

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1000 Session of
2017

INTRODUCED BY BLOOM, DeLISSIO, GODSHALL, HELM, DAVIS, SAYLOR,
DERMODY, HANNA, MARKOSEK, FRANKEL, STURLA, GOODMAN,
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ROEBUCK, FITZGERALD, SCHWEYER, GAINNEY, ZIMMERMAN AND SCHEMEL,
JUNE 22, 2017

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 22, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
2 as amended, "An act providing for and reorganizing the
3 conduct of the executive and administrative work of the
4 Commonwealth by the Executive Department thereof and the
5 administrative departments, boards, commissions, and officers
6 thereof, including the boards of trustees of State Normal
7 Schools, or Teachers Colleges; abolishing, creating,
8 reorganizing or authorizing the reorganization of certain
9 administrative departments, boards, and commissions; defining
10 the powers and duties of the Governor and other executive and
11 administrative officers, and of the several administrative
12 departments, boards, commissions, and officers; fixing the
13 salaries of the Governor, Lieutenant Governor, and certain
14 other executive and administrative officers; providing for
15 the appointment of certain administrative officers, and of
16 all deputies and other assistants and employes in certain
17 departments, boards, and commissions; providing for the
18 regulation of pari-mutuel thoroughbred horse racing and
19 harness horse racing activities, imposing certain taxes and
20 providing for the disposition of funds from pari-mutuel
21 tickets; and prescribing the manner in which the number and
22 compensation of the deputies and all other assistants and
23 employes of certain departments, boards and commissions shall
24 be determined," establishing the Department of Health and
25 Human Services; making related repeals; and making editorial
26 changes.

27 The General Assembly of the Commonwealth of Pennsylvania

28 hereby enacts as follows:

1 Section 1. Sections 201(a), 202, 203, 206, 207.1(d)(1) and
2 448(f), (k) and (l) of the act of April 9, 1929 (P.L.177,
3 No.175), known as The Administrative Code of 1929, are amended
4 to read:

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

29 * * *

30 Section 202. Departmental Administrative Boards,

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

6 In the Department of State,

7 Commissioner of Professional and Occupational Affairs,
8 State Real Estate Commission,
9 State Board of Medical Education and Licensure,
10 State Board of Physical Therapy Examiners,
11 State Board of Pharmacy,
12 State Dental Council and Examining Board,
13 State Board of Optometrical Examiners,
14 State Board of Osteopathic Medical Examiners,
15 State Board of Nurse Examiners,
16 State Board of Barber Examiners,
17 State Board of Cosmetology,
18 State Board of Veterinary Medical Examiners,
19 State Board of Chiropractic Examiners,
20 State Board of Podiatry Examiners,
21 State Board of Examiners of Public Accountants,
22 State Board of Examiners of Architects,
23 State Registration Board for Professional Engineers,
24 State Board of Funeral Directors,
25 State Board of Examiners of Nursing Home Administrators,
26 State Board of Auctioneer Examiners,
27 State Board of Psychologist Examiners,
28 State Board of Landscape Architects.

29 In the Treasury Department,

30 Board of Finance and Revenue;

1 In the Department of Community Affairs,
2 Board of Property;
3 In the Department of Education,
4 Board of Trustees of Thaddeus Stevens College of
5 Technology,
6 Board of Trustees of Scranton State School for the Deaf,
7 Public Service Institute Board,
8 State Board of Private Academic Schools,
9 State Board of Private Licensed Schools,
10 State Board of Education.
11 In the Department of Military and Veterans Affairs,
12 Armory Board of the State of Pennsylvania,
13 Board of Trustees of Scotland School for Veterans'
14 Children.
15 In the Department of Banking,
16 Board to License Private Bankers;
17 In the Department of Agriculture,
18 State Farm Products Show Commission;
19 [In the Department of Health,]
20 In the Department of Labor and Industry,
21 Workmen's Compensation Appeal Board,
22 State Workmen's Insurance Board,
23 The Industrial Board,
24 Unemployment Compensation Board of Review,
25 Pennsylvania Labor Relations Board,
26 Advisory Council on Affairs of the Handicapped;
27 [In the Department of Public Welfare,
28 Board of Trustees of The Western Youth Development
29 Centers,
30 Board of Trustees of The Central Youth Development

1 Centers,
2 Board of Trustees of The Eastern Youth Development
3 Centers,
4 Board of Trustees of Allentown State Hospital,
5 Board of Trustees of Clarks Summit State Hospital,
6 Board of Trustees of Danville State Hospital,
7 Board of Trustees of Embreeville Center,
8 Board of Trustees of Farview State Hospital,
9 Board of Trustees of Harrisburg State Hospital,
10 Board of Trustees of Mayview State Hospital,
11 Board of Trustees of Norristown State Hospital,
12 Board of Trustees of Philadelphia State Hospital,
13 Board of Trustees of Somerset State Hospital,
14 Board of Trustees of Warren State Hospital,
15 Board of Trustees of Wernersville State Hospital,
16 Board of Trustees of Woodville State Hospital,
17 Board of Trustees of Torrance State Hospital,
18 Board of Trustees of Haverford State Hospital,
19 Board of Trustees of Ashland State General Hospital,
20 Board of Trustees of Coaldale State General Hospital,
21 Board of Trustees of Nanticoke State General Hospital,
22 Board of Trustees of Philipsburg State General Hospital,
23 Board of Trustees of Scranton State General Hospital,
24 Board of Trustees of Shamokin State General Hospital,
25 Board of Trustees of Ebensburg Center,
26 Board of Trustees of Eastern State School and Hospital,
27 Board of Trustees of Laurelton Center,
28 Board of Trustees of Pennhurst Center,
29 Board of Trustees of Polk Center,
30 Board of Trustees of Selinsgrove Center,

1 Board of Trustees of Hamburg Center,
2 Board of Trustees of Western Center,
3 Board of Trustees of White Haven Center,
4 Board of Trustees of Woodhaven Center,
5 Board of Trustees of South Mountain Restoration Center.]

6 In the Department of General Services,
7 Board of Commissioners of Public Grounds and Buildings,
8 State Art Commission;

9 In the Department of Revenue,
10 State Athletic Commission;

11 In the Department of Commerce,
12 Navigation Commission for the Delaware River and its
13 navigable tributaries;

14 In the Department of Highways,
15 State Highway Commission.

16 In the Department of Transportation,
17 Hazardous Substances Transportation Board,

18 In the Department of Environmental Resources,
19 Environmental Quality Board,
20 Environmental Hearing Board,
21 State Board for Certification of Sewage Treatment and
22 Waterworks Operators,
23 State Soil and Water Conservation Commission,
24 Anthracite Mine Inspectors,
25 Bituminous Mine Inspectors.

26 [In the Department of Drug and Alcohol Programs,
27 Bureau of Prevention and Intervention,
28 Bureau of Treatment,
29 Bureau of Administration.]

30 In the Department of Health and Human Services,

1 A board of trustees for each psychiatric hospital
2 operated by the department,
3 A board of trustees for each center for persons with
4 intellectual disabilities operated by the department,
5 A board of trustees for each restoration center operated
6 by the department.

7 All of the foregoing departmental administrative boards and
8 commissions shall be organized or reorganized as provided in
9 this act.

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

13 In the Department of Military Affairs,

14 State Military Reservation Commission,

15 In the Department of Environmental Protection,

16 Citizens Advisory Council;

17 In the Department of Health and Human Services,

18 Advisory Health Board[;],

19 Pennsylvania Advisory Council on Drug and Alcohol Abuse,

20 A community advisory board for each youth development

21 center operated by the department,

22 A community advisory board for each youth forestry camp

23 operated by the department;

24 In the Department of Labor and Industry,

25 Advisory Council on Affairs of the Handicapped,

26 Advisory Board on Problems of Older Workers,

27 Policy, Planning and Evaluation Advisory Committee[;]

28 In the Department of Public Welfare,

29 State Board of Public Welfare,

30 Advisory Committee for the Blind,

1 Advisory Committee for General and Special Hospitals,
2 Advisory Committee for Children and Youth,
3 Advisory Committee for Public Assistance,
4 Advisory Committee for Mental Health and Mental
5 Retardation].

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

12 The following officers shall be the heads of the
13 administrative departments following their respective titles:

14 Secretary of the Commonwealth, of the Department of State;

15 Auditor General, of the Department of the Auditor General;

16 State Treasurer, of the Treasury Department;

17 Attorney General, of the Office of Attorney General;

18 Secretary of Education, of the Department of Education;

19 Adjutant General, of the Department of Military Affairs;

20 Insurance Commissioner, of the Insurance Department;

21 Secretary of Banking, of the Department of Banking;

22 Secretary of Agriculture, of the Department of Agriculture;

23 Secretary of Transportation, of the Department of

24 Transportation;

25 Secretary of Health and Human Services, of the Department of

26 Health and Human Services;

27 [Secretary of Drug and Alcohol Programs, of the

28 Department of Drug and Alcohol Programs;]

29 Secretary of Labor and Industry, of the Department of Labor
30 and Industry;

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

14 Section 207.1. Gubernatorial Appointments.--* * *

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

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

1 Resources.

2 * * *

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

6 (f) The Advisory Health Board shall consist of the Secretary
7 of Health and Human Services, or in [his] the secretary's place
8 [his] the secretary's duly authorized deputy, and twelve
9 members, five of whom shall be physicians licensed to practice
10 medicine or osteopathy in Pennsylvania, one a dentist licensed
11 to practice dentistry in Pennsylvania, one a pharmacist
12 registered with the State Board of Pharmacy, one a registered
13 nurse licensed by the State Board of Nurse Examiners, and [one
14 an engineer registered with the State Registration Board for
15 Professional Engineers who is experienced in sanitary
16 engineering] the Physician General. The Secretary of Health and
17 Human Services, or in [his] the secretary's place [his] the
18 secretary's duly authorized deputy, shall be chairman of the
19 board.

