

No. 2002-76

AN ACT

SB 1324

Authorizing the Department of Public Welfare to enter into interstate compacts relating to adoption assistance; and providing for terms and implementation of the interstate compacts, for medical assistance benefits and for false claims.

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

Section 1. Short title.

This act shall be known and may be cited as the Interstate Adoption Compact Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Adoption assistance state.” The state other than the Commonwealth of Pennsylvania which is signatory to an adoption assistance agreement in a particular case.

“County agency.” The county children and youth social service agency pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

“Department.” The Department of Public Welfare of the Commonwealth.

“Residence state.” The state in which the child resides.

“State.” A state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands or a territory or possession of or administered by the United States.

Section 3. Authorization for compacts.

The department may enter into interstate compacts on behalf of the Commonwealth with other states in order to carry out the purposes of this act. Each compact shall have the force and effect of law.

Section 4. Compacts.

(a) Requirements.—A compact entered into in accordance with this act shall include all of the following:

(1) A provision making the compact available for joinder by another state.

(2) A provision allowing withdrawal from the compact upon written notice to the other party states. Withdrawal shall be effective one year following the date of the written notice.

(3) A requirement that compact protections remain in force for the duration of adoption assistance and apply to all children and their adoptive parents who, on the effective date of withdrawal, are receiving adoption assistance from a party state other than the one in which the child and adoptive parent are resident and have their principal place of abode.

(4) A requirement that all adoption assistance to be provided under the compact be covered by a written adoption assistance agreement between the adoptive parents and the county agency of the state providing the adoption assistance. The agreement shall be for the benefit of the adoptive child and enforceable by the adoptive parents and the department or county agency providing the assistance.

(5) Any other provision necessary to enforce or implement the proper administration of the compact.

Section 5. Medical assistance.

(a) Special needs.—A child with special needs who resides in this Commonwealth and who is the subject of an adoption assistance agreement with another state shall receive medical assistance from the Commonwealth upon the provision of a certified copy of the adoption assistance agreement with the other state to the department. The adoptive parents shall annually present evidence of the continuation or renewal of the agreement in accordance with procedures adopted by the department.

(b) Benefits.—The department shall ensure that a child eligible for medical assistance under subsection (a) receives the same medical assistance benefits as provided to other recipients of medical assistance in this Commonwealth.

(c) Additional coverage.—The county agency shall provide reimbursement or payment for medical services and benefits specified in the adoption assistance agreement for a child living in another party state which are not available under the medical assistance program of the resident state under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

(d) False claims.—A claim for payment or reimbursement for services or benefits or a statement related to the claim which the maker knows or has reason to believe is false, misleading or fraudulent shall be a violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(e) Continuation.—This section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into compacts with the Commonwealth. All other children entitled to medical assistance pursuant to adoption assistance agreements shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

Section 6. Federal participation.

The department shall include the provision of adoption assistance and medical assistance for which the Federal Government pays all or part of the

cost in any State plan developed pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV-E and XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) and any other applicable Federal laws.

Section 7. Regulations.

The department shall promulgate regulations as necessary to carry out the purposes of this act.

Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER