

PUBLIC WELFARE CODE - OMNIBUS AMENDMENTS
Act of Jun. 30, 2012, P.L. 668, No. 80

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Session of 2012
No. 2012-80

HB 1261

AN ACT

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," in general powers and duties of the Department of Public Welfare, providing for county human services consolidated planning and reporting; in public assistance, further providing for definitions, providing for cessation of the general assistance cash program and the continuation of the general assistance-related medical assistance programs, further providing for establishment of RESET, for determination of eligibility, for failure to comply with employment and work-related activity requirements and for medically needy and determination of eligibility; in children and youth, further providing for definitions; in Nursing Facility Assessments, further providing for time periods; in kinship care, further providing for definitions and for Kinship Care Program, providing for Subsidized Permanent Legal Custodianship Program and for permanent legal custodianship subsidy and reimbursement; providing for Human Services Block Grant Pilot Program; and making related repeals.

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

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

Section 205.1. County Human Services Consolidated Planning and Reporting.--(a) The department shall develop a uniform, consolidated process for counties to submit plans and reports regarding all of the following:

(1) Funds allocated to counties under the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act.

(2) Funds allocated to counties for mental health and intellectual disability services under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966.

(3) Funds allocated to counties for behavioral health services.

(4) Funds allocated to counties for drug and alcohol addiction treatment services under section 2334 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(5) Funds allocated to counties for the provision of services to the homeless.

(6) Funds allocated to county child welfare agencies as additional grants under section 704.1(b).

(b) Counties shall submit plans and reports in a form, containing such information, and by such deadline as the department may prescribe. The plans and reports shall include at least all of the following:

(1) Delivery of county-based human services by client population served, including a detailed description of how each county intends to use the funds identified in subsection (a) to provide services to its residents in the least restrictive setting appropriate to their needs.

(2) The distribution and projected expenditure level of the funds identified in subsection (a), including block grant funds for those counties participating in the Human Services Block Grant Pilot Program pursuant to Article XIV-B.

(3) Public hearings by counties under 65 Pa.C.S. Ch. 7 (relating to open meetings), including the opportunity for individuals and their families receiving human services to testify about the county plan.

Section 2. Section 402 introductory paragraph and the definition of "general assistance" in section 402 of the act, amended May 16, 1996 (P.L.175, No.35), are amended and the section is amended by adding a definition to read:

Section 402. Definitions.--As used in this article, unless the [content] **context** clearly indicates otherwise:

* * *

["General assistance" means assistance granted under the provisions of section 432(3) of this act.]

"General assistance-related categorically needy medical assistance" means medical assistance for persons who meet the requirements under section 432(3).

* * *

Section 3. The act is amended by adding a section to read:

Section 403.2. General Assistance-Related Categorically Needy and Medically Needy Only Medical Assistance Programs.--(a) Subject to subsection (b) and notwithstanding any other provision of law, the general assistance cash assistance program shall cease August 1, 2012.

(b) The general assistance-related categorically needy medical assistance program shall continue, including, but not limited to, the eligibility and work and work-related requirements under this article. The general assistance-related medical assistance program for the medically needy only shall continue.

Section 4. Section 405.1(a.2)(3) of the act, amended May 16, 1996 (P.L.175, No.35), is amended to read:

Section 405.1. Establishment of RESET.--* * *

(a.2) In accordance with RESET, the following requirements shall apply:

* * *

(3) [A nonexempt applicant's initial work-related activity shall be to conduct an independent job search for a period not to exceed eight weeks. A person who is on the effective date of this subsection a nonexempt recipient shall be required to conduct an independent job search within eight weeks of the recipient's next redetermination of eligibility. The applicant or recipient must document such efforts and present the documentation to the appropriate county assistance office upon request. Failure to comply with the requirements of this section shall result in the imposition of the sanctions set forth in section 432.3.] **As a condition of eligibility, an applicant shall apply for at least three positions of unsubsidized employment each week unless the applicant establishes good cause for failure to comply. An applicant shall continue to apply for unsubsidized employment until paid employment of at least twenty hours per week is secured. The applicant shall verify compliance with these requirements in the manner and form prescribed by the department.**

* * *

Section 5. Section 432.2(b) of the act, amended June 30, 2011 (P.L.89, No.22), is amended to read:

Section 432.2. Determination of Eligibility.--* * *

(b) As a condition of eligibility for assistance, all applicants and recipients of assistance shall cooperate with the department in providing and verifying information necessary for the department to determine initial or continued eligibility in accordance with the provisions of this act. An individual applying for assistance shall complete an application containing such information required to establish eligibility and amount of grant. The application shall include, but not be limited to, the following information:

- (1) Names of all persons to receive aid;
- (2) Birth dates of all persons to receive aid;
- (3) Social security numbers of all persons to receive aid, or proof of application for such social security number;

- (4) Place of residence for all persons to receive aid;
- (5) The names of any legally responsible relative living in the home;
- (6) Any income or resources as defined in this act or in regulations promulgated pursuant to this act.

The department shall provide assistance as needed to complete the application and shall [insure] **ensure** that all applicants or recipients have or promptly obtain a social security number. The department shall determine all elements of eligibility based upon the circumstances that exist at the applicant's **or recipient's** place of residence prior to awarding assistance.

* * *

Section 6. Sections 432.3(a) and 442.1(a)(3) of the act, amended May 16, 1996 (P.L.175, No.35), are amended to read:

Section 432.3. Failure to Comply with Employment and Work-Related Activity Requirements.--(a) [An applicant or] **A** recipient who is not exempt from participation in the employment or work-related activity requirements set forth in section 405.1(a.2) and who without good cause: (i) voluntarily terminates employment or reduces earnings; (ii) fails to apply for work at such time and in such manner as the department may prescribe; or (iii) fails or refuses to accept referral to and participate in a work-related activity, or refuses to accept referral to and work in and retain employment in which the [applicant or] recipient is able to engage, provided such employment conforms to the standards established for a bona fide offer of employment, shall be disqualified from receiving assistance as follows:

(1) [A] **For the first violation, a** minimum of thirty days [for the first violation] and continuing thereafter until such time as [he or she is willing to comply] **the recipient has demonstrated and maintained compliance for at least a one-week period** with the requirements of section 405.1[; a minimum of sixty days for]. **After the recipient has been disqualified for ninety days, the entire assistance group shall be disqualified until the recipient has demonstrated and maintained compliance for at least a one-week period with the requirements of section 405.1.**

(2) **For the second violation, a minimum of sixty days** and continuing thereafter until such time as [he or she is willing to comply] **the recipient has demonstrated and maintained compliance for at least a one-week period** with the requirements of section 405.1[; and permanently for a third violation]. **After the recipient has been disqualified for sixty days, the entire assistance group shall be disqualified until the recipient has demonstrated and maintained compliance for at least a one-week period with the requirements of section 405.1.**

[(2) If the reason for the disqualification occurs during the first twenty-four months that cash assistance is received, whether those months are consecutive or interrupted, only the individual is disqualified. If the reason for the disqualification occurs after the individual has received assistance for more than twenty-four months, whether those months are consecutive or interrupted, the disqualification is imposed on the entire assistance group.]

(3) For the third violation, the entire assistance group shall be permanently disqualified.

* * *

Section 442.1. The Medically Needy; Determination of Eligibility.--(a) A person shall be considered medically needy if that person meets the requirements of clauses (1), (2) and (3):

* * *

(3) Complies with [either] subclause [(i) or] (ii):

[(i) Receives general assistance in the form of cash.]

(ii) Is not eligible for cash assistance but is:

(A) a child under twenty-one years of age;

(B) a custodial parent of a dependent child under twenty-one years of age[;] **who verifies employment of at least one hundred hours per month earning at least the minimum wage;**

(C) a person fifty-nine years of age or older;

(D) a refugee for whom Federal financial participation is available;

(E) a pregnant woman;

(F) a person with a disability who is receiving Social Security disability benefits, who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income or who is under review for a disability by the department based upon Social Security disability criteria; or

(G) a person who verifies employment of at least one hundred hours per month earning at least the minimum wage.

* * *

Section 7. The definition of "child" in section 772 of the act, added December 30, 1974 (P.L.1039, No.339), is amended to read:

Section 772. Definitions.--As used in this subdivision:

* * *

"Child" means an individual who:

(1) is under the age of eighteen years[.]; or

(2) is under the age of twenty-one years and who attained thirteen years of age before the adoption assistance agreement became effective and who is:

- (i) completing secondary education or an equivalent credential;
- (ii) enrolled in an institution which provides postsecondary or vocational education;
- (iii) participating in a program actively designed to promote or remove barriers to employment;
- (iv) employed for at least eighty hours per month; or
- (v) incapable of doing any of the activities described in subclause (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

* * *

Section 8. Section 815-A of the act, amended June 30, 2007 (P.L.49, No.16), is amended to read:

Section 815-A. Time periods.--The assessment authorized in this article shall not be imposed prior to July 1, 2003, or after June 30, [2012] **2016**.