20 The term of office of each appointed member of the board
21 shall be four years, measured from the third Tuesday of January
22 of the year in which [he] the member takes office, or until
23 [his] the member's successor has been appointed and has
24 qualified; except that in the initial appointment of the members
25 of the board, one member shall be appointed for a term of one
26 year, three members for a term of two years, three members for a
27 term of three years, and three members for a term of four years.

28 Six members of the board, together with the Secretary of
29 Health and Human Services, or in [his] the secretary's place
30 [his] the secretary's duly authorized deputy, shall constitute a

1 quorum.

2 Each appointed member of the board shall receive actual
3 traveling expenses and per diem compensation at the rate of
4 \$25.00 a day for time actually devoted to the business of the
5 board.

6 [(k) The State Board of Public Welfare is hereby created.
7 The board shall consist of the Secretary of Public Welfare, ex
8 officio, and sixteen (16) members appointed by the Governor.
9 Four (4) members shall be appointed from among the members of
10 the General Assembly, two (2) from the Senate and two (2) from
11 the House of Representatives. These members of the board shall,
12 with respect to each branch of the General Assembly, be from
13 different political parties, and they shall, in no event, retain
14 membership on the board after they cease to be members of the
15 branch of the Legislature from which they were appointed. One
16 (1) member shall be appointed by the Governor from each of the
17 six (6) advisory committees created by clause (1) of this
18 section, and the first member of each advisory committee
19 appointed by the Governor shall automatically become a member of
20 the board. The term of office of each member of the board,
21 except as herein otherwise provided, shall be six (6) years.

22 In the original appointment of the members of the board, six
23 (6) members shall be appointed for the term of six (6) years,
24 five (5) members for the term of four (4) years, and five (5)
25 members for the term of two (2) years. Any vacancy occurring in
26 the membership of the board shall be filled by the Governor only
27 for the unexpired term. The Governor may remove any member of
28 the board at any time. No member of the board shall serve more
29 than two (2) consecutive terms not including a vacancy
30 appointment, nor shall any member hold office in any political

1 party.

2 Nine (9) members of the board shall constitute a quorum. A
3 chairman who shall not be a member of an advisory committee
4 shall be elected by the board, annually, from among its members.
5 Members of the board shall serve without compensation other than
6 reimbursement of travel and other actual expenses incurred in
7 the performance of their duties. The board shall meet at least
8 six (6) times a year. Special meetings of the board shall be
9 held on call of the chairman or the Secretary of Public Welfare,
10 and it shall be the duty of the chairman to call a special
11 meeting upon the written request of one-third (1/3) or more
12 members, not including vacancies, of the board.

13 (1) The following advisory committees are hereby created:

14 Advisory Committee for the Blind,

15 Advisory Committee for General and Special Hospitals,

16 Advisory Committee for Children and Youth,

17 Advisory Committee for Public Assistance,

18 Advisory Committee for Mental Health and Mental Retardation.

19 Each advisory committee shall consist of the Commissioner in
20 the Department of Public Welfare, directing the program to which
21 the advisory committee is attached, as an ex officio member, and
22 not less than three (3) nor more than nine (9) members appointed
23 by the Governor. In the case of the Advisory Committee for
24 Mental Health and Mental Retardation, the committee shall
25 include the Chairman of the Public Health and Welfare Committee
26 of the Senate, the Chairman of the Health and Welfare Committee
27 of the House of Representatives and the President of the
28 Pennsylvania State Association of County Commissioners or his
29 alternate. The exact number of members of each advisory
30 committee shall be determined by the Governor upon

1 recommendation of the State Board of Public Welfare. The
2 qualifications of the members of each advisory committee shall
3 also be determined by the Governor upon recommendation of the
4 State Board of Public Welfare: Provided, That with respect to
5 each advisory committee, the Governor shall appoint members with
6 due regard for representation of the professional and lay groups
7 concerned with the fields of interest served by the program to
8 which each advisory committee is attached. The term of office of
9 each member of each advisory committee, except as herein
10 otherwise provided, shall be six (6) years.

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

17 A majority of the members of each advisory committee shall
18 constitute a quorum. Each advisory committee shall elect a
19 chairman from among its members. Each advisory committee shall
20 meet at least four (4) times a year. Special meetings of each
21 advisory committee shall be held on call of the chairman, and it
22 shall be the duty of the chairman to call a special meeting upon
23 the written request of one-third (1/3) or more of the members
24 not including vacancies of the advisory committee.

25 The provisions of clause (k) of this section with respect to
26 filling of vacancies, removal of members, length of service,
27 political party office and compensation shall be applicable to
28 advisory committee members, and are incorporated herein by
29 reference.]

30 * * *

1 Section 2. Article XXI of the act is repealed:

2 [ARTICLE XXI

3 POWERS AND DUTIES OF THE DEPARTMENT

4 OF HEALTH AND ITS DEPARTMENTAL

5 ADMINISTRATIVE AND ADVISORY BOARDS

6 Section 2101. Powers and Duties in General.--(a) The
7 Department of Health shall, subject to any inconsistent
8 provisions in this act contained, continue to exercise the
9 powers and perform the duties by law vested in and imposed upon
10 the said department, the former bureaus thereof, the
11 Commissioner of Health, and the Secretary of Health.

12 (b) The Department of Health shall permit any laboratory
13 certified pursuant to the Clinical Laboratory Improvement Act of
14 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
15 perform screening testing of newborn infants in any state and
16 uses normal pediatric reference ranges to conduct the analysis
17 required by section 4(a) of the act of September 9, 1965
18 (P.L.497, No.251), known as the "Newborn Child Testing Act," as
19 an alternative to the testing laboratory designated by the
20 Department of Health in accordance with section 5 of the
21 "Newborn Child Testing Act." The testing performed by such
22 laboratory must include testing for the newborn diseases as
23 established by law or regulation and shall provide test results
24 and reports consistent with policies, procedures, law and
25 regulations. A testing laboratory designated by the Department
26 of Health or permitted as an alternative under this subsection
27 shall not use or provide blood samples for scientific research
28 without the informed written consent of the parent or guardian
29 of the child.

30 Section 2102. General Health Administration.--The Department

1 of Health shall have the power, and its duty shall be:

2 (a) To protect the health of the people of this
3 Commonwealth, and to determine and employ the most efficient and
4 practical means for the prevention and suppression of disease;

5 (b) To cause examination to be made of nuisances, or
6 questions affecting the security of life and health, in any
7 locality, and, for that purpose, without fee or hindrance, to
8 enter, examine and survey all grounds, vehicles, apartments,
9 buildings, and places, within the Commonwealth, and all persons,
10 authorized by the department to enter, examine and survey such
11 grounds, vehicles, apartments, buildings and places, shall have
12 the powers and authority conferred by law upon constables;

13 (c) To order nuisances, detrimental to the public health, or
14 the causes of disease and mortality, to be abated and removed,
15 and to enforce quarantine regulations;

16 (d) If the owner or occupant of any premises, whereon any
17 nuisance detrimental to the public health exists, fails to
18 comply with any order of the department for the abatement or
19 removal thereof, to enter upon the premises, to which such order
20 relates, and abate or remove such nuisance, as may now or
21 hereafter be provided by law;

22 (e) For the purpose of collecting or recovering the expense
23 of the abatement or removal of a nuisance, to file a claim, or
24 maintain an action, in such manner as may now or hereafter be
25 provided by law, against the owner or occupant of the premises
26 upon or from which such nuisance shall have been abated or
27 removed by the department;

28 (f) To revoke or modify any order, regulation, by-law, or
29 ordinance, of a local board of health, concerning a matter
30 which, in the judgment of the department, affects the public

1 health beyond the territory over which such local board has
2 jurisdiction;

3 (g) To promulgate its rules and regulations.

4 (h) Whenever, in the opinion of the department, conditions
5 exist in any borough, or any township of the first class, within
6 the Commonwealth, which constitute a menace to the lives and
7 health of the people living outside the corporate limits of such
8 borough or township, or, after it be known to the department
9 that any borough or any township of the first class is without
10 an existing or efficient board of health, to enter and take full
11 charge of and administer the health laws, regulations, and
12 ordinances, of such borough or township, and to continue in
13 charge thereof, until the department shall decide that a
14 competent and efficient board of health has been appointed and
15 qualified for such borough or township and is ready, able, and
16 willing to assume and carry into effect the duties imposed upon
17 it by law, and to collect all expenses incurred by the
18 department in performing its duties hereunder, as may now or
19 hereafter be provided by law;

20 (i) To take over the administration of the health laws in
21 any such borough or township, at the expense of the department,
22 whenever the borough or township shall request the department to
23 do so, and the department shall deem it advisable to comply with
24 such request;

25 (j) To prescribe standard requirements for the conduct of
26 the medical inspection of the pupils of the public schools
27 throughout the Commonwealth, and to appoint medical inspectors
28 to make such school inspections, as may now or hereafter be
29 provided by law;

30 (k) To investigate, hold hearings upon and determine any

1 question of fact regarding the purity of water supplied to the
2 public by any public utility over which the Pennsylvania Public
3 Utility Commission has jurisdiction, whenever said commission
4 shall certify such question to the department.

5 The findings of the department upon any such questions shall
6 be incorporated in and made a part of the determination or
7 decision of said commission of the controversy or other
8 proceeding in connection with which the question arose and shall
9 be binding upon the parties to such controversy or other
10 proceeding unless either party shall take an appeal from the
11 commission's determination or decision as may now or hereafter
12 be provided by law.

