

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 547 Session of 2021

INTRODUCED BY D. MILLER, BENHAM, SCHLOSSBERG, SANCHEZ, LEE, HILL-EVANS, HOWARD, SIMS, HANBIDGE, T. DAVIS, O'MARA, DEASY, INNAMORATO, FRANKEL, HOHENSTEIN AND DELLOSO, MARCH 2, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 2, 2021

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," establishing the Department of Accessibility and
 22 Inclusion; in administrative organization, further providing
 23 for executive officers, administrative departments and
 24 independent administrative boards and commissions, for
 25 departmental administrative boards, commissions, and offices,
 26 for department heads and for gubernatorial appointments;
 27 providing for powers and duties of the Department of
 28 Accessibility and Inclusion.

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

1 Section 1. Section 201(a) of the act of April 9, 1929
2 (P.L.177, No.175), known as The Administrative Code of 1929, is
3 amended to read:

4 Section 201. Executive Officers, Administrative Departments
5 and Independent Administrative Boards and Commissions.--(a) The
6 executive and administrative work of this Commonwealth shall be
7 performed by the Executive Department, consisting of the
8 Governor, Lieutenant Governor, Secretary of the Commonwealth,
9 Attorney General, Auditor General, State Treasurer, and
10 Secretary of Education; by the Executive Board, and the
11 Pennsylvania State Police; by the following administrative
12 departments: Department of State, Office of Attorney General,
13 Department of Corrections, Department of the Auditor General,
14 Treasury Department, Department of Education, Department of
15 Military Affairs, Insurance Department, Department of Banking,
16 Department of Agriculture, Department of Transportation,
17 Department of Health, Department of Drug and Alcohol Programs,
18 Department of Accessibility and Inclusion, Department of Labor
19 and Industry, Department of Aging, Department of [Public
20 Welfare] Human Services, Department of General Services,
21 Department of Revenue, Department of Community and Economic
22 Development, Department of Environmental Protection and
23 Department of Conservation and Natural Resources; and by the
24 following independent administrative boards and commissions:
25 Pennsylvania Game Commission, Pennsylvania Fish and Boat
26 Commission, State Civil Service Commission, Pennsylvania Public
27 Utility Commission and the Pennsylvania Securities Commission.

28 * * *

29 Section 2. Section 202 of the act is amended by adding,
30 before the last paragraph, a clause to read:

1 Section 202. Departmental Administrative Boards,
2 Commissions, and Offices.--The following boards, commissions,
3 and offices are hereby placed and made departmental
4 administrative boards, commissions, or offices, as the case may
5 be, in the respective administrative departments mentioned in
6 the preceding section, as follows:

7 * * *

8 In the Department of Accessibility and Inclusion,

9 Office of Vocational Rehabilitation, which may include
10 assistive technology services and committees, councils or
11 boards regarding the employment of individuals with a
12 disability, independent living, rehabilitation and vocational
13 rehabilitation,

14 Office of Developmental Programs, which may include
15 bureaus or councils regarding services for individuals with
16 autism, an intellectual disability or a developmental
17 disability and which may include services regarding home and
18 community based settings,

19 Office for the Deaf and Hard of Hearing, which may
20 include an advisory council,

21 Bureau of Blindness and Visual Services, which may
22 include an advisory committee for the blind and a committee
23 of blind vendors,

24 Bureau of Disability Determination, which may include an
25 advisory committee,

26 Bureau of Early Intervention Services,

27 Accessibility Advisory Board.

28 All of the foregoing departmental administrative boards and
29 commissions shall be organized or reorganized as provided in
30 this act.

1 Section 3. Sections 206 and 207.1(d) of the act are amended
2 to read:

3 Section 206. Department Heads.--Each administrative
4 department shall have as its head an officer who shall, either
5 personally, by deputy, or by the duly authorized agent or
6 employe of the department, and subject at all times to the
7 provisions of this act, exercise the powers and perform the
8 duties by law vested in and imposed upon the department.

