

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1388 Session of
1993

INTRODUCED BY RICHARDSON, EVANS, DeWEESE, HUGHES, RITTER, JAMES, CALTAGIRONE, TRICH, ROBINSON, PETRONE, CAWLEY, ITKIN, BISHOP, M. COHEN, OLIVER, COWELL, ROEBUCK, CARN, KELLER, THOMAS, WILLIAMS, MANDERINO, ACOSTA, DALEY, STURLA, BEBKO-JONES, CURRY, KUKOVICH, KIRKLAND AND PESCI, APRIL 21, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 21, 1993

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; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," changing the Department of
21 Public Welfare to the Department of Human Services; and
22 making related substantive and editorial changes.

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

25 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
26 No.175), known as The Administrative Code of 1929, amended

1 December 30, 1984 (P.L.1299, No.245) and repealed in part May
2 26, 1988 (P.L.414, No.72), is amended to read:

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

25 (b) All of the provisions of this act, which apply generally
26 to administrative departments, or generally except to the
27 Department of the Auditor General, the Treasury Department and
28 the Office of Attorney General, shall apply to the Executive
29 Board and to the Pennsylvania State Police.

30 Section 2. As much as relates to the Department of Public

1 Welfare in section 202 of the act, amended July 9, 1986

2 (P.L.547, No.97), is amended to read:

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

9 * * *

10 In the Department of [Public Welfare] Human Services,
11 Board of Trustees of The Western Youth Development
12 Centers,
13 Board of Trustees of The Central Youth Development
14 Centers,
15 Board of Trustees of The Eastern Youth Development
16 Centers,
17 Board of Trustees of Allentown State Hospital,
18 Board of Trustees of Clarks Summit State Hospital,
19 Board of Trustees of Danville State Hospital,
20 Board of Trustees of Embreeville Center,
21 Board of Trustees of Farview State Hospital,
22 Board of Trustees of Harrisburg State Hospital,
23 Board of Trustees of Mayview State Hospital,
24 Board of Trustees of Norristown State Hospital,
25 Board of Trustees of Philadelphia State Hospital,
26 Board of Trustees of Somerset State Hospital,
27 Board of Trustees of Warren State Hospital,
28 Board of Trustees of Wernersville State Hospital,
29 Board of Trustees of Woodville State Hospital,
30 Board of Trustees of Torrance State Hospital,

Board of Trustees of Haverford State Hospital,
Board of Trustees of Ashland State General Hospital,
Board of Trustees of Coaldale State General Hospital,
Board of Trustees of Nanticoke State General Hospital,
Board of Trustees of Philipsburg State General Hospital,
Board of Trustees of Scranton State General Hospital,
Board of Trustees of Shamokin State General Hospital,
Board of Trustees of Ebensburg Center,
Board of Trustees of Eastern State School and Hospital,
Board of Trustees of Laurelton Center,
Board of Trustees of Pennhurst Center,
Board of Trustees of Polk Center,
Board of Trustees of Selinsgrove Center,
Board of Trustees of Hamburg Center,
Board of Trustees of Western Center,
Board of Trustees of White Haven Center,
Board of Trustees of Woodhaven Center,
Board of Trustees of South Mountain Restoration Center.

* * *

Section 3. As much as relates to the Department of Public Welfare in section 203 of the act, amended June 20, 1978 (P.L.477, No.70), is amended to read:

Section 203. Advisory Boards and Commissions.--The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

* * *

In the Department of [Public Welfare] Human Services,
State Board of [Public Welfare] Human Services,
Advisory Committee for the Blind,
Advisory Committee for General and Special Hospitals,

1 Advisory Committee for Children and Youth,
2 Advisory Committee for Public Assistance,
3 Advisory Committee for Mental Health and Mental
4 Retardation;

5 * * *

6 Section 4. Section 206 of the act, amended December 30, 1984
7 (P.L.1299, No.245), is amended to read:

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

14 The following officers shall be the heads of the
15 administrative departments following their respective titles:

16 Secretary of the Commonwealth, of the Department of State;
17 Auditor General, of the Department of the Auditor General;
18 State Treasurer, of the Treasury Department;
19 Attorney General, of the Office of Attorney General;
20 Secretary of Education, of the Department of Education;
21 Adjutant General, of the Department of Military Affairs;
22 Insurance Commissioner, of the Insurance Department;
23 Secretary of Banking, of the Department of Banking;
24 Secretary of Agriculture, of the Department of Agriculture;
25 Secretary of Transportation, of the Department of
26 Transportation;
27 Secretary of Health, of the Department of Health;
28 Secretary of Labor and Industry, of the Department of Labor
29 and Industry;
30 Secretary of Aging, of the Department of Aging;