13 (l) To train and make available appropriate facilities to
14 train certain otherwise qualified State, county and municipal
15 employes in the field of public health work, to become more
16 familiar with, and therefor better understand, the various
17 administrative and technical problems peculiar to public health
18 services.

19 (m) To make a bacteriological examination and report of any
20 sample of water sent by any person to the department's
21 laboratory at Philadelphia or Pittsburgh. A fee of one dollar
22 (\$1.00) shall be charged for the service rendered in making the
23 examination and report.

24 (n) To designate the Health Care Policy Board to adjudicate
25 appeals, in accordance with 2 Pa.C.S. (relating to
26 administrative law and procedure), of decisions made under
27 Chapters 7 and 8 of the act of July 19, 1979 (P.L.130, No.48),
28 known as the "Health Care Facilities Act." The department shall
29 promulgate regulations establishing appeal procedures to be
30 followed. Until such time as final regulations have been

1 promulgated, procedures set forth in 37 Pa. Code Ch. 197
2 (relating to practice and procedure) and 1 Pa. Code Part II
3 (relating to general rules of administrative practice and
4 procedure) shall be followed for these appeals.

5 Section 2102.1. Recovery of Blood Plasma Proteins.--The
6 Department of Health of the Commonwealth shall have the power,
7 and its duty shall be:

8 (a) To maintain facilities for, or to contract for, the
9 recovery from out-dated human whole blood and blood from which
10 the cells have been withdrawn of certain proteins useful for
11 immunization, treatment, research and disaster stock-piling
12 purposes.

13 (b) To make available to research institutions, physicians
14 and hospitals, upon request, blood plasma proteins for research,
15 immunization and treatment.

16 (c) To maintain facilities for the proper storage of blood
17 proteins for disaster purposes.

18 (d) To adopt standards for the efficient execution of a
19 blood plasma protein recovery program.

20 (e) To develop and employ the necessary procedures and to do
21 any and all things necessary to carry out the purposes of this
22 act.

23 (f) To receive money from any source whatsoever, by gift or
24 otherwise, and to expend such funds for the purpose of carrying
25 out the provisions of this act.

26 Section 2104. Vital Statistics.--The Department of Health
27 shall have the power, and its duty shall be:

28 (a) To obtain, collect, compile, and preserve all statistics
29 of marriages, deaths, diseases, of practitioners of medicine and
30 surgery, of midwives, nurses, and undertakers, and of all

1 professions whose occupation is deemed to be of importance in
2 obtaining a complete registration of births, deaths, marriages,
3 and diseases, or other vital statistics;

4 (b) To prepare the necessary methods, forms, and blanks, for
5 obtaining and preserving records of registration of births,
6 deaths, marriages, and diseases, and to insure the faithful
7 registration of the same in the townships, boroughs, cities, and
8 counties, of the State, and in the department;

9 (c) To see that the laws requiring the registration of
10 births, deaths, marriages, and diseases, are uniformly and
11 thoroughly enforced throughout the State, and prompt returns of
12 such registrations made to the department;

13 (d) With the advice and concurrence of the Advisory Health
14 Board, to make appropriate regulations for the thorough
15 organization and efficiency of the registration of the vital
16 statistics throughout the Commonwealth, and to enforce such
17 regulations;

18 (e) To issue marriage, birth, and death certificates, and
19 such burial or removal permits, as may now or hereafter be
20 provided by law;

21 (f) To establish such districts for the registration of
22 vital statistics, and appoint such registrars, deputies, and
23 sub-registrars, as may be necessary, properly to obtain,
24 collect, compile, and preserve the statistics which the
25 department is required to obtain, collect, compile, and
26 preserve. All local registrars, deputies, and sub-registrars,
27 appointed under this section, shall perform such duties as shall
28 be required of them by the department, and shall receive such
29 compensation as may now or hereafter be fixed by law.

30 Section 2105. Health Districts and Officers.--The Department

1 of Health shall have the power to apportion the Commonwealth
2 into such number of health districts as the department, with the
3 approval of the Governor, shall decide, and, in each district,
4 to appoint a health officer, who shall, under the direction of
5 the department, handle such matters as may be delegated to him
6 by law or by the Secretary of Health and who shall in connection
7 with the management of the sanitary affairs of the Commonwealth
8 cooperate with the Department of Environmental Resources.

9 Section 2106. Quarantines.--The Department of Health shall
10 have the power, and its duty shall be:

11 (a) With the approval and concurrence of the Advisory Health
12 Board, to declare certain diseases to be communicable, in
13 addition to those by law declared so to be, and to establish
14 such regulations for the prevention of the spread of such
15 diseases as the department and the Advisory Health Board shall
16 deem necessary and appropriate;

17 (b) To establish and enforce quarantines, in such manner,
18 for such period, and with such powers, as may now or hereafter
19 be provided by law, to prevent the spread of diseases declared
20 by law or by the department to be communicable diseases;

21 (c) To administer and enforce the laws of this Commonwealth
22 with regard to vaccination and other means of preventing the
23 spread of communicable diseases.

24 Section 2107. Tuberculosis Sanatoria.--The Department of
25 Health shall have the power, and its duty shall be:

26 (a) To maintain sanatoria, or colonies for the reception and
27 treatment of persons affected or suspected of being affected
28 with tuberculosis;

29 (b) To approve or disapprove plans and specifications for
30 county hospitals or sanatoria erected for the treatment therein

1 of persons suffering from tuberculosis, as may now or hereafter
2 be provided by law.

3 (c) To utilize any unused portion of tuberculosis sanatoria
4 in cities of the first class as health care clinics.

5 Section 2108. Narcotic Drugs.--The Department of Health
6 shall have the power, and its duty shall be, to supervise the
7 enforcement of, and administer, laws regulating the possession,
8 control, dealing in, giving away, delivery, dispensing,
9 administering, prescribing, and use of narcotic drugs.

10 Section 2111. Advisory Health Board.--The Advisory Health
11 Board shall have the power, and its duty shall be:

12 (a) To advise the Secretary of Health on such matters as he
13 may bring before it;

14 (b) To make such reasonable rules and regulations, not
15 contrary to law, as may be deemed by the board necessary for the
16 prevention of disease, and for the protection of the lives and
17 health of the people of the Commonwealth, and for the proper
18 performance of the work of the Department of Health, and such
19 rules and regulations, when made by the board, shall become the
20 rules and regulations of the department;

21 (c.1) The Advisory Health Board shall make and from time to
22 time revise a list of such communicable diseases against which
23 children shall be required to be immunized as a condition of
24 attendance at any public, private, or parochial school,
25 including any kindergarten, in the Commonwealth. Such list shall
26 be promulgated by the Secretary of Health along with such rules
27 and regulations as may be necessary to insure that such
28 immunization be timely, effective and properly verified;

29 (d) To prescribe minimum health activities and minimum
30 standards of performance of health services for counties or

1 other political subdivisions.

2 Section 2114. Alcoholism.--The Department of Health shall
3 have the power, and its duty shall be:

4 (a) To investigate the subject of alcoholism in respect to
5 rehabilitation and compile and maintain reliable statistics
6 indicating the effectiveness of any rehabilitation programs
7 carried forward by State-aided clinics for alcoholics, State
8 hospitals and State-aided hospitals receiving alcoholics;

9 (b) To take such other steps as may be necessary to procure
10 such information and data as may be deemed helpful in the
11 treatment and rehabilitation of alcoholics.

12 Section 2115. Speech and Hearing Rehabilitation Centers.--
13 The Department of Health shall have power, and its duty shall
14 be:

15 (a) To provide, maintain, administer and operate speech and
16 hearing rehabilitation centers--

17 (1) For the diagnosis and treatment of children with or
18 suspected of having hearing loss.

19 (2) To provide auditory training for preschool children.

20 (3) To provide consultative services for hard of hearing
21 children of school age and their parents.

22 (b) The Health Department may purchase such services
23 whenever it is not feasible to provide and maintain such
24 centers.

25 Section 2116. Cystic Fibrosis Program.--The Department of
26 Health shall have the power, and its duty shall be, to conduct a
27 program of care and treatment of those suffering from cystic
28 fibrosis who are twenty-one or more years of age.

29 Section 2117. Center for Treatment of Physical and Neuro-
30 developmental Disabilities.--(a) Effective July 1, 1982, a

1 center is hereby established to be managed and controlled by the
2 Pennsylvania State University to provide comprehensive
3 diagnostic and treatment services for persons with physical and
4 neuro-developmental disabilities amenable to medical, surgical
5 and rehabilitative treatment.

6 (b) The entire management and control of the affairs of the
7 center, including, without limitation, services, administration,
8 finances and personnel, is hereby vested in the Pennsylvania
9 State University, which may exercise with respect to the center
10 all of the powers and franchises vested by law in the
11 university. The Pennsylvania State University shall, to the
12 extent financially feasible, provide a reasonable volume of
13 services to persons unable to pay therefor.

14 (c) Effective July 1, 1982, the functions and operations of
15 the Commonwealth of Pennsylvania at the Elizabethtown Hospital
16 for Children and Youth are hereby transferred to the
17 Pennsylvania State University to be performed as a part of the
18 functions and operations of the center established in subsection
19 (a).

20 (d) All allocations, appropriations, agreements to the
21 extent assignable, leases and personal property of every nature
22 of the Commonwealth which are used, employed or expended in
23 connection with its duties, powers or functions relating to the
24 Elizabethtown Hospital for Children and Youth are hereby
25 transferred to the Pennsylvania State University. All employees,
26 currently covered by a collective bargaining agreement, shall
27 remain Commonwealth employees until termination of its lease. All
28 moneys received by the university for services rendered by the
29 Commonwealth at the Elizabethtown Hospital for Children and
30 Youth prior to July 1, 1982, shall be remitted to the

1 Commonwealth and all accounts payable arising from operations
2 prior to July 1, 1982, shall be paid by the Commonwealth.
3 Nothing contained herein shall impose upon the university any
4 obligation, claim, demand or cause of action against the
5 Commonwealth arising out of or in connection with the operation
6 of the Elizabethtown Hospital for Children and Youth by the
7 Commonwealth.

