

PREVENTING UTILITY TERMINATION WITH A MEDICAL CERTIFICATE

The medical certificate is a powerful tool, authorized by Pennsylvania Statute, with which to help ill consumers maintain life essential utility service. The medical certificate offers an effective method for preventing service termination while managing a past due balance.

The Public Utility Code states at 66 Pa.C.S. § 1406(f):

A public utility shall not terminate service to a premises when a customer has submitted a medical certificate to the public utility. The customer shall obtain a medical certificate verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with commission regulations.

There are several parts of the statute to consider.

- ❖ First, the medical condition does not have to be life threatening in order to qualify for certification. The household member must be seriously ill or the termination of service will aggravate an existing medical condition.
- ❖ Second, the medical certificate protection applies not only to the customer whose name is on the account, but to any member of the customer's household who is seriously ill or has a medical condition that will be aggravated by termination of service.
- ❖ Third, the determination of whether a medical condition qualifies is made entirely by the physician or nurse practitioner and not by the utility company.
- ❖ Finally, the medical certificate procedure is to be implemented in accord with Pennsylvania Public Utility Commission ("PUC" or "Commission") regulations.

Although no specific form is required, the law requires that specific information must be included in a medical certificate:

Certifications, whether written or oral, must include the following:

- (1) The name and address of the customer or applicant in whose name the account is registered.
- (2) The name and address of the afflicted person and relationship to the customer or applicant.
- (3) The nature and anticipated length of the affliction.
- (4) The specific reason for which the service is required.

(5) The name, office address and telephone number of the certifying physician or nurse practitioner.

Procedure for use of the medical certificate:

A customer must have a physician or nurse practitioner certify the medical situation. An original medical certification may be made by a physician or nurse practitioner orally by phone. However, it must be followed by a written certification from a licensed physician within 7 days of the phone call.

Upon the proper submission of a medical certificate, service may not be terminated for the length specified in the medical certificate, with a maximum of thirty days. If no length of time is specified or if the time period cannot be easily determined, service may not be terminated for at least 30 days.

Medical certificates are valid only for a maximum thirty day period. They must be renewed by the medical professional at the conclusion of each 30 day period.

Along with the temporary prevention of termination, the customer must enter into an equitable payment arrangement to pay all bills due during that 30 day period. This equitable payment arrangement includes regular, ongoing payment of any outstanding balance due, as well as future bills as they come due.

Where a customer fails to meet the obligation to pay on the equitable payment arrangement, then medical certifications may be renewed for only two additional 30 day periods.

If bills are paid according to equitable payment arrangement, the customer is entitled to renew the medical certificate every 30 days.

**For assistance Call Northwestern Legal Services
New Client Line at 1-800-665-6957
In Erie Call 452-6957
Or Apply Online at WWW.NWLS.ORG**

Date Revised: October 2018