Secretary of [Public Welfare] Human Services, of the
Department of [Public Welfare] Human Services;
Secretary of Revenue, of the Department of Revenue;
Secretary of Commerce, of the Department of Commerce;
Secretary of Community Affairs, of the Department of
Community Affairs;
Secretary of Environmental Resources, of the Department of
Environmental Resources;
Secretary of General Services, of the Department of General
Services;
Secretary of Corrections, of the Department of Corrections.

Section 5. Section 207.1(d)(1) and (4) of the act, amended
February 17, 1984 (P.L.75, No.14) and December 30, 1984
(P.L.1299, No.245), are amended to read:

Section 207.1. Gubernatorial Appointments.--* * *

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

(1) The Secretary of Education, the Secretary of the
Commonwealth, the Adjutant General, the Insurance Commissioner,
the Secretary of Banking, the Secretary of Agriculture, the
Secretary of Transportation, the Secretary of Health, the
Commissioner of the State Police, the Secretary of Corrections,
the Secretary of Labor and Industry, the Secretary of Aging, the
Secretary of [Public Welfare] Human Services, the Secretary of
General Services, the Secretary of Revenue, the Secretary of
Commerce, the Secretary of Community Affairs and the Secretary
of Environmental Resources.

1 * * *

2 (4) Those members which he is authorized to appoint to the
3 Delaware Valley Regional Planning Commission, the Pennsylvania
4 Public Television Network Commission, the State Council of Civil
5 Defense, the State Farm Products Commission, the Pennsylvania
6 Housing Finance Agency, the Board of Trustees of each State
7 College and University, the Board of Trustees of Scotland School
8 for Veterans' Children, the Board of Trustees of Thaddeus
9 Stevens State School of Technology, the State Conservation
10 Commission, the Commonwealth of Pennsylvania Council on the
11 Arts, the State Planning Board, the Pennsylvania Drug, Device
12 and Cosmetic Board, the County Board of Assistance in each
13 county, the State Board of [Public Welfare] Human Services, the
14 Boards of Trustees of Centers, the Board of Trustees of each
15 Restoration Center, the Board of Trustees of each State General
16 Hospital, the Board of Trustees of each State School and
17 Hospital, the Board of Trustees of each State Hospital, the
18 State Dental Council and Examining Board, the State Real Estate
19 Commission, the State Registration Board for Professional
20 Engineers, the State Boards of Examiners of Architects,
21 Auctioneers, Nursing Home Administrators and Public Accountants,
22 the State Boards of Barber Examiners, Chiropractic Examiners,
23 Cosmetology, Funeral Directors, Medical Education and Licensure,
24 Nurse Examiners, Optometrical Examiners, Osteopathic Examiners,
25 Pharmacy, Physical Therapy Examiners, Podiatry Examiners,
26 Veterinary Medical Examiners, Landscape Architects and Motor
27 Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania
28 Board of Psychologist Examiners, the State Athletic Commission,
29 the Hazardous Substance Transportation Board, the Pennsylvania
30 Higher Education Assistance Agency, the Pennsylvania Historical

1 and Museum Commission, the State Tax Equalization Board, the
2 Public School Employees' Retirement Board, the State Employees'
3 Retirement Board, the Municipal Police Officers' Education and
4 Training Commission, the Pennsylvania Nursing Home Loan Agency,
5 the Crime Victims Compensation Board, the Consumer Advocate, and
6 the Pennsylvania Minority Business Development Authority.