8 Section 2118. Lease Authority.--(a) The Department of
9 General Services, with approval as provided by law, is hereby
10 authorized on behalf of the Commonwealth of Pennsylvania to
11 lease for \$1 to the Pennsylvania State University the remaining
12 tracts of land as a unit, together with the improvements situate
13 thereon, known as the Elizabethtown Hospital for Children and
14 Youth, situate in the Township of Mount Joy, Lancaster County,
15 in the Commonwealth of Pennsylvania:

16 All those four certain tracts of land situate in the Township
17 of Mount Joy, Lancaster County, Pennsylvania, acquired by the
18 Commonwealth of Pennsylvania under and by virtue of the act of
19 May 14, 1925 (P.L.749, No.408), entitled, as amended, "An act
20 providing for the establishing and maintenance of a State
21 hospital and center to provide ambulatory and inpatient services
22 for the diagnosis, evaluation, treatment and rehabilitation of
23 children and youth under age twenty-one who have physical or
24 neuro-developmental disabilities; and making an appropriation,"
25 containing on the north side of Pennsylvania Route 230, 253.55
26 acres, more or less, including parts thereof conveyed to the
27 General State Authority and subject to the limitations on same
28 totaling 3.828 acres for Projects No. GSA 304-1, 2, 3, 4, 5, 6,
29 in the Main Hospital Complex.

30 Excepting thereout and therefrom three tracts of surplus land

1 with buildings thereon submitted under Article XXIV-A of this
2 act for sale or disposition, No. 1 containing 9 acres and
3 buildings on both sides of Cassell Road; No. 2 containing a lot,
4 a residence and garage; No. 3 containing the Superintendent's
5 Residence and the surrounding land.

6 (b) The lease shall contain a provision to the effect that
7 the term thereof shall end not later than the date that the
8 university informs the Department of General Services that the
9 leased premises will no longer be in use to perform the
10 functions and operations of the Elizabethtown Hospital for
11 Children and Youth.

12 Section 2119. Finances.--The Commonwealth of Pennsylvania
13 hereby pledges its financial support to the Pennsylvania State
14 University for the operation of the center at the Elizabethtown
15 Hospital for Children and Youth until the termination of the
16 lease, as provided in section 2118. In the event that the
17 Commonwealth of Pennsylvania does not make annual appropriations
18 during the term of the lease to the university in amounts not
19 less than the amount appropriated for fiscal year 1981-1982 to
20 the Department of Health for the operation of the Elizabethtown
21 Hospital for Children and Youth, such amounts to escalate to
22 reflect any annual increase in the General Fund Budget of the
23 Commonwealth, the university may reduce or eliminate services of
24 the center.

25 Section 2120. Additional Powers and Duties of the
26 Department.--The Department of Health shall have the power and
27 its duty shall be to carry out those powers and duties conferred
28 upon the Secretary of Health and the Department of Health under
29 the act of April 14, 1972 (P.L.233, No.64), known as "The
30 Controlled Substance, Drug, Device and Cosmetic Act."

1 Notwithstanding any provision of "The Controlled Substance,
2 Drug, Device and Cosmetic Act," loperamide hydrochloride is
3 expressly deemed not to be a controlled substance within the
4 meaning of section 4 of that act.

5 Section 2121. Exception to Certificate of Need.--

6 Notwithstanding the provisions of the act of July 19, 1979
7 (P.L.130, No.48), known as the "Health Care Facilities Act," in
8 1982, the General Assembly found need for the construction of a
9 hospital addition at the Milton S. Hershey Medical Center. The
10 Department of Health shall not require a certificate of need for
11 the hospital addition authorized in section 1.B.II. of the act
12 of December 6, 1982 (P.L.771, No.222), entitled "A supplement to
13 the act of July 1, 1981 (P.L.142, No.47), entitled 'An act
14 providing for the capital budget for the fiscal year 1981-1982,'
15 itemizing public improvement and furniture and equipment
16 projects to be constructed or acquired by the Department of
17 General Services together with their estimated financial cost,
18 authorizing the incurring of debt without the approval of the
19 electors for the purpose of financing the projects to be
20 constructed or acquired by the Department of General Services,
21 stating the estimated useful life of the projects, repealing
22 projects and making appropriations," and section 2(3)(xv)(K) and
23 (L) of the act of May 18, 1984 (P.L.263, No.62), entitled "A
24 supplement to the act of December 20, 1983 (P.L.288, No.76),
25 entitled 'An act providing for the capital budget for the fiscal
26 year 1983-1984,' itemizing public improvement projects,
27 furniture and equipment projects, redevelopment assistance
28 projects and transportation assistance projects to be
29 constructed or acquired or assisted by the Department of General
30 Services, the Department of Transportation, the Department of

1 Community Affairs or the Pennsylvania Fish Commission, together
2 with their estimated financial cost; authorizing the incurring
3 of debt without the approval of the electors for the purpose of
4 financing the projects to be constructed or acquired or assisted
5 by the Department of General Services, the Department of
6 Transportation or the Department of Community Affairs; stating
7 the estimated useful life of the projects; authorizing issuing
8 officials to undertake limited temporary borrowing through
9 negotiated settlements; and making an appropriation," nor shall
10 a certificate of need for the development and construction of
11 the hospital addition be required and such hospital addition
12 shall be exempt from the certificate of need provisions of the
13 "Health Care Facilities Act."

14 Section 2122. Expiration of Certificate of Need Process
15 Generally.--The certificate of need process established under
16 the act of July 19, 1979 (P.L.130, No.48), known as the "Health
17 Care Facilities Act," shall expire December 31, 1992, unless
18 sooner extended by the General Assembly pursuant to the review
19 procedure set forth in the act of December 22, 1981 (P.L.508,
20 No.142), known as the "Sunset Act." The certificate of need
21 process may not be used after December 31, 1992, unless this
22 expiration date is extended by statutory amendment.

23 Section 2123. Residential Drug and Alcohol Treatment
24 Programs for Pregnant Women and Mothers and Their Dependent
25 Children.--(a) The Department of Health shall have the power,
26 and its duty shall be, to make grants or contracts to provide
27 residential drug and alcohol treatment and related services for
28 pregnant women, mothers and their dependent children and mothers
29 who do not have custody of their children where there is a
30 reasonable likelihood that the children will be returned to them

1 if the mother participates satisfactorily in the treatment
2 program. Grant or contract moneys shall only be used for
3 treatment and related services provided to residents of this
4 Commonwealth by drug and alcohol treatment programs licensed by
5 the Department of Health which provide the following services:

6 (1) Residential treatment services for women and their
7 children, subject to reasonable limitations on the number and
8 ages of the children, provided in a therapeutic community
9 setting and including, but not limited to:

10 (i) onsite addiction and substance abuse education,
11 counseling and treatment;

12 (ii) onsite individual, group and family counseling;

13 (iii) onsite drug and alcohol prevention and education
14 activities for children approved by the Office of Drug and
15 Alcohol Programs of the Department of Health;

16 (iv) onsite special counseling for children of alcoholics
17 and addicts;

18 (v) involvement with Alcoholics Anonymous, Narcotics
19 Anonymous, support groups for children of alcoholics and addicts
20 and other support groups; and

21 (vi) activities which enhance self-esteem and self-
22 sufficiency.

23 (2) Onsite parenting skills counseling and training.

24 (3) Access to school for children and mothers where
25 appropriate, including, but not limited to, securing documents
26 necessary for registration.

27 (4) Job counseling and referral to existing job training
28 programs.

29 (5) Onsite day care for children when the mother is
30 attending counseling, school or a job training program and when

1 the mother is at a job or looking for a job and at other times
2 as the department deems appropriate.

3 (6) Referral and linkage to other needed services,
4 including, but not limited to, health care.

5 (7) Onsite structured reentry counseling and activities.

6 (8) Referral to outpatient counseling upon discharge from
7 the residential program.

8 (b) The Department of Health shall inform the single county
9 authorities of those programs in their jurisdiction being
10 considered for funding to provide the services listed in this
11 section and shall give the single county authorities an
12 opportunity to comment on these funding proposals prior to the
13 department making a decision to award funding.

14 (c) The Department of Health shall require programs
15 receiving funds under this section to collect and provide to the
16 department information concerning the number of women and
17 children denied treatment or placed on waiting lists and may
18 require such data and other information as the department deems
19 useful in determining the effectiveness of the treatment
20 programs. Confidentiality of records regarding identifiable
21 individuals enrolled in treatment programs funded under this
22 section shall be maintained.

23 (d) Contributions by counties or single county authorities
24 shall not be required as a condition for receiving grants for
25 programs funded under this section, but the Department of Health
26 may require counties or single county authorities to make
27 commitments to provide outpatient intervention, referral and
28 aftercare services to women whose residential treatment is
29 funded under this section upon completion of their residential
30 treatment.

1 (e) The Department of Health shall annually convene a
2 meeting of all recipients of funds for programs funded under
3 this section and other interested parties so that the department
4 may receive input regarding ways to improve and expand treatment
5 services and prevention activities for pregnant women, mothers
6 and young children.

7 (f) The Department of Health shall report annually to the
8 Governor and the General Assembly as to its activities and
9 expenditures under this section, the activities of recipients of
10 funds under this section, the number of women and children
11 served, the number of women and children denied treatment or
12 placed on waiting lists, the recommendations in summary form
13 made at the annual meeting provided for in subsection (e) and
14 the recommendations of the department.

