

Section 5. The Department of Highways shall begin the preparation of the plans and specifications for the construction of the bridge herein mentioned by October 15, 1961.

Plans and specifications for construction.

APPROVED—The 26th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 379

AN ACT

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 defining assistance to include certain dependent children and medical care for the aged and those persons eligible therefor, and prescribing procedures, requirements and penalties incidental thereto.

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

Public Assistance Law.

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

Section 2, act of June 24, 1937, P. L. 2051, amended May 15, 1956, P. L. 1573, further amended.

Section 2. Definitions.—As used in this act, unless otherwise indicated, "Assistance" means assistance in money, goods, shelter, medical care, *including medical assistance for the aged*, work relief or services, provided from or with State, [or] Federal, *county, county institution district or municipal* funds, for indigent 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 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 responsi-

ble 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.

“General Assistance” means assistance provided to persons entitled under this act to assistance, other than dependent children, aged persons, blind persons, [and] disabled persons *and persons entitled to medical assistance for the aged*.

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

The masculine pronoun includes the feminine.

Section 4 of the act, amended by adding a new clause (m).

Section 2. Section 4 of the act is amended by adding, at the end thereof, 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:

* * * * *

(m) To compute for each month the amount expended for public nursing home care as medical assistance for the aged, as defined in this act, at each public medical institution, plus the cost of administering such assistance. From such total amount the department shall deduct the amount of Federal funds properly received or to be received by the department on account of such expenditures, and shall certify the remainder increased or decreased, as the case may be, by any amount by which the sum certified for any previous month differed from the amount which should have been certified for such previous month, and by the proportionate share of any refunds of such assistance, to the county, county institution district or municipality operating each public medical institution. The amounts so certified shall become obligations of such counties, county institution districts or municipalities to be paid to the Department of Public Welfare for medical assistance for the aged.

Section heading and clause (a), section 9 of the act, amended August 22, 1953, P. L. 1361, and June 28, 1957, P. L. 397, further amended.

Section 3. The section heading and clause (a) of section 9 of the act, amended August 22, 1953 (P. L. 1361) and June 28, 1957 (P. L. 397), are amended to read:

Section 9. Eligibility for Assistance *other than Medical Assistance for the Aged*.—

* * * * *

(a) Dependent Children. A dependent child is defined as any needy child under the age of eighteen who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, *or so long as Federal participation is available for assistance granted to or on*

behalf of such children by reason of the unemployment of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives at his or their own home. Any one such relative who is in need of assistance to provide a decent and healthful standard of living for himself and the dependent child or children maintained in his home, and who is not receiving any other assistance under the provisions of this act, shall be eligible for assistance under this subsection, provided such relative meets the requirements of the first paragraph of this section.

So long as required as a condition of Federal participation, assistance shall not be denied a child less than one year of age if the parent or other relative with whom the child is living has resided in the Commonwealth for one year immediately preceding the child's birth.

Any needy child receiving assistance as a dependent child, who is removed from the home of a relative specified herein and who has been placed in a foster family home, shall, notwithstanding the other provisions of this subsection, be eligible for assistance as a dependent child so long as Federal participation is available for such assistance.

* * * * *

Section 4. Subsection (e) of section 9 of the act is repealed.

Subsection (e), section 9 of the act, repealed.

Section 5. The act is amended by adding, after section 9 thereof, four new sections to read:

Act amended by adding four new sections 9.1, 9.2, 9.3, and 9.4.

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

(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 per cent 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.

(2) "Benefit period" means, with respect to any individual, a period of consecutive days beginning with the

first day not included in a previous benefit period, on which he is furnished inpatient hospital care, and ending with the last day of the first sixty day period thereafter during each day of which he is not an inpatient in a hospital.

(3) *"Cost of inpatient hospital care" means the average per patient, per diem, operating expense of providing ward care as determined by the Auditor General, excluding expenses of medical education, capital improvement and construction and other expenses not directly related to inpatient care.*

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

(5) *"Cost of public nursing home care" means the average per patient, per diem, operating expense of providing such care, as determined by the Auditor General, excluding expenses of medical education, capital improvement and construction and other expenses not directly related to public nursing home care.*

(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.*

(2) *The actual cost, not to exceed five dollars (\$5) per day, of post-hospital care in the home when provided by a hospital, when such care is incidental to the purpose for which the person was hospitalized.*

(3) *Not more than four dollars (\$4) per visit, plus travel allowance determined by the department, for nursing care in the home ordered by a physician and provided by a public health nursing organization or an individual registered nurse.*