7 * * *

8 Section 6. Section 448(k) and (l) of the act, amended or
9 added December 21, 1959 (P.L.1944, No.709), July 9, 1970
10 (P.L.470, No.161) and June 20, 1978 (P.L.477, No.70), are
11 amended to read:

12 Section 448. Advisory Boards and Commissions.--The advisory
13 boards and commissions, within the several administrative
14 departments, shall be constituted as follows:

15 * * *

16 (k) The State Board of [Public Welfare] Human Services is
17 hereby created. The board shall consist of the Secretary of
18 [Public Welfare] Human Services, ex officio, and sixteen (16)
19 members appointed by the Governor. Four (4) members shall be
20 appointed from among the members of the General Assembly, two
21 (2) from the Senate and two (2) from the House of
22 Representatives. These members of the board shall, with respect
23 to each branch of the General Assembly, be from different
24 political parties, and they shall, in no event, retain
25 membership on the board after they cease to be members of the
26 branch of the Legislature from which they were appointed. One
27 (1) member shall be appointed by the Governor from each of the
28 six (6) advisory committees created by clause (1) of this
29 section, and the first member of each advisory committee
30 appointed by the Governor shall automatically become a member of

1 the board. The term of office of each member of the board,
2 except as herein otherwise provided, shall be six (6) years.

3 In the original appointment of the members of the board, six
4 (6) members shall be appointed for the term of six (6) years,
5 five (5) members for the term of four (4) years, and five (5)
6 members for the term of two (2) years. Any vacancy occurring in
7 the membership of the board shall be filled by the Governor only
8 for the unexpired term. The Governor may remove any member of
9 the board at any time. No member of the board shall serve more
10 than two (2) consecutive terms not including a vacancy
11 appointment, nor shall any member hold office in any political
12 party.

13 Nine (9) members of the board shall constitute a quorum. A
14 chairman who shall not be a member of an advisory committee
15 shall be elected by the board, annually, from among its members.
16 Members of the board shall serve without compensation other than
17 reimbursement of travel and other actual expenses incurred in
18 the performance of their duties. The board shall meet at least
19 six (6) times a year. Special meetings of the board shall be
20 held on call of the chairman or the Secretary of [Public
21 Welfare] Human Services, and it shall be the duty of the
22 chairman to call a special meeting upon the written request of
23 one-third (1/3) or more members, not including vacancies, of the
24 board.

25 (1) The following advisory committees are hereby created:
26 Advisory Committee for the Blind,
27 Advisory Committee for General and Special Hospitals,
28 Advisory Committee for Children and Youth,
29 Advisory Committee for Public Assistance,
30 Advisory Committee for Mental Health and Mental Retardation.

1 Each advisory committee shall consist of the Commissioner in
2 the Department of [Public Welfare] Human Services, directing the
3 program to which the advisory committee is attached, as an ex
4 officio member, and not less than three (3) nor more than nine
5 (9) members appointed by the Governor. In the case of the
6 Advisory Committee for Mental Health and Mental Retardation, the
7 committee shall include the Chairman of the Public Health and
8 Welfare Committee of the Senate, the Chairman of the Health and
9 Welfare Committee of the House of Representatives and the
10 President of the Pennsylvania State Association of County
11 Commissioners or his alternate. The exact number of members of
12 each advisory committee shall be determined by the Governor upon
13 recommendation of the State Board of [Public Welfare] Human
14 Services. The qualifications of the members of each advisory
15 committee shall also be determined by the Governor upon
16 recommendation of the State Board of [Public Welfare] Human
17 Services: Provided, That with respect to each advisory
18 committee, the Governor shall appoint members with due regard
19 for representation of the professional and lay groups concerned
20 with the fields of interest served by the program to which each
21 advisory committee is attached. The term of office of each
22 member of each advisory committee, except as herein otherwise
23 provided, shall be six (6) years.

24 The original appointment of the members of the advisory
25 committee shall be for overlapping terms of six (6), four (4)
26 and two (2) years. In making these original appointments, the
27 Governor shall, in so far as possible, appoint approximately
28 one-third (1/3) of the recommended complement of each advisory
29 board to each of the overlapping terms.

30 A majority of the members of each advisory committee shall

1 constitute a quorum. Each advisory committee shall elect a
2 chairman from among its members. Each advisory committee shall
3 meet at least four (4) times a year. Special meetings of each
4 advisory committee shall be held on call of the chairman, and it
5 shall be the duty of the chairman to call a special meeting upon
6 the written request of one-third (1/3) or more of the members
7 not including vacancies of the advisory committee.

8 The provisions of clause (k) of this section with respect to
9 filling of vacancies, removal of members, length of service,
10 political party office and compensation shall be applicable to
11 advisory committee members, and are incorporated herein by
12 reference.