9 The following officers shall be the heads of the
10 administrative departments following their respective titles:

11 Secretary of the Commonwealth, of the Department of State;
12 Auditor General, of the Department of the Auditor General;
13 State Treasurer, of the Treasury Department;
14 Attorney General, of the Office of Attorney General;
15 Secretary of Education, of the Department of Education;
16 Adjutant General, of the Department of Military Affairs;
17 Insurance Commissioner, of the Insurance Department;
18 Secretary of Banking, of the Department of Banking;
19 Secretary of Agriculture, of the Department of Agriculture;
20 Secretary of Transportation, of the Department of
21 Transportation;
22 Secretary of Health, of the Department of Health;
23 Secretary of Drug and Alcohol Programs, of the
24 Department of Drug and Alcohol Programs;
25 Secretary of Accessibility and Inclusion, of the Department
26 of Accessibility and Inclusion;
27 Secretary of Labor and Industry, of the Department of Labor
28 and Industry;
29 Secretary of Aging, of the Department of Aging;
30 Secretary of [Public Welfare] Human Services, of the

1 Department of [Public Welfare] Human Services;
2 Secretary of Revenue, of the Department of Revenue;
3 Secretary of Community and Economic Development, of the
4 Department of Community and Economic Development;
5 Secretary of Environmental Protection, of the Department of
6 Environmental Protection;
7 Secretary of Conservation and Natural Resources, of the
8 Department of Conservation and Natural Resources;
9 Secretary of General Services, of the Department of General
10 Services;
11 Secretary of Corrections, of the Department of Corrections.

12 Section 207.1. Gubernatorial Appointments.--* * *

13 (d) The Governor shall nominate in accordance with the
14 provisions of the Constitution of the Commonwealth of
15 Pennsylvania and, by and with the advice and consent of a
16 majority of the members elected to the Senate appoint persons to
17 fill the following positions:

18 (1) The Secretary of Education, the Secretary of the
19 Commonwealth, the Adjutant General, the Insurance Commissioner,
20 the Secretary of Banking, the Secretary of Agriculture, the
21 Secretary of Transportation, the Secretary of Health, the
22 Secretary of Drug and Alcohol Programs, the Secretary of
23 Accessibility and Inclusion, the Commissioner of the State
24 Police, the Secretary of Corrections, the Secretary of Labor and
25 Industry, the Secretary of Aging, the Secretary of [Public
26 Welfare] Human Services, the Secretary of General Services, the
27 Secretary of Revenue, the Secretary of Community and Economic
28 Development, the Secretary of Environmental Protection and the
29 Secretary of Conservation and Natural Resources.

30 * * *

1 Section 4. The act is amended by adding an article to read:

2 ARTICLE XXIII-C

3 POWERS AND DUTIES OF THE DEPARTMENT OF ACCESSIBILITY AND

4 INCLUSION

5 Section 2301-C. Definitions.

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

9 "Department." The Department of Accessibility and Inclusion
10 of the Commonwealth.

11 "Disability." An intellectual, developmental, sensory or
12 physical impairment, including any of the following:

13 (1) An intellectual disability or mental disability, as
14 the terms are defined in section 102 of the act of October
15 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental
16 Health and Intellectual Disability Act of 1966.

17 (2) Deafness, deaf-blindness, being hard of hearing or
18 hearing loss.

19 (3) Speech impairment.

20 (4) Blindness or visual impairment.

21 (5) Physical disability or limitation.

22 "Institution of higher education." Any of the following:

23 (1) A community college operating under Article XIX-A of
24 the act of March 10, 1949 (P.L.30, No.14), known as the
25 Public School Code of 1949.

26 (2) A university within the State System of Higher
27 Education under Article XX-A of the Public School Code of
28 1949.

29 (3) A State-related institution as defined in section
30 1502-A of the Public School Code of 1949.

1 (4) Thaddeus Stevens College of Technology.

2 (5) An accredited private or independent college or
3 university.

4 "State plan." The State plan described in section 2302-C(2).

5 Section 2302-C. Powers and duties.

6 The department shall have the power and its duty shall be to:

7 (1) Serve as the principal advisor to the Governor on
8 the means and methods available to:

9 (i) Implement and fund support and services to
10 individuals with a disability in accordance with the
11 State plan.