15 (g) As used in this section and section 2124, the term
16 "single county authority" means the agency designated to plan
17 and coordinate drug and alcohol prevention, intervention and
18 treatment services for a geographic area which may consist of
19 one or more counties and to administer the provisions of such
20 services funded through the agency.

21 (h) As used in this section, the term "therapeutic community
22 setting" means a drug-free, residential, nonhospital treatment
23 program using therapeutic community principles as the underlying
24 philosophy.

25 Section 2124. Staff Training and Referral Mechanisms.--The
26 Department of Health shall have the power, and its duty shall
27 be:

28 (a) To establish, on a demonstration basis, programs to
29 train the staff of child protective services agencies,
30 counseling programs and shelters for victims of domestic

1 violence, recipients of funds under the High Risk Maternity
2 Program or the Federal Maternal and Child Health Block Grant and
3 community or State health care centers in order to identify
4 those pregnant women and mothers, for whom these agencies are
5 already providing services, who are in need of drug or alcohol
6 treatment; and

7 (b) To establish referral networks and mechanisms between
8 these agencies and the single county authorities and appropriate
9 drug and alcohol treatment programs.

10 Section 2125. Anatomical Gifts.--In addition to the powers
11 and duties of the Department of Health relating to anatomical
12 gifts, the Department of Health shall continue the rotation of
13 referrals to tissue procurement providers started under 20
14 Pa.C.S. Ch. 86 (relating to anatomical gifts). Adjustments to
15 such rotation may be made to accommodate new, quality tissue
16 procurement providers accredited by the American Association of
17 Tissue Banks as adjudged under the guidelines published in 26
18 Pa.B. 2044 (April 27, 1996), and that any hospital may
19 discontinue such rotation for cause.]

20 Section 3. The definition of "department" in section 2102-A
21 of the act is amended to read:

22 Section 2102-A. Definitions.--The following words and
23 phrases when used in this article shall have the meanings given
24 to them in this section unless the context clearly indicates
25 otherwise:

26 "Department" shall mean the Department of Health and Human
27 Services of the Commonwealth.

28 * * *

29 Section 4. Articles XXII-A, XXIII and XXIII-A of the act are
30 repealed:

1 [ARTICLE XXII-A

2 DEPARTMENT OF AGING

3 Section 2201-A. Objectives.--The objectives of this article
4 are:

5 (1) to establish a cabinet-level State agency whose
6 jurisdiction, powers and duties specifically concern and are
7 directed to advancing the well-being of Pennsylvania's older
8 citizens;

9 (2) to effect the maximum feasible coordination of, and
10 eliminate duplication in, the Commonwealth's administration of
11 certain Federal and State programs for older Pennsylvanians;

12 (3) to further promote the efficient delivery of certain
13 social and other services to older Pennsylvanians; and

14 (4) to promote the creation and growth of independent clubs
15 and associations of older Pennsylvanians and related activities
16 which give promise of assisting older persons to maintain lives
17 of independence and dignity; involvement in the social, economic
18 and political affairs of their communities; and dignified and
19 efficient assistance when disabled or impaired.

20 Section 2202-A. Definitions.--As used in this article:

21 "Area agency" means the single local agency designated by the
22 department within each planning and service area to administer
23 the delivery of a comprehensive and coordinated plan of social
24 and other services and activities.

25 "Area plan" means the plan submitted to the department by an
26 area agency describing the methods by which it will ensure a
27 coordinated and comprehensive plan of social and other services
28 and activities in the planning and service area.

29 "Council" means the Pennsylvania Council on Aging.

30 "Department" means the Department of Aging.

1 "Domiciliary care" is a protected living arrangement in the
2 community which provides a safe, supportive, homelike
3 residential setting for three or less adults who are unrelated
4 to the domiciliary care provider, who cannot live independently
5 in the community, and who are placed by an area agency.

6 "Federal Older Americans Act of 1965" means Public Law 89-73,
7 42 U.S.C. § 3001 et seq., as amended.

8 "Long-term care" means those services designed to provide
9 diagnostic, therapeutic, rehabilitative, supportive or
10 maintenance services for individuals who have chronic functional
11 impairments in a variety of institutional and noninstitutional
12 care settings, including the home.

13 "Older adults, older persons, aged, aging, elderly" mean
14 those persons residing within Pennsylvania who are age sixty or
15 over, or other individuals authorized by law.

16 "Planning and service area" means the geographic unit within
17 the State, as authorized by the Federal Older Americans Act of
18 1965, as amended, for allocation of funds for the delivery of
19 social services.

20 "Secretary" means the Secretary of Aging.

21 "Sole State agency" means the Department of Aging.

22 "Unit of general purpose local government" means, as used
23 with reference to the designation of area agencies on aging, a
24 county or other unit which carries general government authority
25 for an area designated as a planning and service area under this
26 act or a combination of such units.

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

1 (1) Evaluate the need for services for the aged within the
2 State and determine the extent to which public and private
3 programs meet such a need with special emphasis on the needs and
4 participation of the minority elderly.

5 (2) Assist with planning and provide consultation to State
6 agencies with respect to services, programs and activities which
7 they may furnish to older citizens.

8 (2.1) Develop and periodically update in consultation with
9 the council and the area agencies, a comprehensive plan for
10 coordinating all major Commonwealth services, programs and
11 activities which are directed towards persons with chronic
12 physical or mental impairments which necessitate long-term care.

13 (3) Provide for services to the aging through area agencies
14 for the aging and other appropriate agencies, organizations and
15 institutions authorized in accordance with Federal Older
16 Americans Act of 1965, related Federal acts, and applicable
17 State law and to stimulate services and opportunities for the
18 aging which are not otherwise available.

19 (4) Function as the sole State agency to receive and
20 disburse Federal funds under the Older Americans Act of 1965 and
21 State funds made available for providing services to older
22 persons.

23 (5) Develop and administer the State plan for the aging
24 required by Federal law.

25 (5.1) Administer the act of November 4, 1983 (P.L.217,
26 No.63), known as the "Pharmaceutical Assistance Contract for the
27 Elderly Act."

28 (6) Serve as an advocate for the aging at all levels of
29 government and to provide consultation and assistance to the
30 area agencies, communities and civic groups developing local

1 services for older persons.

2 (7) Maintain a clearinghouse of information related to the
3 interests of older persons and provide technical assistance and
4 consultation to all agencies, both public and private with
5 respect to programs and services for older persons.

6 (8) Prepare for the Governor an annual budget as may be
7 reasonably required to address the needs of the Pennsylvania
8 Council on Aging and its regional councils.

9 (9) Promote, utilizing, wherever possible, the area
10 agencies, community education regarding the problems of older
11 persons through institutes, publications, and use of
12 communications media.

13 (10) Cooperate with area agencies and agencies of the
14 Federal Government in studies and conferences designed to
15 examine the needs of the aging population and to assist in
16 preparing programs and developing facilities to meet those
17 needs.

18 (11) Promote and support programs, studies and policies, in
19 cooperation with the Departments of Labor and Industry,
20 Education, Community and Economic Development, Public Welfare
21 and other agencies, which will enhance the opportunity for
22 continued work, education and training for older persons and for
23 preretirement assistance where appropriate.

24 (12) Promote, through the use of area agencies and direct
25 grants, contracts and technical assistance, the development of
26 independent senior centers, service organizations, clubs,
27 associations and organizations dedicated to the rights and needs
28 of older persons when these are not in conflict with State or
29 area plans for the aging.

30 (13) Make recommendations for legislative action to the

1 Governor and the General Assembly.

2 (14) In coordination with the area agencies and the council,
3 develop and conduct research, demonstration programs and
4 training programs to advance the interests of older persons.

5 (15) Publish a description of the organization and function
6 of the department so that all interested agencies and
7 individuals may be better able to solicit assistance from the
8 department.

9 (16) Administer and supervise a domiciliary care program for
10 adults.

11 (17) Conduct, in cooperation with appropriate State and
12 local public and private agencies studies and evaluations
13 pertaining to the quality of life, health and social needs,
14 civil rights and status of older persons residing in personal
15 care homes and similar residencies and report such findings and
16 recommendations to the General Assembly.

17 (17.1) In cooperation with the area agencies and Federal,
18 State and local organizations and agencies, work toward the
19 development of a continuum of community-based service and
20 housing options for impaired and chronically ill older persons
21 designed to maintain them in the community and avoid or delay
22 institutional care. System development activities shall include,
23 but not be limited to, coordinating the Commonwealth's plans for
24 the provision, expansion and effective administration of:

25 (i) Personal care and health-related provided to adults in
26 their homes.

27 (ii) Housing options such as service-assisted housing
28 options and personal care homes.

29 (iii) Special supports to caregivers who care for impaired
30 older persons.

1 (iv) Adult day-care services, respite services and other
2 community-based services to support care by caregivers.

3 (v) The promotion of informal community supports.

4 (vi) Geriatric assessment and nursing home screening
5 programs.

6 (vii) Special services to protect the health, safety and
7 welfare of older persons who lack the capacity to protect
8 themselves.

9 (viii) Special advocacy efforts to promote greater
10 awareness of, and more effective response to, the problems
11 of persons with Alzheimer's disease and other related brain
12 disorders.

13 To the extent that the needs of other adults involve and
14 overlap the needs of older persons addressed by this
15 paragraph, the department shall serve as an advocate
16 for adults of any age.