13 * * *

14 Section 7. Section 451 of the act, amended July 7, 1989
15 (P.L.241, No.42), is amended to read:

16 Section 451. State Planning Board.--(a) The State Planning
17 Board shall be an advisory board within the Governor's Office
18 with the same status under this act as that of advisory boards.

19 (b) (1) The State Planning Board shall consist of fifteen
20 members to be appointed by the Governor from among the citizens
21 of the State, who during their terms shall hold no other office
22 in the executive branch of State Government to which any salary
23 is attached. In addition to these members, there shall be six ex
24 officio members, the Secretary of Agriculture, the Secretary of
25 Commerce, the Secretary of Community Affairs, the Secretary of
26 Environmental Resources, the Secretary of [Public Welfare] Human
27 Services and the Secretary of Transportation. There shall also
28 be two members appointed by, and serve at the pleasure of, the
29 President pro tempore of the Senate, neither of whom shall be
30 members of the same political party, and two members appointed

by, and serve at the pleasure of, the Speaker of the House of Representatives, neither of whom shall be members of the same political party. The terms of office of those members appointed by the Governor shall be for four years and until their successors are appointed and have qualified. In case of a vacancy, the Governor shall make an appointment for the unexpired portion of the term. The Governor shall designate the chairman and vice-chairman of the board from among the members of the board, other than the ex officio and legislative members.

(2) Thirteen members of the board shall constitute a quorum.

(3) The members of the board shall serve without compensation but shall be entitled to receive traveling and other reasonable expenses incurred in the discharge of their duties.

(4) The board may, with the approval of the Governor, appoint and fix the compensation of an executive director who shall be technically qualified for the duties of the office and who shall act as secretary of the board and conduct the work of the board under its supervision.

(c) The board shall have the following powers and duties:

(1) Conduct research and collect, compile and analyze data bearing upon social, economic, physical, demographic and other factors which may influence the present and future welfare of the Commonwealth.

(2) Monitor national and State trends, identify issues of potential interest and concern to the Commonwealth and prepare for the Governor and the General Assembly on an annual basis, or more often if necessary, reports detailing the findings of the board.

(3) Develop strategic plans and programs to promote and

1 enhance the welfare of the Commonwealth and make such
2 recommendations thereon to the Governor as it may deem proper
3 and advisable.

4 (4) Solicit information and input from State and local
5 government officials and private citizens in Pennsylvania as
6 part of the process of developing strategic plans and programs.

7 (5) Submit annually to the Governor, the President pro
8 tempore of the Senate and the Speaker of the House of
9 Representatives a report on its program and activities.

10 Section 8. Section 1209(b) of the act, amended February 1,
11 1966 (1965 P.L.1849, No.582), is amended to read:

12 Section 1209. Local Government Budget and Financial Reports;
13 Compilation of Statistics.--The Department of Community Affairs
14 shall have power and its duty shall be:

15 * * *

16 (b) To furnish to the corporate authorities of each county
17 (except counties of the first class), city of the third class,
18 borough, incorporated town, township suitable blank forms for
19 the making of annual reports of the financial condition of their
20 respective local governments to the department, which forms for
21 financial report purposes shall be placed by said corporate
22 authorities into the hands of the director, controller or
23 auditors who by law are required to make such financial reports
24 to the department. Such annual financial reports shall be
25 prepared in cooperation with aforesaid duly authorized
26 committees of local government officials and shall contain: (1)
27 a statement of the receipts of the unit of local government from
28 all sources and of all accounts and revenue which may be due and
29 uncollected at the close of the fiscal year; (2) a statement of
30 the disbursements for all the governmental activities of the

1 unit of local government during the fiscal year; (3) a detailed
2 statement of the indebtedness of the unit of local government at
3 the close of the fiscal year, the provisions made for the
4 payment thereof, together with the purposes for which it was
5 incurred; (4) a statement of the cost of ownership and operation
6 of each and every public service industry owned, maintained or
7 operated by the unit of local government; (5) such further or
8 more specific information in relation to the cost of any branch
9 of the local government and improvements therein as may be
10 required by the department.

11 In the case of blank forms for financial reports by townships
12 of the second class and counties, the same shall be so arranged
13 that corresponding data and information, required to be reported
14 by said units of local government to the Department of
15 [Highways] Transportation or the Department of [Public Welfare]
16 Human Services, may be used for the information required to be
17 furnished to the Department of Community Affairs under this
18 section.