Section 9. Section 1302 of the act, added September 30, 2003 (P.L.169, No.25), is amended to read:

Section 1302. Definitions.

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

"Child." An individual who:

- (1) is under 18 years of age; or
- (2) is under 21 years of age and who attained 13 years of age before the subsidized permanent legal custodianship agreement became effective and who is:
 - (i) completing secondary education or an equivalent credential;
 - (ii) enrolled in an institution which provides postsecondary or vocational education;
 - (iii) participating in a program actively designed to promote or remove barriers to employment;
 - (iv) employed for at least 80 hours per month; or
 - (v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

"County agency." The county children and youth social service agency exercising the power and duties provided for in 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 under Article IX.

"Eligible child." A child who:

(1) has a court-ordered disposition of placement with a permanent legal custodian pursuant to 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child);

(2) has lived with an eligible permanent legal custodian for at least six months, which need not be consecutive; and

(3) is a citizen or an alien lawfully residing in this Commonwealth.

"Eligible permanent legal custodian." A relative or kin:

(1) whose home is approved pursuant to applicable regulations for placement of foster children;

(2) with whom an eligible child has resided for at least six months, which need not be consecutive; and

(3) who meets the requirements for employment in child-care services pursuant to 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel).

"Foster parent." An individual approved by a public or private foster family care agency to provide foster family care services to a child who is temporarily separated from the child's legal family and placed in the legal custody of an agency.

"Kin." An individual 21 years of age or older who is one of the following:

(1) A godparent of the child as recognized by an organized church.

(2) A member of the child's tribe, nation or tribal organization.

(3) An individual with a significant, positive relationship with the child or family.

"Permanent legal custodian." A person to whom legal custody of the child has been given by order of a court pursuant to 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child).

"Relative." An individual who is:

(1) Related within the [third] **fifth** degree of consanguinity or affinity to the parent or stepparent of a child.

(2) At least 21 years of age.

"Subsidized permanent legal custodianship." A court-ordered disposition of a dependent child pursuant to 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child) for which the child's permanent legal custodian receives a monetary payment from the county agency pursuant to a subsidized permanent legal custodianship agreement.

"Subsidized permanent legal custodianship agreement." A written agreement signed by the director of the county agency, or a designee, and a permanent legal custodian, that sets forth

the terms and subsidy payments for a subsidized permanent legal custodianship.

Section 10. Section 1303(b) of the act, added September 30, 2003 (P.L.169, No.25), is amended and the section is amended by adding a subsection to read:

Section 1303. Kinship Care Program.

* * *

(a.1) Relative notification.--Except in situations of family or domestic violence, the county agency shall exercise due diligence to identify and notify all grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent or stepparent of a dependent child within 30 days of the child's removal from the child's home when temporary legal and physical custody has been transferred to the county agency. The notice must explain all of the following:

(1) Any options under Federal and State law available to the relative to participate in the care and placement of the child, including any options that would be lost by failing to respond to the notice.

(2) The requirements to become a foster parent, permanent legal custodian or adoptive parent.

(3) The additional supports that are available for children removed from the child's home.

(b) Placement of children.--If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives **or kin. The county agency shall document that an attempt was made to place the child with a relative **or kin**. If the child is not placed with a relative **or kin**, the agency shall document the reason why such placement was not possible.**

* * *

Section 11. The act is amended by adding sections to read:
Section 1303.1. Subsidized Permanent Legal Custodianship Program.

(a) Establishment of program.--The Subsidized Permanent Legal Custodianship Program is established in the department.

(b) Implementation.--The department shall establish and develop criteria and promulgate necessary regulations for county agencies to implement the Subsidized Permanent Legal Custodianship Program in accordance with the provisions of this article. The criteria and regulations shall include, but not be limited to, identification of eligible children and eligible permanent legal custodians, procedures for implementing the program and reporting requirements by county agencies.

Section 1303.2. Permanent legal custodianship subsidy and reimbursement.