12 (ii) Modify or consolidate support to individuals
13 with a disability.

14 (iii) Collaborate with the Federal Government and
15 regional and local governments throughout this
16 Commonwealth to enhance the effectiveness of the
17 provision and funding of support to individuals with a
18 disability.

19 (2) Develop and adopt a State plan for the developing,
20 maintaining, revising and enforcing Statewide disability
21 policies and standards throughout State government. The State
22 plan shall include provisions for:

23 (i) Collaboration with the Federal Government and
24 regional and local governments to enhance the
25 effectiveness of the provision and funding of support to
26 individuals with a disability, to avoid duplications and
27 inconsistencies in governmental efforts.

28 (ii) The encouragement of the formation of local
29 agencies and local coordinating councils and the
30 promotion of:

1 (A) cooperation and coordination among the local
2 agencies and local coordinating councils; and

3 (B) communication of ideas and recommendations
4 from local agencies and local coordinating councils
5 to the department.

6 (iii) The development of model plans for programs
7 that directly address and meet the early intervention
8 educational, vocational, financial, accessibility,
9 community living and inclusion, transportation and health
10 needs of individuals with a disability for the purpose of
11 utilizing and implementing the concepts incorporated in
12 the State plan. The model plans shall:

13 (A) Be reviewed on a periodic basis but not less
14 than once each year.

15 (B) Be revised to keep them current.

16 (C) Specify how all types of community resources
17 and existing Federal and State legislation may be
18 utilized.

19 (iv) Assistance to and consultation with local
20 governments, public and private agencies, institutions
21 and organizations and individuals regarding the
22 treatment, management and care provided to individuals
23 with a disability, including the coordination of programs
24 among these persons.

25 (v) Cooperation with organized medicine to
26 disseminate evidence-based medical guidelines for the
27 health care administered to individuals with a
28 disability.

29 (vi) The coordination of research and scientific
30 study relating to the epidemiology, sociological impact,

1 diagnosis, early intervention treatment and therapies and
2 healthcare standards related to disabilities.

3 (vii) The development of procedures regarding
4 confidential information in accordance with section 2303-
5 C.

6 (viii) The establishment of training and
7 professional licensure programs for professional and
8 nonprofessional personnel regarding disabilities,
9 including the encouragement of training programs by local
10 governments.

11 (ix) The development of a model curriculum,
12 including the provision of relevant data and other
13 information, for use by elementary and secondary schools,
14 institutions of higher education, parent-teachers
15 associations, adult education centers, private citizen
16 groups and other State and local entities, to instruct
17 students, parents, school faculty and the general public.

18 (x) The preparation of a broad variety of
19 informative and educational material regarding
20 disabilities for use in all media, to reach all segments
21 of the population, that can be utilized by public and
22 private agencies, institutions and organizations in
23 educational programs.

24 (xi) The recruitment, training, organization and
25 employment of professionals and other persons, including
26 individuals with a disability, to organize and
27 participate in programs of public education.

28 (xii) The development of standards for the approval
29 by the relevant State department or agency for a private
30 or public health care facility, including:

1 (A) A State hospital or institution,
2 intermediate care facility, long-term care facility,
3 assisted living facility, public or private general
4 hospital or community mental health center.

5 (B) A contracting agency of the private or
6 public health care facility.

7 (xiii) The development of grants and contracts for
8 the health and medical, educational, vocational,
9 accessibility and social supports available to
10 individuals with a disability. The following apply:

11 (A) A grant or contract may include assistance
12 to a local government or public and private agency,
13 institution or organization for prevention,
14 intervention, treatment, research, education or
15 training opportunities related to disabilities.

16 (B) A grant made or contract entered into by a
17 department or agency shall be pursuant to the
18 functions allocated to that department or agency by
19 the State plan.

20 (xiv) The preparation of general regulations for,
21 and operation of, programs supported with assistance.

22 (xv) The establishment of priorities for deciding
23 allocation of money from the department.