19 * * *

20 Section 9. Sections 2203-A(11), (17.2), (24) and (26) of the
21 act, amended December 15, 1988 (P.L.1244, No.153), are amended
22 to read:

23 Section 2203-A. Powers and Duties in General.--(a) The
24 Department of Aging hereinafter referred to in this article as
25 the department shall, subject to any inconsistent provisions in
26 this act contained, have the power and its duty shall be to:

27 * * *

28 (11) Promote and support programs, studies and policies, in
29 cooperation with the Departments of Labor and Industry,
30 Education, Commerce, [Public Welfare] Human Services and other

1 agencies, which will enhance the opportunity for continued work,
2 education and training for older persons and for preretirement
3 assistance where appropriate.

4 * * *

5 (17.2) In cooperation with the Department of Health and the
6 Department of [Public Welfare] Human Services:

7 (i) Develop and administer a system of preadmission
8 assessment for persons who are at risk of needing institutional
9 care, if the Governor finds such a system cost effective.

10 (ii) Develop and administer a system of managed community-
11 based long-term care for persons who are assessed as being
12 clinically eligible for nursing home care and who can be cared
13 for within cost-of-care guidelines established by the
14 department, if the Governor finds such a system cost effective.

15 * * *

16 (24) Conduct, in cooperation with the Department of Health
17 and the Department of [Public Welfare] Human Services, periodic
18 studies and evaluations pertaining to the quality of care and
19 related services for consumers of long-term care services and
20 report such findings to the General Assembly.

21 * * *

22 (26) Review and comment on all rules, regulations,
23 eligibility or payment standards issued by the Departments of
24 [Public Welfare] Human Services, Environmental Resources, Health
25 or Labor and Industry relating to the licensure and regulation
26 of nursing homes, hospitals, and other health facilities;
27 medical assistance, supplemental security income; homemaking and
28 home-health care or residential care facilities for older
29 adults. Said rules, regulations and standards shall not take
30 effect until they have been submitted to the department for

1 comment.

2 * * *

3 Section 10. The heading of Article XXIII, section 2301 and
4 the introductory paragraph of section 2313 of the act, amended
5 July 13, 1957 (P.L.852, No.390), are amended to read:

6 ARTICLE XXIII

7 POWERS AND DUTIES OF THE DEPARTMENT OF

8 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

9 ADMINISTRATIVE AND ADVISORY BOARDS

10 AND COMMISSIONS

11 Section 2301. Powers and Duties in General.--The Department
12 of [Public Welfare] Human Services shall, subject to any
13 inconsistent provisions in this act contained, continue to
14 exercise the powers and perform the duties by law vested in and
15 imposed upon the said department, the Secretary of [Public
16 Welfare] Human Services, and the former Department of Public
17 Welfare, [and] Commissioner of Public Welfare, Secretary of
18 Public Welfare and the former Department of Welfare.

19 Section 2313. Mental Health.--The Department of [Public
20 Welfare] Human Services shall have the power and its duty shall
21 be:

22 * * *

23 Section 11. Section 2313.4 of the act, added December 11,
24 1986 (P.L.1485, No.153), is amended to read:

25 Section 2313.4. Operation of Eastern Pennsylvania
26 Psychiatric Institute.--The Department of [Public Welfare] Human
27 Services is hereby authorized to relinquish the entire
28 government, management, operation and control of the Eastern
29 Pennsylvania Psychiatric Institute to The Medical College of
30 Pennsylvania upon the effective date of a lease entered pursuant

1 to section 2418.

2 (1) Upon the execution of the lease permitted pursuant to
3 section 2418, the Eastern Pennsylvania Psychiatric Institute
4 shall be operated under the management of the Board of
5 Corporators of The Medical College of Pennsylvania, which shall
6 be responsible for the management and operation of the
7 institute.

8 (2) The Medical College of Pennsylvania shall conduct
9 research into the causes, prevention, treatment and cure of
10 mental, neurological and related disorders and shall provide
11 consultation, education, training and treatment at the Eastern
12 Pennsylvania Psychiatric Institute responsive to the mental
13 health needs of the public. Provision of these services and the
14 conduct of research shall be limited only by funds available for
15 these purposes. In addition to requesting appropriations from
16 the General Assembly to fund these functions, the Board of
17 Corporators of The Medical College of Pennsylvania shall make
18 good faith efforts to obtain funding from third party sources.