17 (17.2) In cooperation with the Department of Health and the
18 Department of Public Welfare:

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

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

27 (18) Review all proposed Commonwealth program plans and
28 policies, and administrative regulations that are published in
29 the Pennsylvania Bulletin for their impact on older persons.
30 Where the secretary believes that they have an impact on older

1 persons, he shall comment in accordance with the provisions of
2 the Commonwealth Documents Law.

3 (19) Make and enforce rules and regulations necessary and
4 proper to the performance of its duties.

5 (20) After July 1, 1979 and at the option of the secretary,
6 to administer those provisions of the act of January 22, 1968
7 (P.L.42, No.8), known as the "Pennsylvania Urban Mass
8 Transportation Assistance Law of 1967," which relate to special
9 transit programs for the elderly. The secretary shall confer
10 with the Department of Transportation in order to insure that
11 the regulations promulgated by the Department of Aging do not
12 conflict with those promulgated by the Department of
13 Transportation.

14 (21) Serve as an advocate for the needs of the adult
15 handicapped as such needs involve and overlap the needs and
16 services of older persons.

17 (22) Cooperate with the Pennsylvania Office of Planning in
18 the development of local, regional and Statewide solutions to
19 the needs of older persons.

20 (23) Review the activities of regulatory agencies of the
21 Commonwealth which affect the full and fair utilization of State
22 and community resources for programs and benefits for older
23 persons and initiate programs which will help assure such
24 utilization.

25 (24) Conduct, in cooperation with the Department of Health
26 and the Department of Public Welfare, periodic studies and
27 evaluations pertaining to the quality of care and related
28 services for consumers of long-term care services and report
29 such findings to the General Assembly.

30 (24.1) Conduct, in cooperation with the Department of

1 Health, an ongoing Statewide prescription drug education program
2 designed to inform older adults of the dangers of prescription
3 drug abuse and misuse.

4 (24.2) Establish and administer a State Long-Term Care
5 Ombudsman Program, including providing resources to area
6 agencies on aging or other contractors to investigate and
7 resolve complaints related to the health, safety or rights of
8 older individuals who are consumers of long-term care services
9 and to prepare and submit to the General Assembly an annual
10 report containing data and findings regarding the types of
11 problems experienced and complaints investigated.

12 (25) Collaborate with Department of Community Affairs and
13 the Pennsylvania Housing Finance Agency in the location, design,
14 management and services of housing built for older persons and
15 upon request provide technical assistance to local housing
16 authorities, nonprofit housing and community groups,
17 redevelopment authorities, and other groups with a special
18 emphasis on programs on utility costs, rehabilitation and
19 maintenance of the homes of older persons.

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

29 (27) Review and comment on rules, regulations, eligibility
30 standards, or contract provisions issued by the Departments of

1 Revenue and Transportation relating to activities financed in
2 whole or in part by the Pennsylvania Lottery. Said rules,
3 regulations, eligibility standards and contract provisions shall
4 not take effect until they have been submitted to the department
5 for comment.

6 (28) Review and comment on rules, regulations, eligibility
7 standards or contract provisions issued by the Department of
8 Transportation relating to specialized transportation needs of
9 the elderly and the handicapped in rural and urban areas. Said
10 rules, regulations, eligibility standards or contract provisions
11 shall not take effect until they have been submitted to the
12 department for comment.

13 (29) Provide for services to adults under age sixty whose
14 needs for services are similar to those for which the department
15 is responsible with respect to older persons and as may be
16 specifically authorized by law.

17 (b) In filling vacancies authorized to the department, the
18 secretary shall assure that preference is given to persons sixty
19 years of age or older.

20 Section 2204-A. Pennsylvania Council on Aging.--(a) There
21 is hereby created in the Office of the Governor the Pennsylvania
22 Council on Aging which shall consist of twenty-one persons at
23 least eleven of whom shall be sixty years of age or older, and
24 which shall include the chairpersons of the regional councils on
25 aging. Eleven members of the Pennsylvania Council shall
26 constitute a quorum for the conduct of matters which come before
27 it. Absence of a member at three consecutive meetings shall
28 result in the member forfeiting his seat, unless he requests in
29 writing and receives approval from the chairman for an absence
30 necessitated by illness of the member or the death of a loved

1 one.

2 (b) The members of the council shall be nominated by the
3 Governor, subject to the consent of a majority of the members
4 elected to the Senate, and shall represent, as far as possible,
5 different geographical sections of the Commonwealth. In
6 addition, the council shall include representatives of long-term
7 care providers such as, for example, adult day-care providers.
8 The members shall serve staggered three-year terms and shall
9 serve until their successors are appointed and qualified.
10 Members shall be eligible for reappointment.

11 (c) The council shall provide for its organization and
12 procedure including the selection of a chairman and such other
13 officers as deemed necessary.

14 (d) The members of the council shall receive no compensation
15 for their services on the council but shall be reimbursed by the
16 department, in accordance with regulations, for any ordinary and
17 necessary expenses incurred in the performance of their duties.

18 (e) The council shall meet at least six times per year to
19 review and comment upon all reports of the Department of Aging
20 to the Governor and the General Assembly.

21 (f) The council shall have the following powers and duties:

22 (1) Assist the department in the preparation of the State
23 plan on aging.

24 (2) To review and comment on rules and regulations
25 promulgated by the department.

26 (3) To prepare and submit to the Governor, the General
27 Assembly, the Secretary of the Department of Aging and the
28 public reports evaluating the level and quality of services and
29 programs provided to the aging by Commonwealth agencies together
30 with recommendations for improved, expanded or additional

1 programs and services for the aging.

2 (4) To carry out public hearings on matters affecting the
3 rights and interests of the aging including matters involving
4 cases of neglect, abuse and age discrimination against older
5 persons in the administration of the laws of the Commonwealth
6 and its political subdivisions.

7 (5) To carry out studies in the areas of age discrimination,
8 health care, Medical Assistance program policies affecting the
9 elderly, duration-of-stay contracts for nursing homes, health-
10 related insurance increases and, as appropriate, other major
11 issues affecting the aging and to report to the Governor, the
12 General Assembly, the secretary and the public its findings and
13 recommendations in regard to appropriate action and a long-term
14 strategy for an appropriate manner in which to address these
15 issues.

16 (6) Consult with the secretary regarding the operations of
17 the department.

18 (7) To establish no more than five regional councils on
19 aging which shall consist of fifteen citizen members and
20 concerning which the composition, members' terms of offices,
21 organization and duties and responsibilities shall be determined
22 by the council.

23 (8) Employ, with such funds as are annually appropriated by
24 the General Assembly, sufficient staff and services to carry out
25 these duties and powers as well as the duties and powers of the
26 regional councils.

27 Section 2205-A. Planning and Service Area.--The Commonwealth
28 is currently divided into planning and service areas. These
29 geographical subdivisions are established by the authority of
30 the secretary under the Federal Older Americans Act of 1965, and

1 may only be changed by order of the secretary under provisions
2 set forth by the department for combining or dividing
3 geographical areas to bring about more effective and efficient
4 planning and service delivery.

5 Section 2206-A. Designated Area Agencies.--For each planning
6 and service area there shall be an area agency designated by the
7 department in accordance with the Federal Older Americans Act of
8 1965, as amended, to serve as a focal point in the community for
9 the coordination of services for older people and for the issues
10 and concerns of aging. An area agency so designated must be (i)
11 an established office of aging; (ii) any office or agency of the
12 unit of general purpose local government, which is designated
13 for this purpose by the chief elected officials of the unit of
14 general purpose local government; (iii) any office or agency
15 designated by the chief elected officials of a combination of
16 units of general purpose local government to act on behalf of
17 such combination for this purpose; or (iv) any public or
18 nonprofit private agency in a planning and service area which is
19 under the supervision or direction for this purpose of the
20 designated State agency and which can engage in the planning or
21 provision of a broad range of social services within such
22 planning and service area; and must provide assurance, found
23 adequate by the department, that it will have the ability to
24 develop and administer an area plan. The secretary may
25 redesignate or designate new area agencies based on established
26 regulations. Such regulations shall include criteria of
27 efficiencies, appropriateness and equity and shall provide for
28 public hearings on redesignation conducted in the affected
29 planning and service areas. Any such determinations of
30 redesignation shall be executed not less than one hundred days

1 prior to the beginning of the fiscal year of the local
2 authority. A designation or redesignation may occur when changes
3 are made in established planning and service area boundaries,
4 when a currently designated area agency is unable or unwilling
5 to continue as the area agency, when removal of an area agency
6 designation is requested by the local authority with cause shown
7 or when the department determines that a currently designated
8 area agency is incapable of carrying out its approved area plan.
9 The removal of an area agency designation and the designation of
10 a new area agency shall be carried out under regulations
11 promulgated by the department and consistent with the Federal
12 Older Americans Act of 1965. For the purpose of this section,
13 the term "local authority" shall mean county commissioners or
14 county council.

15 Section 2207-A. Area Agencies; Powers and Duties.--(a) The
16 area agency shall have the authority to act as an advocate at
17 all levels of government and within the community at large for
18 the interests of older persons within the planning and service
19 area. It shall develop a comprehensive area plan to coordinate
20 services for older persons within its planning and service area
21 as the department may prescribe by regulation. The area plan
22 shall make provision for:

- 23 (1) Information and referral, advocacy programs.
- 24 (2) Social service case management and casework services
25 including protective services and placement services.
- 26 (3) Transportation services.
- 27 (4) Legal counseling and representation.
- 28 (5) In-home services including personal care and health-
29 related services.
- 30 (6) Assistance to secure adequate housing and health

1 services.

2 (7) Other services required by Federal law and other such
3 services and activities designated by the department or
4 identified as critical needs by the area agency and the area
5 agency advisory board. The State plan on aging and grants and
6 contracts provided by the department shall reasonably
7 accommodate such locally designated priorities and critical
8 needs.