(a) Amount.--The amount of permanent legal custodianship subsidy for maintenance costs to a permanent legal custodian shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) County reimbursement.--The department shall reimburse the county agency for at least 80% of the cost of a permanent legal custodianship subsidy payment provided by a county agency in accordance with the provisions of this article, provided that the county agency complies with the requirements established by the department.

Section 12. The act is amended by adding an article to read:

ARTICLE XIV-B

HUMAN SERVICES BLOCK GRANT PILOT PROGRAM

Section 1401-B. Definitions.

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

"Block grant." The Human Services Block Grant Pilot Program established in section 1402-B.

"County-based human services." Programs approved by the Department of Public Welfare and provided by county governments through direct or contracted services, supportive services and service coordination. The term includes services designed to meet service needs of the following:

- (1) Individuals in need of behavioral health services.
- (2) Individuals with intellectual disabilities.
- (3) Individuals in need of drug and alcohol treatment services.

(4) Individuals who are homeless or at immediate risk of becoming homeless.

(5) Dependent and delinquent children as defined in 42 Pa.C.S. § 6302 (relating to definitions).

(6) Low-income adults eligible to receive services under the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act.

(7) Older individuals as provided for under section 2206-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, and eligible to receive services under the Human Services Development Fund Act.

"Local collaborative arrangements." Two or more counties acting in concert to provide county-based human services through a single public or private entity.

Section 1402-B. Establishment of Human Services Block Grant Pilot Program.

The Human Services Block Grant Pilot Program is established for the purpose of allocating block grant funds to county governments to provide locally identified county-based human

services that will meet the service needs of county residents. A county's request to participate in the block grant shall be on a form and contain such information as the department may prescribe. The department, in its discretion, may approve a county's request based on criteria determined by the department. No more than 20 counties may participate in the block grant in any fiscal year.

Section 1403-B. Powers and duties of the department.

(a) Distribution of funds.--Notwithstanding any other law, the department may distribute those funds that have been appropriated to the department for the programs set forth in section 1405-B(a)(1) as a block grant for county-based human services.

(b) Administration of pilot program.--The department shall have the power and duty to:

(1) Monitor county governments' administration of the block grant to ensure compliance with applicable Federal and State requirements.

(2) Allocate and disburse block grant funds to counties on a quarterly basis in accordance with section 1405-B.

(3) Provide technical support and assistance to counties.

(4) Require counties to submit reports containing such information pursuant to the implementation of this article and in the form and by the deadline prescribed by the department.

(5) Monitor, inspect or audit the financial, operating and accounting records of any county agency or contracted entity that receives any block grant funds if deemed necessary by the department.

(6) Withhold, recover or reduce any block grant funds of a county agency or contracted entity determined to have been spent or disbursed in violation of Federal or State requirements.

(7) Establish procedures for the annual submission, review and approval process of county block grant plans for the expenditure of block grant funds and the delivery of county-based human services submitted under section 1404-B(5). The department shall not approve a county plan which proposes the elimination of any of the following county-based human services:

(i) Community-based mental health services.

(ii) Intellectual disability services.

(iii) Child welfare services.

(iv) Drug and alcohol treatment and prevention services.

(v) Homeless assistance services.

(vi) Behavioral health services.

(8) Prepare and submit by January 1, 2014, and by November 30 each year thereafter, a report to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Health Committee of the House of Representatives, the chairman and minority chairman of the Human Services Committee of the House of Representatives and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of the expenditures of block grant funds by county governments to include:

(i) The allocation levels.

(ii) The expenditure levels.

(iii) The number of individuals served by the human services provided.

(iv) Any other information deemed necessary by the department, including any information which would determine the effectiveness of the block grant.

(9) The annual report under paragraph (8) shall be made available for public inspection and posted on the department's publicly accessible Internet website.

(10) Promulgate regulations as may be necessary to carry out this article.

Section 1404-B. Powers and duties of counties.

The local county officials of each county government participating in the block grant shall have the power and duty to:

(1) Administer and disburse block grant funds for the provision of county-based human services in accordance with this article and regulations promulgated under section 1403-B(10) and Federal requirements.

(2) Establish or maintain, in agreement with another county or counties, local collaborative arrangements for the delivery of any county-based human service. Counties may establish new local collaborative arrangements under this paragraph for the provision of a specific county-based human service or county-based human services, subject to approval by the secretary.