19 (3) The Medical College of Pennsylvania shall utilize all
20 space in the buildings known as the Eastern Pennsylvania
21 Psychiatric Institute consistent with the functions described in
22 this section. If The Medical College of Pennsylvania uses space
23 in the Eastern Pennsylvania Psychiatric Institute for functions
24 other than those described, it shall provide the Department of
25 [Public Welfare] Human Services with written documentation that
26 an equivalent amount of space is used in other facilities of The
27 Medical College of Pennsylvania for those functions.

28 (4) The Medical College of Pennsylvania may construct
29 buildings on vacant land of the leased premises if the buildings
30 are consistent with the academic health mission of The Medical

1 College of Pennsylvania.

2 Section 12. Section 2327 of the act, added December 21, 1959
3 (P.L.1944, No.709), is amended to read:

4 Section 2327. Powers and Duties of the State Board of
5 [Public Welfare] Human Services.--The State Board of [Public
6 Welfare] Human Services shall be an advisory body to, and a
7 consultative body of the Department of [Public Welfare] Human
8 Services with no power to approve or disapprove rules or
9 regulations, and shall have the power and its duty shall be:

10 (a) To participate in the development of broad outlines, of
11 policy and in the formulation of long-range programs and
12 objectives of the Department of [Public Welfare] Human Services,

13 (b) To interpret such programs and objectives to the public,
14 and

15 (c) To advise the Secretary of [Public Welfare] Human
16 Services, the Governor and the General Assembly, with respect to
17 the policies, programs, objectives and functioning of the
18 Department of [Public Welfare] Human Services.

19 Section 13. Section 2328 of the act, amended June 20, 1978
20 (P.L.477, No.70), is amended to read:

21 Section 2328. Powers and Duties of Advisory Committees.--The
22 Advisory Committee for the Blind, the Advisory Committee for
23 General and Special Hospitals, the Advisory Committee for
24 Children and Youth, the Advisory Committee for Public Assistance
25 and the Advisory Committee for Mental Health and Mental
26 Retardation, shall, concerning matters within their respective
27 special fields of interest, have the power and their duty shall
28 be:

29 (a) To advise the appropriate major program unit of the
30 Department of [Public Welfare] Human Services. This advice shall

1 include, but shall not be limited to, such matters as standards
2 of eligibility, nature and extent of service, amounts of
3 payments to individuals, standards of approval, certification
4 and licensure of institutions and agencies, ways and means of
5 coordinating public and private [welfare] human services
6 activities, and such other matters as may, by law, require
7 citizen review or may be referred to the committees by the
8 departmental units advised by them; and the Advisory Committee
9 for Mental Health and Mental Retardation shall also have the
10 power and duty to advise the Governor and the Secretary of
11 [Public Welfare] Human Services with regard to the appointment
12 of the Commissioner of Mental Health.

13 (b) To arrange for and conduct such public hearings as may
14 be required by law or which they deem necessary and advisable,

15 (c) To promote better public understanding of the programs
16 and objectives of the departmental units advised by them, and

17 (d) To make recommendations to the State Board of [Public
18 Welfare] Human Services on matters referred to the committees
19 for consideration and advice, or as may be required to promote
20 the effectiveness of the programs, of the departmental units
21 advised by them.

22 Section 14. Section 2333 of the act, added March 30, 1988
23 (P.L.329, No.44), is amended to read:

24 Section 2333. Domestic Violence and Rape Victims Services.--

25 (a) The General Assembly finds that the public health and
26 safety is threatened by increasing incidences of domestic
27 violence and rape. Domestic violence programs and rape crisis
28 programs provide needed support services for victims and assist
29 in prevention through community education. Therefore, the
30 General Assembly finds that it is in the public interest for the

1 Commonwealth to establish a mechanism to provide financial
2 assistance to domestic violence centers and rape crisis centers
3 for the operation of domestic violence and rape crisis programs.