(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—

(1) Is sixty-five years of age, or over;

(2) Is not a recipient of assistance as an aged person as defined herein;

(3) Resides in Pennsylvania, regardless of the length of his residence and of his absence from the state;

(4) With respect to medical assistance for the aged other than public nursing care, 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 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: 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 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, the payment for which he is eligible shall be reduced by six times the average monthly excess of such income;

(5) With respect to public nursing home care, has a monthly income of not more than five dollars (\$5) (which shall be regarded as required for his personal expenses) and real and personal property exclusive of resident property, household furnishings and automobile, having a value, less encumbrances, of not more than fifteen hundred dollars (\$1500): Provided, however, That when a person otherwise eligible for such medical assistance for the aged has a monthly income in excess of five dollars (\$5) 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: Provided further, That when a person has received such medical assistance for the aged for a period of six consecutive months he shall be ineligible for such medical assistance for the aged, if his total real and personal property exclusive of resident property and household furnishings has a value, less encumbrances, in excess of five hundred dollars (\$500).

Section 9.2. Care in Public Medical Institutions.—Notwithstanding any other provisions of law, no public medical institution shall provide without charge any medical care or service which an individual is entitled to receive as assistance under the provisions of this act, but this section shall not be construed to preclude any such medical institution from supplementing such assistance.

Section 9.3. Additional Medical Assistance.—In addition to any other assistance, aged persons receiving assistance under the provisions of clause (b) of section 9 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.

Section 9.4. Eligibility in a Foster Home or Public Nursing Home.—No person shall be rendered ineligible for public assistance solely by reason of his receiving care in a foster home or public nursing home under the provisions of acts relative to the powers and duties of counties or of county institution districts.

Section 6. Section 12 of the act is amended by adding, after subsection (b), a new subsection to read:

Section 12. Federal Contributions; Restitution.—***

(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.

Section 7. Clause (1) of subsection (c) of section 13 of the act, amended August 22, 1953 (P. L. 1361), is amended to read:

Section 13. Penalties.—***

(c) The Department of Public Welfare shall have power and authority to make and enforce rules and regulations—

(1) To insure the names and lists of applicants and recipients or persons applying for or receiving assistance

Section 12 of the act, amended by adding a new subsection (c).

Clause (1), subsection (c), section 13 of the act, amended August 22, 1953, P. L. 1361, further amended.

of any type against improper publication; except that, 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;

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Section 8. The act is amended by adding, after section 13 thereof, a new section to read:

Act amended by
adding a new
section 13.1.

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.

(b) Whenever a person in need of medical assistance for the aged is unable to make application therefor by reason of his illness or infirmity, application on his behalf may be made by a relative, friend or official of the hospital providing medical care. Such application shall contain a statement as required in subsection (a) of this section and a bond conditioned as therein provided, except that such applicant shall be permitted to make affidavit that the facts set forth in such statement are, to the best of his knowledge and belief, true and correct.

Section 9. The act of May 29, 1935 (P. L. 254), entitled "An act requiring persons applying for or receiving relief to furnish, under affidavit, certain information, and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation; empowering certain persons to administer oaths; and prescribing penalties," is repealed.

Specific repeal.

Section 10. This act shall take effect on the first day of the month following the date of approval, by the United

Effective date.

States Department of Health, Education and Welfare, of
the State Plan of Medical Assistance for the Aged.

APPROVED—The 26th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 380

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

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

Validating
municipal claims
for improvements,
liens, etc.

Section 1. Whenever, heretofore, the council of any city of the third class or of any borough, or the board of commissioners of any township of the first class or the board of supervisors of any township of the second class of this Commonwealth has authorized by ordinance the grading, curbing, guttering, paving or macadamizing with concrete, brick, stone or other suitable material of any public street or thoroughfare, or portion thereof, either cartway, footwalk or gutter; and has caused such improvement to be made; and in such ordinance has authorized the advertising for bids therefor; and the assessment of benefits on the front foot rule or otherwise upon the property benefited thereby; and subsequent thereto pursuant to an ordinance passed, after the passage and approval of the original ordinance providing for the improvement, has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor, who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways, without any advertising for bids on the part of the city, borough or township as provided for in the original ordinance authorizing such improvement; and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvements against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement; or has by ordinance provided for the assessment against abutting property owners of benefits on the front foot rule or otherwise for such improvement; or whenever, heretofore, the council of any city of the third class