(3) Determine and redetermine, when necessary, whether a person is eligible to participate in a county-based human service, subject to appeal under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedures of local agencies).

(4) Submit required reports under section 1403-B(b)(4).

(5) Submit to the department an annual Human Services Block Grant Pilot Plan to include the intended delivery of county-based human services by client population to be

served, including a detailed description of how the county intends to serve its residents in the least restrictive setting appropriate to their needs and the distribution and the projected expenditure level of block grant funds by county-based human services allocated under this article in such form and containing such information as the department may require. Prior to submitting the annual Human Services Block Grant Pilot Plan to the department, the county shall hold at least two public hearings on the plan under 65 Pa.C.S. Ch. 7 (relating to open meetings), which shall include an opportunity for individuals and families who receive services to testify about the plan.

Section 1405-B. Allocation.

(a) Allocation.--The department shall allocate State block grant funds to counties as follows:

(1) The department shall allocate State block grant funds according to each county's proportional share of the aggregate amount of the following State funds allocated for fiscal year 2011-2012:

(i) Funds allocated to counties under the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act.

(ii) Funds allocated to counties for mental health and intellectual disability services under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966.

(iii) Funds allocated to counties for behavioral health services.

(iv) Funds allocated to counties for drug and alcohol services under section 2334 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(v) Funds allocated to counties for the provision of services to the homeless.

(vi) Funds allocated to county child welfare agencies as certain additional grants under section 704.1(b).

(2) The department shall allocate Federal block grant funds to counties according to each county's fiscal year 2011-2012 proportional share of each Federal appropriation associated with the funds identified in paragraph (1).

(3) Funds identified in paragraphs (1) and (2) that were allocated to county local collaborative arrangements shall be allocated to individual counties based on the individual county population.

(4) The department may revise the allocation of Federal funds identified in paragraph (2) as necessary to comply with applicable Federal requirements.

(b) Expenditure.--Each county participating in the block grant shall expend its allocated block grant funds as follows:

(1) For State fiscal year 2012-2013, each county shall expend on each of the following county-based human services at least 80% of the amount the county is allocated under the funds identified in subsection (a)(1) for that county-based human service:

- (i) Community-based mental health services.
- (ii) Intellectual disability services.
- (iii) Child welfare services.
- (iv) Drug and alcohol treatment and prevention services.
- (v) Homeless assistance services.
- (vi) Behavioral health services.

(2) For State fiscal year 2013-2014, each county shall expend on each of the following county-based human services at least 75% of the amount the county was allocated under the funds identified in subsection (a)(1) for that county-based human service:

- (i) Community-based mental health services.
- (ii) Intellectual disability services.
- (iii) Child welfare services.
- (iv) Drug and alcohol treatment and prevention services.
- (v) Homeless assistance services.
- (vi) Behavioral health services.

(3) For State fiscal year 2014-2015, each county shall expend on each of the following county-based human services at least 50% of the amount the county is allocated under the funds identified in subsection (a)(1) for that county-based human service:

- (i) Community-based mental health services.
- (ii) Intellectual disability services.
- (iii) Child welfare services.
- (iv) Drug and alcohol treatment and prevention services.
- (v) Homeless assistance services.
- (vi) Behavioral health services.

(4) For State fiscal year 2015-2016, each county shall expend on each of the following county-based human services at least 25% of the amount the county is allocated under the funds identified in subsection (a)(1), for that county-based human service:

- (i) Community-based mental health services.

- (ii) Intellectual disability services.
- (iii) Child welfare services.
- (iv) Drug and alcohol treatment and prevention services.
- (v) Homeless assistance services.
- (vi) Behavioral health services.

(5) For State fiscal year 2016-2017 and thereafter, counties may expend block grant funds on county-based human services as determined by local need.

(c) Waiver.--A county may request in writing that the department waive the requirements of subsection (b). The department may, in its discretion, grant the request upon good cause shown by the county.

(d) Use of remaining funds.--Except as provided in subsection (b), counties may expend the remaining block grant funds on county-based human services needs as determined by county officials.

(e) Contribution to local collaborative arrangement.--Each county that is part of a local collaborative arrangement in accordance with section 1404-B(2) shall contribute at a minimum the percentage of funds specified in subsection (b) to the local collaborative arrangement for the provision of the county-based human services delivered by the local collaborative arrangement. Section 1406-B. Use of block grant funds.

