

No. 2014-132

## AN ACT

HB 993

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," changing the name of the Department of Public Welfare to the Department of Human Services; providing for a transition period; and establishing a toll-free DHS fraud tip line.

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

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

Section 102. Definitions.—Subject to additional definitions contained in subsequent articles of this act, the following words when used in this act shall have, unless the context clearly indicates otherwise, the meanings given them in this section:

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

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

Section 2. The act is amended by adding sections to read:

***Section 103. Redesignation.—(a) The Department of Public Welfare shall be known as the Department of Human Services.***

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

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

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

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

**Section 1418. Toll-Free DHS Fraud Tip Line.—(a) The department shall:**

**(1) Establish a toll-free telephone number and e-mail address for persons to report suspected fraud or abuse of public assistance programs, including, but not limited to, medical assistance, cash assistance and food stamps.**

**(2) Obtain the telephone number 1-866-DHS-TIPS for such purposes. If the phone number 1-866-DHS-TIPS is not available, the department shall obtain a substantially similar telephone number acronym for such purposes.**

**(3) Permit persons to provide information anonymously, should they choose to do so.**

**(4) Conduct a thorough investigation of all credible complaints or provide a referral to the Office of Inspector General for investigation, whether pertaining to a benefit recipient or provider.**

**(b) The department shall submit an annual report on its fraud prevention activities to the Governor and General Assembly. The report shall:**

**(1) Include, but not be limited to, information pertaining to the following:**

**(i) The number of complaints received through the Toll-Free DHS Fraud Tip Line, regular mail or via the Internet.**

**(ii) The number of investigations conducted by the department and the Office of Inspector General as a result of such complaints.**

**(iii) The number of criminal prosecutions and civil actions resulting from such investigations.**

**(iv) The estimated total cost avoided and funds reclaimed by the department as a result of such complaints.**

**(2) Be made available to the public through the department's publicly accessible Internet website.**

**(c) The following provisions apply to posting information relating to the Toll-Free DHS Fraud Tip Line:**

**(1) An owner, manager or provider who operates a business or medical facility in a public place who accepts food stamps or medical assistance as a form of payment for goods or services shall post a sign containing information regarding the Toll-Free DHS Fraud Tip Line.**

**(2) Any other owner, manager or provider may post the sign.**

**(3) An owner, manager or provider under paragraph (1) shall post at least one sign, no smaller than eight and one-half by eleven inches and no larger than one by two feet, in a conspicuous manner clearly visible to the public and employes inside the business or medical facility.**

**(4) The department shall design the sign to include the following information:**

**(i) The Toll-Free DHS Fraud Tip Line telephone number, including the acronym.**

**(ii) Notice that callers may provide information anonymously if they choose to do so.**

(5) *The department shall design the sign to draw attention to the telephone number of the Toll-Free DHS Fraud Tip Line by displaying the number and acronym in bold type and large font.*

(6) *The department shall provide the sign on its publicly accessible Internet website for owners, managers and providers to print as needed.*

(d) *The following provisions relate to enforcement:*

(1) *A complaint regarding a possible violation of this section shall be made to the appropriate law enforcement agency or to the department.*

(2) *Except as otherwise provided under paragraph (3), upon receipt of a complaint by the department, the following apply:*

(i) *the department shall investigate the complaint and enforce this act; or*

(ii) *if the business or medical facility is subject to licensure by the Commonwealth, the department shall refer the complaint to the appropriate licensing agency for investigation and enforcement of this act.*

(3) *If the complaint is made to a law enforcement agency regarding a business, the agency shall investigate the complaint and enforce this act.*

(e) *It is a violation of this act to fail to post a sign as required under subsection (c).*

(f) *Any of the following shall be an affirmative defense to a prosecution or imposition of an administrative penalty under this act:*

(1) *When the violation occurred, the actual control of the business or medical facility was not exercised by the owner, manager or provider, but by a lessee.*

(2) *The owner, manager or provider made a good faith effort to post the sign.*

(3) *The owner, manager or provider asserting the affirmative defense must do so in the form of a sworn affidavit setting forth the relevant information mentioned under paragraphs (1) and (2).*

(g) *If the department or a State licensing agency determines that:*

(1) *A person has violated subsection (e), the person shall be issued a warning by the department or State licensing agency.*

(2) *A person has violated subsection (e) within one year of receiving a warning under paragraph (1), the person shall be subject to a penalty not to exceed two hundred fifty dollars (\$250).*

(3) *A person has violated subsection (e) within one year of receiving a penalty under paragraph (2), the person shall be subject to a penalty not to exceed five hundred dollars (\$500).*

(h) *The provisions of subsection (g) shall be subject to 2 Pa.C.S. (relating to administrative law and procedure).*

(i) *The penalties collected under subsection (g) shall be retained by the department or the State licensing agency initiating the enforcement action.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 24th day of September, A.D. 2014

TOM CORBETT