24 (xvi) The review of the administration and operation
25 of programs, including the effectiveness of programs in
26 meeting the purposes for which they are established and
27 operated.

28 (xvii) The issuance of annual reports of the
29 findings and recommendations of the department.

30 (xviii) The evaluation of programs and projects

1 carried out by the department and the dissemination of
2 the results of the evaluation.

3 (xix) The establishment of advisory committees as
4 deemed necessary to assist the department in fulfilling
5 responsibilities under this article.

6 (3) Implement the State plan, coordinate efforts under
7 the State plan and ensure compliance with State plan.

8 (4) In accordance with the State plan, allocate the
9 responsibility for all services, programs and other efforts
10 provided for in the State plan among the appropriate
11 departments, agencies and other State personnel.

12 (5) Gather and publish statistics pertaining to
13 disabilities, specifying uniform statistics to be obtained,
14 records to be maintained and reports to be submitted by
15 public and private agencies, institutions and organizations,
16 practitioners and other persons regarding disabilities and
17 related conditions or concerns.

18 (6) Establish an information center, which shall attempt
19 to gather and maintain all available published and
20 unpublished data and information on the incidence and impact
21 of all disabilities. The following apply:

22 (i) Each Commonwealth department and agency shall
23 send to the department the data and information pertinent
24 to:

25 (A) The epidemiology, prevention, diagnosis and
26 medical care administered to individuals with a
27 disability.

28 (B) The financial, educational, vocational and
29 social support services available at the Federal and
30 State level that serve individuals with a disability.

1 (ii) The department shall:

2 (A) Make the data and information widely
3 available.

4 (B) Update the data and information regularly
5 and at least on an annual basis.

6 (7) Require all appropriate State and local departments,
7 agencies, institutions and others engaged in implementing the
8 State plan to submit as often as necessary, but at least on
9 an annual basis, reports detailing the activities and effects
10 of the implementation of the State plan and recommending
11 appropriate amendments to the State plan. The department may
12 direct a performance audit of any activity conducted under
13 the State plan.

14 (8) Submit an annual report to the General Assembly,
15 which shall:

16 (i) Specify the actions taken, services provided and
17 money expended under the State plan.

18 (ii) Evaluate the effectiveness of the actions taken
19 and services provided under the State plan.

20 (iii) Contain the current State plan.

21 (9) Submit additional reports to the General Assembly as
22 requested by the General Assembly, which may include
23 recommendations to further the availability of data or
24 services provided to individuals with a disability.

25 (10) Make provision for facilities in each city,
26 borough, incorporated town, township, region or catchment
27 area, which shall provide to the department information about
28 the total Commonwealth disability programs and services.

29 (11) Promulgate rules and regulations necessary to carry
30 out the provisions of this article.

1 Section 2303-C. Confidential information.

2 (a) Consent.--Information obtained through scientific
3 investigation or research conducted under this article shall not
4 be used in a manner that discloses the name or other identifying
5 information of an individual who is the subject of the
6 scientific investigation or research without the consent of the
7 individual and the department.

8 (b) Protection of information.--A person engaged in
9 scientific investigation or research conducted under this
10 article:

11 (1) Shall protect the privacy of an individual who is
12 the subject of the scientific investigation or research by
13 withholding from all persons not connected with the
14 scientific investigation or research the name or other
15 identifying information of the individual.

16 (2) Shall not be compelled in a State, civil, criminal,
17 administrative, legislative or other proceeding to identify
18 an individual who is the subject of the scientific
19 investigation or research.

20 Section 2304-C. Requirements for State plan.

21 (a) Annual review.--The department shall review the State
22 plan on an annual basis.

23 (b) Public hearing.--In developing the State plan and prior
24 to any annual amendment of the State plan, the department shall
25 hold a public hearing at least 30 days prior to the adoption of
26 the initial State plan and any subsequent amendment, to afford
27 all interested persons an opportunity to present views either
28 orally or in writing.

29 (c) Consultation and collaboration.--The department shall
30 consult and collaborate with appropriate Federal, State and

1 local departments, boards, agencies and governmental units, and
2 with appropriate public and private agencies, institutions and
3 organizations and other groups and entities in developing and
4 amending the State plan.