9 (8) The establishment of an affiliated network of
10 multiservice centers and neighborhood centers for older persons.
11 Each center shall provide those services required by the
12 department in accordance with regulations adopted by the
13 department, which regulations shall provide for the maximum
14 involvement of members of such centers and sponsoring
15 organizations in the identification and prioritization of
16 services and activities to be conducted in such centers.

17 (a.1) The area agency shall be responsible for working
18 toward the development, in cooperation with State and local
19 organizations and agencies, of a continuum of community-based
20 service and housing options for impaired and chronically ill
21 older persons designed to maintain them in the community and
22 avoid or delay institutional care. System development activities
23 shall include, but not be limited to, coordinating area plans
24 for the provision, expansion and effective administration of:

25 (1) Personal care and health-related services provided to
26 adults in their homes.

27 (2) Housing options such as service-assisted housing and
28 personal care homes.

29 (3) Special supports to caregivers who care for impaired
30 older persons.

1 (4) Adult day-care services, respite services and other
2 community-based services to support care by caregivers.

3 (5) The promotion of informal community supports.

4 (6) Geriatric assessment and nursing home screening
5 programs.

6 (7) Special services to protect the health, safety and
7 welfare of older persons who lack the capacity to protect
8 themselves.

9 (8) Special advocacy efforts to promote greater awareness
10 of, and more effective response to, the problems of persons with
11 Alzheimer's disease and other related brain disorders.

12 To the extent that the needs of other adults involve and
13 overlap the needs of older persons addressed by this provision,
14 the area agency shall serve as an advocate for adults of any
15 age.

16 (b) The area agency shall give priority of services to older
17 persons with the greatest needs and least resources. Factors
18 identifying older persons who are entitled to priority are:

19 (1) Functional disability, i.e., severe restriction of
20 ability to carry out daily activities.

21 (2) Aloneness, i.e., living alone in a private apartment or
22 home unaccompanied by a related adult.

23 (3) Advanced age, i.e., seventy-five years of age or above.

24 (4) Low income.

25 (5) Services to minorities in proportion to their numbers
26 consistent with the provisions of the Human Relations Act.

27 (6) Inadequate housing.

28 (7) Lack of access to recreational and social activities.

29 (c) In carrying out this section, the area agency shall
30 provide preference in filling all jobs for persons of age sixty

1 and above in accordance with the regulations promulgated by the
2 department.

3 (d) Consistent with the Federal Older Americans Act of 1965
4 and provisions set forth by the department, the area agency may
5 grant to or contract with any public or private agency for the
6 provision of social services. The area agency is authorized to
7 use, with their consent, the services, equipment, personnel and
8 facilities of Federal and State agencies, with or without
9 reimbursement, and on a similar basis to cooperate with other
10 public and private agencies, and instrumentalities, in the use
11 of services, equipment and facilities.

12 Section 2208-A. Area Agency Advisory Councils.--In each
13 planning and service area, an advisory council of at least
14 fifteen members shall be appointed to advise the area agency
15 with regard to the needs of older persons residing in the
16 planning and service area and the area agency's responses to
17 those needs. The composition and responsibility of the area
18 agency advisory council shall be consistent with the provisions
19 of the Federal Older Americans Act of 1965 and the regulations
20 of the department. As a minimum, these regulations shall require
21 that each council be composed of a majority of persons above the
22 age of sixty. Such councils shall be given the maximum possible
23 opportunity to influence local programs and policies and
24 advocacy roles within area agency programs and local
25 communities. Area agencies shall provide advisory councils with
26 the funds necessary to carry out their functions.

27 Section 2209-A. Area Agencies; Reports and Plans.--(a)
28 Under provisions set forth by the department, the area agency
29 shall submit to the department a comprehensive area plan on
30 aging which clearly explains the area agency's objectives for

1 providing services to the aging of the planning and service
2 area. This plan may be submitted as part of a coordinated county
3 human service plan, provided that the format is approved by the
4 department.

5 (b) Each area agency, under provisions set forth by the
6 department, shall submit an annual report which describes and
7 evaluates its programs and services after the close of each year
8 of funding by the department.

9 Section 2210-A. Allocation of Resources.--(a) The area
10 agency shall receive a basic allocation of resources, consisting
11 of State and Federal funds weighted by the proportion of older
12 poor persons who reside in the planning and service area in
13 relation to the total number of older poor persons who reside in
14 the Commonwealth of Pennsylvania utilizing poverty threshold
15 income standards as determined by the United States Office of
16 Management and Budget except that each area agency shall be held
17 harmless to the amount of State funds received in the preceding
18 program year.

19 (b) The department may allocate additional resources to area
20 agencies based upon the total number of older persons who reside
21 within the planning and service area, the availability of
22 transportation services, the rural-urban distribution of older
23 persons, and attendant rural program cost differentials, the
24 need for social and medical services, the amount of funds
25 devoted by county commissioners for older persons and other
26 special circumstances as determined by the secretary.

27 (c) Funds appropriated to carry out the purposes of this act
28 shall be distributed to the local authorities or nonprofit
29 agencies as grants or cost reimbursement for services to the
30 aging, if there is an acceptable plan in accordance with section

1 2209-A.

2 Section 2211-A. Evaluation.--The Department of Aging shall
3 continually review and evaluate the activities of area agencies
4 and the impact and effectiveness of all programs under this act.
5 The department shall ensure that evaluations, including an
6 onsite evaluation, be made annually of all area agency
7 activities and programs. A written report of the findings of the
8 evaluation shall be submitted to the area agency subject to the
9 evaluation and within thirty days shall be available to the
10 public. In all evaluations, the department shall obtain the
11 views of program beneficiaries concerning strengths and
12 weaknesses of the program. Other departments and agencies of the
13 Commonwealth shall make available to the department information
14 necessary for such evaluations. Annually the department shall
15 submit to the Governor and the General Assembly a report on its
16 activities including statistical data reflecting services and
17 activities provided older persons during the preceding fiscal
18 year.

19 Section 2212-A. Demonstration Programs.--In recognition of
20 the need for expanded knowledge and experience concerning the
21 status of older persons in Pennsylvania, the Secretary of Aging
22 may provide for research and demonstration programs for the
23 purpose of:

24 (1) Studying current living conditions and needs of older
25 persons, with special emphasis on persons with low income,
26 medical and functional disabilities, advanced age and isolated
27 living situations.

28 (2) Studying existing methods and alternatives for providing
29 services, programs and opportunities to older persons.

30 (3) Identifying those factors of particular detriment or

1 benefit to the welfare of older persons.

2 (4) Developing new approaches and alternatives for living
3 arrangements, social services, institutional care, health
4 services, legal representation and the coordination of community
5 services for older persons.

6 Section 2213-A. Pharmacy Reimbursement.--An immediate in-
7 depth pharmacy service study shall be performed by the
8 Department of Aging and the Department of Public Welfare. This
9 pharmacy study shall determine the full cost of filling a
10 prescription and providing pharmacy services, including
11 reasonable profits derived, in the Pennsylvania Medicaid and
12 PACE programs. This study shall be considered in determining
13 pharmacy reimbursement.

14 ARTICLE XXIII

15 POWERS AND DUTIES OF THE DEPARTMENT OF
16 PUBLIC WELFARE AND ITS DEPARTMENTAL
17 ADMINISTRATIVE AND ADVISORY BOARDS
18 AND COMMISSIONS

19 Section 2301. Powers and Duties in General.--The Department
20 of Public Welfare shall, subject to any inconsistent provisions
21 in this act contained, continue to exercise the powers and
22 perform the duties by law vested in and imposed upon the said
23 department, the Secretary of Public Welfare, and the former
24 Department of Public Welfare, and Commissioner of Public
25 Welfare, and the former Department of Welfare.

26 Section 2313. Mental Health.--The Department of Public
27 Welfare shall have the power and its duty shall be:

28 (a) To administer and enforce the laws of this Commonwealth
29 relative to mental health, the care, prevention, early
30 recognition and treatment of mental illness, mental defects,

1 epilepsy, and inebriety, the licensing and regulation of
2 institutions for the mentally ill, mentally defective and
3 epileptic, the admission and commitment of patients to such
4 institutions and the transfer, discharge, escape, interstate
5 rendition, and deportation of such patients.

6 (b) Subject to any inconsistent provisions in this act
7 contained, approve or disapprove the advice and recommendations
8 of the several boards of trustees of State mental institutions.

9 Section 2313.4. Operation of Eastern Pennsylvania
10 Psychiatric Institute.--The Department of Public Welfare is
11 hereby authorized to relinquish the entire government,
12 management, operation and control of the Eastern Pennsylvania
13 Psychiatric Institute to The Medical College of Pennsylvania
14 upon the effective date of a lease entered pursuant to section
15 2418.

16 (1) Upon the execution of the lease permitted pursuant to
17 section 2418, the Eastern Pennsylvania Psychiatric Institute
18 shall be operated under the management of the Board of
19 Corporators of The Medical College of Pennsylvania, which shall
20 be responsible for the management and operation of the
21 institute.

22 (2) The Medical College of Pennsylvania shall conduct
23 research into the causes, prevention, treatment and cure of
24 mental, neurological and related disorders and shall provide
25 consultation, education, training and treatment at the Eastern
26 Pennsylvania Psychiatric Institute responsive to the mental
27 health needs of the public. Provision of these services and the
28 conduct of research shall be limited only by funds available for
29 these purposes. In addition to requesting appropriations from
30 the General Assembly to fund these functions, the Board of

1 Corporators of The Medical College of Pennsylvania shall make
2 good faith efforts to obtain funding from third party sources.