4 (b) Where any person after the effective date of this
5 section pleads guilty or nolo contendere to or is convicted of
6 any crime as herein defined, there shall be imposed, in addition
7 to all other costs, an additional cost in the sum of ten dollars
8 (\$10) for the purpose of funding the services as described in
9 this section. Such sum shall be paid over to the State Treasurer
10 to be deposited in the General Fund. Under no condition shall a
11 political subdivision be liable for the payment of the ten
12 dollars (\$10) in additional costs.

13 (c) The Department of [Public Welfare] Human Services shall
14 make grants to domestic violence centers and rape crisis centers
15 for the operation of domestic violence programs and rape crisis
16 programs consistent with this section. In awarding grants, the
17 Department of [Public Welfare] Human Services shall consider the
18 population to be served, the geographical area to be serviced,
19 the scope of the services, the need for services and the amount
20 of funds provided from other sources.

21 (d) The Department of [Public Welfare] Human Services shall
22 make available at cost to the public copies of applications that
23 have been submitted or approved for funding and reports on any
24 fiscal or programmatic reviews of funded programs.

25 (e) As used in this section, the following words and phrases
26 shall have the meanings given to them in this subsection:

27 "Crime" means an act committed in Pennsylvania which, if
28 committed by a mentally competent, criminally responsible adult,
29 who had no legal exemption or defense, would constitute a crime
30 as defined in and proscribed by Title 18 of the Pennsylvania

1 Consolidated Statutes (relating to crimes and offenses) or
2 enumerated in the act of April 14, 1972 (P.L.233, No.64), known
3 as "The Controlled Substance, Drug, Device and Cosmetic Act."
4 However, no act involving the operation of a motor vehicle which
5 results in injury shall constitute a crime for the purpose of
6 this section unless such injury was intentionally inflicted
7 through the use of a motor vehicle.

8 "Domestic violence" means the occurrence of one or more of
9 the following acts between family or household members:

10 (1) Intentionally, knowingly or recklessly causing or
11 attempting to cause bodily injury.

12 (2) Placing, by physical menace, another in fear of imminent
13 serious bodily injury.

14 "Domestic violence center" means an organization, or the
15 coordinating body of an organization, which has as its primary
16 purpose the operation of domestic violence programs.

17 "Domestic violence program" means a program which has as its
18 primary purpose the provision of direct services to victims of
19 domestic violence and their children, including, but not limited
20 to, victim advocacy, counseling, shelter, information and
21 referral, victim-witness, accompaniment, community education and
22 prevention.

23 "Rape crisis center" means an organization, or the
24 coordinating body of an organization, which has as its primary
25 purpose the operation of rape crisis programs.

26 "Rape crisis program" means a program which has as its
27 primary purpose the provision of direct services to victims of
28 sexual assault, including, but not limited to, crisis
29 intervention, counseling, victim advocacy, information and
30 referral, victim-witness and assistance, accompaniment through

1 the medical, police and judicial systems as well as providing
2 education and prevention programs on rape and sexual assaults.

3 "Sexual assault" means any conduct which is a crime under 18
4 Pa.C.S. Ch. 31 (relating to sexual offenses).

5 Section 15. Section 2334 of the act, added December 15, 1988
6 (P.L.1239, No.152), is amended to read:

7 Section 2334. Medical Assistance Payments.--(a) It is the
8 general purpose of this section to provide for a continuum of
9 alcohol and drug detoxification and rehabilitation services to
10 persons eligible for medical assistance. Facilities serving as
11 appropriate treatment settings include hospital and nonhospital
12 drug detoxification and rehabilitation facilities, hospital and
13 nonhospital alcohol detoxification and rehabilitation
14 facilities, and hospital and nonhospital drug and alcohol
15 detoxification and rehabilitation facilities and outpatient
16 services licensed by the Office of Drug and Alcohol Programs of
17 the Department of Health. The General Assembly recognizes that
18 the fluctuating nature of alcohol and drug dependency, in
19 combination with the associated physical complications often
20 arising from long-term use of alcohol and drugs, necessitates
21 that a variety of treatment modalities and settings be made
22 available to persons eligible for medical assistance. The
23 availability of a new service in this area is in no way intended
24 to limit access to or funding of services available currently.