(a) General rule.--Block grant funds received by counties under this article shall be used solely for the provision of county-based human services.

(b) Reinvestment.--A county participating in the block grant may submit to the department a written plan to reinvest up to 3% of its block grant allocation for any State fiscal year to be expended on county-based human services in the next State fiscal year. The 3% limitation may be waived by the department upon good cause shown by the county.

(c) Eligibility.--No county shall be required to expend block grant funds under this article on behalf of an individual until the individual has exhausted eligibility and receipt of benefits under all other existing Federal, State, local or private programs.

(d) Allocation.--For State fiscal year 2012-2013, each county in expending block grant funds shall provide local matching funds for block grant funds allocated to it in the same percentage as that county's aggregate local match percentage for the State funds identified in section 1405-B(a)(1) in State fiscal year 2010-2011. For each State fiscal year thereafter, each county in expending block grant funds shall provide local matching funds for block grant funds allocated to it in the same percentage as that county's aggregate local match percentage for

the State funds identified in section 1405-B(a)(1) in State fiscal year 2011-2012.

(e) County obligation.--Except as provided in subsection (d), counties shall have no financial obligation to provide human services under this article in excess of their allocation of block grant funds for any fiscal year.

Section 1407-B. Applicability of other statutes.

(a) Department.--The department's allocation of block grant funds to counties participating in the block grant under this article shall fully discharge its responsibilities and liabilities with respect to those counties under:

(1) Section 704.1(b).

(2) Sections 201(1) and (7), 503, 509, 510 and 511 of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966.

(b) County.--

(1) Except as specified in paragraph (2), each county's provision of county-based human services through the expenditure of block grant funds, in combination with required local matching funds, shall fully discharge the county's responsibilities and liabilities to provide or fund county-based human services under:

(i) Section 704.1(b).

(ii) Sections 301(d), 503, 509, 510 and 511 of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Intellectual Disability Act of 1966.

(iii) Section 401 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law.

(2) This article shall not be construed to affect the obligation of any county to provide funds for care in any county nursing home under section 443.1 or 472, care in any State institution as defined by section 901, medical assistance for inmates pursuant to section 441.1 or Article XIV-A or mental health or intellectual disability services provided by the department under section 505(b) or 508(c) of the Mental Health and Intellectual Disability Act of 1966.

Section 1408-B. Appeals.

A county agency or contracted entity aggrieved by a department determination made under section 1403-B(b)(6) may file a request for a review with the department's Bureau of Hearings and Appeals, which shall have exclusive jurisdiction in such matters. The procedures and requirements of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Pt. II (relating to general rules of

administrative practice and procedure) shall apply to requests for review filed under this section, except that in a request for a review, the county agency or contracted entity may not challenge the block grant funds allocation under section 1405-B. Section 1409-B. Limitations.

(a) Calculation of State appropriation.--No funds allocated for the block grant may be considered as part of the base for the calculation of any State appropriation for any fiscal year, including the county child welfare needs-based budget.

(b) Non-State match.--No funds allocated for the block grant may be used as the non-State match for other State funds, programs or grants.

(c) Other reimbursement.--No funds allocated to the block grant may be used for services reimbursable pursuant to section 704.1(a) in excess of a county's minimum expenditure for child welfare services required under section 1405-B(b) until the county has exhausted its allocation of State funds pursuant to section 709.3 for the State fiscal year. This provision excludes congregate care and institutional placements for dependent and delinquent children which are not reimbursable with block grant funds.

(d) Certain residential service.--No funds allocated to the block grant may be used for residential service for dependent or delinquent children other than foster care.

Section 1410-B. Construction.

(a) Federal moneys.--This article shall be construed so as to maintain and not decrease or limit the eligibility of any person or facility or the Commonwealth or any political subdivision of the Commonwealth to receive any Federal assistance, grant or funds.

(b) Availability of services.--Nothing in this article creates or provides an individual with an entitlement to services or benefits. Services under this article shall only be available from county governments to the extent that funds are appropriated.

(c) County child welfare services.--This article applies notwithstanding the provisions of Article VII.

Section 13. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 14. All regulations inconsistent with this act are abrogated.

Section 15. This act shall take effect July 1, 2012, or immediately, whichever is later.

APPROVED--The 30th day of June, A.D. 2012.

TOM CORBETT