5 (d) Procedures.--The promulgation of the State plan shall
6 conform to the procedures under the act of July 31, 1968
7 (P.L.769, No.240), referred to as the Commonwealth Documents
8 Law.

9 Section 5. This act shall apply to the transfer of powers,
10 duties and functions, which relate to health, educational,
11 vocational and social services and programs regarding
12 disabilities, to the Department of Accessibility and Inclusion
13 established in this act, from the following:

14 (1) Within the Department of Human Services:

15 (i) Within the Office of Developmental Programs:

16 (A) The Bureau of Autism Services.

17 (B) The Bureau of Supports for People with
18 Intellectual Disabilities.

19 (C) The Developmental Disabilities Council.

20 (ii) The Office of Developmental Programs Home and
21 Community Based Settings Final Rule.

22 (iii) Within the Office of Child Development and
23 Early Intervention, the Bureau of Early Intervention
24 Services.

25 (2) Within the Department of Labor and Industry:

26 (i) The Bureau of Blindness and Visual Services,
27 including the Advisory Committee for the Blind and the
28 Committee of Blind Vendors.

29 (ii) The Bureau of Disability Determination,
30 including the Bureau of Disability Determination Advisory

1 Committee.

2 (iii) The Accessibility Advisory Board of the Bureau
3 of Occupational and Industrial Safety.

4 (iv) The Office for the Deaf and Hard of Hearing,
5 including the Advisory Council for the Deaf and Hard of
6 Hearing.

7 (v) The Office of Vocational Rehabilitation,
8 including:

9 (A) Assistive Technology services.

10 (B) The Governor's Committee on the Employment
11 of People with Disabilities.

12 (C) The State Independent Living Council to the
13 Pennsylvania Office of Vocational Rehabilitation.

14 (D) The State Rehabilitation Council.

15 (E) The State Board of Vocational
16 Rehabilitation.

17 Section 6. All appropriations, personnel, allocations,
18 equipment, files, records, contracts, agreements, obligations
19 and other materials that are used, employed or expended in
20 connection with the powers, duties and functions of the
21 governmental entities specified in section 5 of this act are
22 transferred to the Department of Accessibility and Inclusion
23 established in this act with the same force and effect as if:

24 (1) The appropriations had been made to the Department
25 of Accessibility and Inclusion in the first instance.

26 (2) The personnel, allocations, equipment, files,
27 records and other materials had been the property of or had
28 otherwise been part of the Department of Accessibility and
29 Inclusion in the first instance.

30 (3) The contracts, agreements and obligations had been

1 incurred or entered into by the Department of Accessibility
2 and Inclusion.

3 Section 7. The items specified in section 6 of this act that
4 are transferred to the Department of Accessibility and Inclusion
5 under this act shall include Federal grants and money and other
6 benefits from Federal programs.

7 Section 8. All personnel transferred under this act shall
8 retain any civil service employment status assigned to the
9 personnel.

10 Section 9. All positions in the Department of Accessibility
11 and Inclusion shall be deemed to be "classified service" as
12 defined in 71 Pa.C.S. § 2103, and the provisions and benefits of
13 71 Pa.C.S. Pt. III shall be applicable to the employees of, and
14 positions in, the Department of Accessibility and Inclusion.

15 Section 10. All orders, permits, regulations, decisions and
16 other actions of the governmental entities specified in section
17 5 of this act shall remain in full force and effect until
18 modified, repealed, superseded in or otherwise changed by
19 appropriate action of the Department of Accessibility and
20 Inclusion.

21 Section 11. All acts and parts of acts are repealed insofar
22 as they are inconsistent with this act.

23 Section 12. Notwithstanding any other provision of this act,
24 the Governor's Cabinet for People with Disabilities and the
25 Governor's Advisory Committee for People with Disabilities,
26 established by Executive Order 2006-09, issued by the Governor
27 on November 21, 2006, shall be recognized as the advisory
28 committee to the Department of Accessibility and Inclusion.

29 Section 13. This act shall take effect in one year.