25 (b) Consistent with section 2301, the Department of [Public
26 Welfare] Human Services shall:

27 (1) Provide, on behalf of persons eligible for medical
28 assistance, medical assistance coverage for detoxification,
29 treatment and care in a nonhospital alcohol detoxification
30 facility, nonhospital drug detoxification facility, nonhospital

1 alcohol and drug detoxification facility, or a nonhospital
2 treatment facility which can provide services for either drug or
3 alcohol detoxification or treatment or for both, provided that
4 the facility is licensed by the Office of Drug and Alcohol
5 Programs in the Department of Health.

6 (2) Use criteria developed by the Office of Drug and Alcohol
7 Programs for governing the type, level and length of care or
8 treatment, including hospital detoxification, as a basis for the
9 development of standards for services provided under clause (1).

10 (3) Notwithstanding clause (1), provide by regulation for
11 gradual implementation of medical assistance coverage under this
12 subsection to client populations which shall be identified in
13 cooperation with the Department of Health. The regulations shall
14 provide for full implementation of clause (1) to all medical
15 assistance eligibles in phases over a period of time not to
16 exceed five years from the effective date of the regulations.
17 The program phases shall be structured so as to allow for
18 independent evaluation of each phase on an ongoing basis.
19 Initial regulations adopted pursuant to this subsection shall
20 not be subject to review pursuant to the act of June 25, 1982
21 (P.L.633, No.181), known as the "Regulatory Review Act," except
22 that the regulations may be reviewed under section 5(h) of that
23 act.

24 (c) The Department of [Public Welfare] Human Services, the
25 Department of Health and the Office of Drug and Alcohol Programs
26 shall jointly provide for an independent evaluation of the
27 program authorized by this section in accordance with specific
28 evaluation criteria, which shall include, but not be limited to:
29 (i) comparison of medical costs before and after program
30 implementation; (ii) employment history; and (iii) involvement

1 with other programs of the Department of Health, the Department
2 of [Public Welfare] Human Services, the Department of
3 Corrections and any other appropriate agencies. The evaluation
4 shall be conducted in compliance with all applicable Federal and
5 State confidentiality requirements.

6 Section 16. Section 2409.1(b) of the act, amended July 1,
7 1981 (P.L.143, No.48), is amended to read:

8 Section 2409.1. Handicapped-Made Products and Services.--* *
9 *

10 (b) The Secretary of General Services shall have the power,
11 and it shall be his duty, to determine the fair market price on
12 any product or service, the practice of which is not licensed
13 under the laws of this Commonwealth, which handicapped persons
14 can manufacture or perform and which has been offered for sale
15 to the Commonwealth or any of its agencies by any charitable
16 nonprofit-making agency for the handicapped, incorporated under
17 the laws of this Commonwealth, and manufacturing merchandise
18 within this Commonwealth and providing services within this
19 Commonwealth, and approved for such purpose by the Department of
20 General Services, to revise such prices from time to time, in
21 accordance with changing market conditions, and to make such
22 rules and regulations regarding specifications, time of delivery
23 and other relevant matters as are necessary to carry out the
24 provisions of this section. At the request of the Secretary of
25 General Services and with the approval of the Secretary of
26 [Public Welfare] Human Services, the Department of [Public
27 Welfare] Human Services or other nonprofit-making agency shall
28 facilitate the distribution of orders and services among
29 agencies for the handicapped.

30 * * *

1 Section 17. Section 2418 of the act, added December 11, 1986
2 (P.L.1485, No.153), is amended to read:

3 Section 2418. Lease of Eastern Pennsylvania Psychiatric
4 Institute.--The Department of General Services, with the
5 approval of the Governor and the Department of [Public Welfare]
6 Human Services, is authorized to lease or sublease, for the
7 rental of one dollar (\$1) per annum, all of the land and
8 buildings in the city and county of Philadelphia known as the
9 Eastern Pennsylvania Psychiatric Institute, and all
10 improvements, fixtures, equipment and furnishings located there,
11 to The Medical College of Pennsylvania upon such terms and
12 conditions as The Medical College of Pennsylvania and the
13 Department of [Public Welfare] Human Services shall agree. The
14 provisions of section 2402(i) shall not apply to a lease entered
15 into pursuant to this section.

16 Section 18. Whenever in any law, reference is made to the
17 Department of Public Welfare or the Secretary of Public Welfare,
18 such reference shall be deemed to refer to and include the
19 Department of Human Services or the Secretary of Human Services.

20 Section 19. This act shall take effect immediately.