 7. Section 9 of the act is repealed.

Section 8. Clauses (1) and (4) of subsection (a), clauses (1) and (4) of subsection (b) and clauses (2) and (4) of subsection (c) of section 9.1 of the act, added or amended July 26, 1961 (P. L. 875), July 26, 1963 (P. L. 320), August 14, 1963 (P. L. 1063) and April 20, 1965 (Act No. 13), (P. L. 15), are amended to read:

Section 9.1. Medical Assistance for the Aged.—(a) As used in this act,

(1) "Inpatient hospital care" means care as a bed patient in a medical institution which is primarily engaged in providing, by or under the supervision of physicians, diagnostic services and therapeutic services for medical or surgical diagnosis, treatment and care of injured, disabled or sick persons, exclusive of [institutions for tuberculosis or mental illness, exclusive of] any institution or distinct part of an institution at least twenty-five percent of whose patients remain in the institution for six months or more, and exclusive of any institution or distinct part of an institution which is certified by the Department of Public Welfare to provide nursing home care as assistance as defined in this act.

* * *

(4) "Public nursing home care," means inpatient treatment and care, other than inpatient hospital care, in a public medical institution or distinct part of a public medical institution. [operated by a county, county institution district or municipality, exclusive of institutions for tuberculosis or mental illness. Public nursing home care also means inpatient treatment and care, other than inpatient hospital care, in a geriatric center.]

* * *

(b) Medical assistance for the aged shall consist of full or partial payment of any or all of the following care or services for which Federal financial participation is available:

(1) The cost of inpatient hospital care, not to exceed twenty-five dollars (\$25) per day. No payment for inpatient hospital care shall be

made for more than sixty days during a benefit period. [No payment for inpatient hospital care shall be made for any individual who is a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis with respect to any period after the individual has been a patient in such an institution as a result of such diagnosis for forty-two days.]

* * *

(4) The cost of public nursing home care. [No payment for public nursing home care shall be made for any individual who is a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis with respect to any period after the individual has been a patient in such an institution as a result of such diagnosis for forty-two days.]

* * *

(c) A person shall be eligible for medical assistance for the aged, if he—

* * *

(2) Is not a recipient of [assistance as an aged person as defined herein] any assistance under conditions which would render unavailable Federal financial participation in any medical assistance for the aged granted in his behalf;

* * *

(4) With respect to medical assistance for the aged other than public nursing home care, is a single person or married but not living with spouse and has an annual income of not more than twenty-four hundred dollars (\$2400) and real and personal property, exclusive of resident property, household furnishings and automobile of a value, less encumbrances, of not more than twenty-four hundred dollars (\$2400); or is living with spouse and their combined annual income does not exceed thirty-eight hundred forty dollars (\$3840) and the value less encumbrances of their combined real and personal property, exclusive of resident property, household furnishings and automobile, does not exceed thirty-eight hundred forty dollars (\$3840); except that when [minor or incompetent children] any relatives live with and are dependent upon the applicant, the maximum income shall be adjusted upward in the amount of five hundred dollars (\$500) for each such [child] relative: Provided, however, That when a person otherwise eligible for such medical assistance for the aged has property valued in excess of the appropriate amount specified in this [subsection] clause he shall be eligible for such medical assistance for the aged, but the payment for

which he is eligible shall be reduced by the amount of such excess, and when a person otherwise eligible for such medical assistance for the aged has income in excess of the appropriate amount specified in this [subsection] clause, the payment for which he is eligible shall be reduced by six times the average monthly excess of such income;

* * *

Section 9. Section 9.3 of the act, amended August 13, 1963 (P. L. 777), is amended to read:

Section 9.3. Additional [Medical] Assistance.—(a) In addition to any other assistance, [aged persons receiving assistance under the provisions of clause (b) of section 9] persons receiving old age assistance shall be eligible for inpatient hospital care, post hospital care in the home and nursing care in the home, to the extent provided under this act for medical assistance for the aged.

(b) In addition to any other assistance, persons receiving [assistance under the provisions of clauses (a), (c.1) or (d) of section 9 of this act shall be eligible] aid to families with dependent children, aid to the permanently and totally disabled or general assistance, shall be eligible for inpatient hospital care to the extent provided under this act for purchased hospital care.

Section 10. Subsections (a) and (c) of section 9.5 of the act, added August 13, 1963 (P. L. 777), are amended to read:

Section 9.5. Purchased Hospital and Post Hospital Care.—(a) Purchased hospital care shall consist of full or partial payment of the following percentages of the cost of inpatient hospital care for not more than thirty days during a benefit period not counting so much of such cost as exceeds twenty-five dollars (\$25):

- (1) Eighty percent for the first ten days in a benefit period.
- (2) Fifty percent for the second ten days in a benefit period.
- (3) Forty percent for the third ten days in a benefit period.
- (4) The Secretary of Public Welfare, with the approval of the Governor, may authorize payment of lesser percentages from those set forth in clauses (1), (2) and (3) hereof.

(5) [No payment shall be made for more than thirty days in a benefit period: Provided, That the total payment for a benefit period shall be at least the product of the number of days of inpatient hospital care during the benefit period multiplied by (i) ten dollars (\$10) or (ii) the cost of inpatient hospital care during the benefit period, whichever is less.] Notwithstanding the provisions of clauses (1), (2) and (3) hereof, the

payment for continuous days of inpatient hospital care for which a person is eligible (i) shall in no case be less than the number of days of such care multiplied by ten dollars (\$10) if the per diem cost is ten dollars or more; (ii) shall be the amount of the cost of such care if the per diem cost is less than ten dollars (\$10).

* * *

(c) A person shall be eligible for purchased hospital and post hospital care if he:

(1) Is under sixty-five years of age. A minor or an incompetent adult living with his relative shall be eligible if such relative is eligible.

(2) Resides in Pennsylvania, but in cases of accident or emergency a person who does not reside in Pennsylvania and who is otherwise eligible may receive purchased hospital care.

(3) Is a single person or married but not living with spouse and has an annual income of not more than fifteen hundred dollars (\$1500) and real and personal property exclusive of resident property, household furnishings and automobile of a value less encumbrances of not more than fifteen hundred dollars (\$1500), or is living with spouse and their combined annual income does not exceed twenty-four hundred dollars (\$2400) and the value less encumbrances of their combined real and personal property exclusive of resident property, household furnishings and automobile does not exceed twenty-four hundred dollars (\$2400), except that, when [minor or incompetent children] any relatives live with and are dependent upon the applicant, the maximum income shall be adjusted upward in the amount of five hundred dollars (\$500) for each such [child] relative: Provided, however, That when a person otherwise eligible for such purchased hospital and post hospital care has property valued in excess of the appropriate amount specified in this [subsection] clause, he shall be eligible for such purchased hospital and post hospital care but the payment for which he is eligible shall be reduced by the amount of such excess, and when a person otherwise eligible for such purchased hospital and post hospital care has income in excess of the appropriate amount specified in this [subsection] clause, the payment for which he is eligible shall be reduced by six times the average monthly excess of such income.

Section 11. Section 12 of the act, added or amended June 15, 1961 (P. L. 428), July 26, 1961 (P. L. 875) and September 16, 1961 (P. L. 1371), is amended to read:

Section 12. [Federal Contributions] Payments from the Federal Government and Political Subdivisions; Restitution.—(a) All [contributions] payments received by the Department of Public Welfare from the United States Government or political subdivisions of the Commonwealth for assistance or for administrative costs shall be paid into the State Treasury, through the Department of Revenue, and credited to the current appropriation made to the Department of Public Welfare for the purpose of carrying out the purposes of this act.

(b) So long as required as a condition of Federal participation, of the net amount collected or recovered by way of restitution from any person, or from his estate, by or for the Department of Public Welfare, for any assistance received to which the Federal Government contributed, there shall be promptly paid to the United States an amount equal to its proportionate share of the amount collected or recovered, and the remainder thereof shall be paid into the State Treasury, and shall be credited to the current appropriation to the Department of Public Welfare, as provided by law.

[(c) All payments made to the Department of Public Welfare by counties, county institution districts and municipalities in accordance with clause (m) of section 4 of this act shall be paid into the State Treasury, through the Department of Revenue, and credited to the current appropriation to the department to carry out the provisions of this act.

(d) All payments made to the Department of Public Welfare by the proper authorities of public medical institutions as provided by law and in accordance with clause (n) of section 4 of this act shall be paid into the State Treasury through the Department of Revenue and credited to the current appropriation to the department to carry out the provisions of ¹ this act.]

Section 12. Subsection (b) of section 13 of the act, amended August 22, 1953 (P. L. 1361), is amended to read:

Section 13. Penalties.—* * *

(b) Any person [in the employ of any county board] employed in the administration of public assistance who, either directly or indirectly, influences or endeavors to influence the vote of any person receiving or applying for any form of assistance [or pension] under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred

¹ "his" in original.

(\$100) dollars, or to undergo imprisonment not exceeding six (6) months, or both, at the discretion of the court.

* * *

Section 13. Subsections (c) and (f) of section 13 of the act are repealed.

Section 14. Subsection (a) of section 13.1 of the act, added July 26, 1961 (P. L. 875), is amended to read:

Section 13.1. Application.—(a) Except as herein provided, every person applying for public assistance [including medical assistance for the aged] shall be required to sign a statement setting forth his or her financial status and such other facts as may be required by the Department of Public Welfare, in order to determine whether such person is entitled to public assistance [including medical assistance for the aged,] and shall also be required to sign, as part of his or her written application, his or her own bond to the Commonwealth without surety, containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars (\$500), which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his or her written application. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every person employed in the administration of public assistance shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

* * *

Section 15. This act shall take effect September 1, 1965.

APPROVED—The 26th day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 204

AN ACT

HB 1212

Relating to pensions, nursing home care and medical and other health care for the blind; prescribing powers and duties of the Department of Public Welfare in connection therewith, and prescribing penalties.

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

Section 1. Short Title and Legislative Intent.—This act shall be known, and may be cited, as the "State Blind Pension Law of 1965."