3 (3) The Medical College of Pennsylvania shall utilize all
4 space in the buildings known as the Eastern Pennsylvania
5 Psychiatric Institute consistent with the functions described in
6 this section. If The Medical College of Pennsylvania uses space
7 in the Eastern Pennsylvania Psychiatric Institute for functions
8 other than those described, it shall provide the Department of
9 Public Welfare with written documentation that an equivalent
10 amount of space is used in other facilities of The Medical
11 College of Pennsylvania for those functions.

12 (4) The Medical College of Pennsylvania may construct
13 buildings on vacant land of the leased premises if the buildings
14 are consistent with the academic health mission of The Medical
15 College of Pennsylvania.

16 Section 2327. Powers and Duties of the State Board of Public
17 Welfare.--The State Board of Public Welfare shall be an advisory
18 body to, and a consultative body of the Department of Public
19 Welfare with no power to approve or disapprove rules or
20 regulations, and shall have the power and its duty shall be:

21 (a) To participate in the development of broad outlines, of
22 policy and in the formulation of long-range programs and
23 objectives of the Department of Public Welfare,

24 (b) To interpret such programs and objectives to the public,
25 and

26 (c) To advise the Secretary of Public Welfare, the Governor
27 and the General Assembly, with respect to the policies,
28 programs, objectives and functioning of the Department of Public
29 Welfare.

30 Section 2328. Powers and Duties of Advisory Committees.--The

1 Advisory Committee for the Blind, the Advisory Committee for
2 General and Special Hospitals, the Advisory Committee for
3 Children and Youth, the Advisory Committee for Public Assistance
4 and the Advisory Committee for Mental Health and Mental
5 Retardation, shall, concerning matters within their respective
6 special fields of interest, have the power and their duty shall
7 be:

8 (a) To advise the appropriate major program unit of the
9 Department of Public Welfare. This advice shall include, but
10 shall not be limited to, such matters as standards of
11 eligibility, nature and extent of service, amounts of payments
12 to individuals, standards of approval, certification and
13 licensure of institutions and agencies, ways and means of
14 coordinating public and private welfare activities, and such
15 other matters as may, by law, require citizen review or may be
16 referred to the committees by the departmental units advised by
17 them; and the Advisory Committee for Mental Health and Mental
18 Retardation shall also have the power and duty to advise the
19 Governor and the Secretary of Public Welfare with regard to the
20 appointment of the Commissioner of Mental Health.

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

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

25 (d) To make recommendations to the State Board of Public
26 Welfare on matters referred to the committees for consideration
27 and advice, or as may be required to promote the effectiveness
28 of the programs, of the departmental units advised by them.

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

30 (a) The General Assembly finds that the public health and

1 safety is threatened by increasing incidences of domestic
2 violence and rape. Domestic violence programs and rape crisis
3 programs provide needed support services for victims and assist
4 in prevention through community education. Therefore, the
5 General Assembly finds that it is in the public interest for the
6 Commonwealth to establish a mechanism to provide financial
7 assistance to domestic violence centers and rape crisis centers
8 for the operation of domestic violence and rape crisis programs.

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

18 (c) The Department of Public Welfare shall make grants to
19 domestic violence centers and rape crisis centers for the
20 operation of domestic violence programs and rape crisis programs
21 consistent with this section. In awarding grants, the Department
22 of Public Welfare shall consider the population to be served,
23 the geographical area to be serviced, the scope of the services,
24 the need for services and the amount of funds provided from
25 other sources.

26 (d) The Department of Public Welfare shall make available at
27 cost to the public copies of applications that have been
28 submitted or approved for funding and reports on any fiscal or
29 programmatic reviews of funded programs.

30 (e) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection:

2 "Crime" means an act committed in Pennsylvania which, if
3 committed by a mentally competent, criminally responsible adult,
4 who had no legal exemption or defense, would constitute a crime
5 as defined in and proscribed by Title 18 of the Pennsylvania
6 Consolidated Statutes (relating to crimes and offenses) or
7 enumerated in the act of April 14, 1972 (P.L.233, No.64), known
8 as "The Controlled Substance, Drug, Device and Cosmetic Act."
9 However, no act involving the operation of a motor vehicle which
10 results in injury shall constitute a crime for the purpose of
11 this section unless such injury was intentionally inflicted
12 through the use of a motor vehicle.

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

15 (1) Intentionally, knowingly or recklessly causing or
16 attempting to cause bodily injury.

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

19 "Domestic violence center" means an organization, or the
20 coordinating body of an organization, which has as its primary
21 purpose the operation of domestic violence programs.

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

28 "Rape crisis center" means an organization, or the
29 coordinating body of an organization, which has as its primary
30 purpose the operation of rape crisis programs.

1 "Rape crisis program" means a program which has as its
2 primary purpose the provision of direct services to victims of
3 sexual assault, including, but not limited to, crisis
4 intervention, counseling, victim advocacy, information and
5 referral, victim-witness and assistance, accompaniment through
6 the medical, police and judicial systems as well as providing
7 education and prevention programs on rape and sexual assaults.

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

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

28 (b) Consistent with section 2301, the Department of Public
29 Welfare shall:

30 (1) Provide, on behalf of persons eligible for medical

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

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

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

27 (c) The Department of Public Welfare, the Department of
28 Health and the Office of Drug and Alcohol Programs shall jointly
29 provide for an independent evaluation of the program authorized
30 by this section in accordance with specific evaluation criteria,

1 which shall include, but not be limited to: (i) comparison of
2 medical costs before and after program implementation; (ii)
3 employment history; and (iii) involvement with other programs of
4 the Department of Health, the Department of Public Welfare, the
5 Department of Corrections and any other appropriate agencies.
6 The evaluation shall be conducted in compliance with all
7 applicable Federal and State confidentiality requirements.

8 Section 2335. Admissions to Drug and Alcohol Facilities.--

9 (a) Drug or alcohol abusers and drug or alcohol dependent
10 persons shall be admitted to and treated in all facilities
11 licensed by the Department of Health and Office of Drug and
12 Alcohol Programs, at reasonable rates on the basis of medical or
13 psychotherapeutic need, and shall not be discriminated against
14 on the basis of medical assistance eligibility.

15 (b) As part of its licensure process, the Office of Drug and
16 Alcohol Programs shall review each facility's admission policies
17 for compliance and shall investigate complaints.

18 (c) The Office of Drug and Alcohol Programs may suspend or
19 revoke the license of any facility which fails to maintain an
20 admission policy consistent with the requirements of this
21 section and may impose a fine not to exceed one thousand dollars
22 (\$1,000) for each violation.

23 (d) Nothing in this section shall require any facility to
24 accept medical assistance eligible patients for whom payment is
25 not available pursuant to regulations adopted under section
26 2334(b)(3).

27 ARTICLE XXIII-A

28 POWERS AND DUTIES OF THE DEPARTMENT OF DRUG

29 AND ALCOHOL PROGRAMS

30 Section 2301-A. Powers and duties.

1 The Department of Drug and Alcohol Programs shall have the
2 power and its duty shall be:

3 (1) To develop and adopt a State plan for the control,
4 prevention, intervention, treatment, rehabilitation,
5 research, education and training aspects of drug and alcohol
6 abuse and dependence problems. The State plan shall include,
7 but not be limited to, provisions for:

8 (i) Coordination of the efforts of all State
9 agencies in the control, prevention, intervention,
10 treatment, rehabilitation, research, education and
11 training aspects of drug and alcohol abuse and dependence
12 problems so as to avoid duplications and inconsistencies
13 in the efforts of the agencies.

14 (ii) Coordination of all health and rehabilitation
15 efforts to deal with the problem of drug and alcohol
16 abuse and dependence, including, but not limited to,
17 those relating to vocational rehabilitation, manpower
18 development and training, senior citizens, law
19 enforcement assistance, parole and probation systems,
20 jails and prisons, health research facilities, mental
21 retardation facilities and community mental health
22 centers, juvenile delinquency, health professions,
23 educational assistance, hospital and medical facilities,
24 social security, community health services, education
25 professions development, higher education, Commonwealth
26 employees health benefits, economic opportunity,
27 comprehensive health planning, elementary and secondary
28 education, highway safety and the civil service laws.

29 (iii) Encouragement of the formation of local
30 agencies and local coordinating councils, promotion of

1 cooperation and coordination among such groups and
2 encouragement of communication of ideas and
3 recommendations from such groups to the Pennsylvania
4 Advisory Council on Drug and Alcohol Abuse.

5 (iv) Development of model drug and alcohol abuse and
6 dependence control plans for local government, utilizing
7 the concepts incorporated in the State plan. The model
8 plans shall be reviewed on a periodic basis, but not less
9 than once a year, and revised to keep them current. The
10 model plans shall specify how all types of community
11 resources and existing Federal and Commonwealth
12 legislation may be utilized.

13 (v) Assistance and consultation to local
14 governments, public and private agencies, institutions
15 and organizations and individuals with respect to the
16 prevention and treatment of drug and alcohol abuse and
17 dependence, including coordination of programs among
18 them.

19 (vi) Cooperation with organized medicine to
20 disseminate medical guidelines for the use of drugs and
21 controlled substances in medical practice.

22 (vii) Coordination of research, scientific
23 investigations, experiments and studies relating to the
24 cause, epidemiology, sociological aspects, toxicology,
25 pharmacology, chemistry, effects on health, dangers to
26 public health, prevention, diagnosis and treatment of
27 drug and alcohol abuse and dependence.

28 (viii) Investigation of methods for the more precise
29 detection and determination of alcohol and controlled
30 substances in urine and blood samples and by other means,

1 and publication on a current basis of uniform methodology
2 for such detections and determinations.

3 (ix) Any information obtained through scientific
4 investigation or research conducted pursuant to this act
5 shall be used in ways so that no name or identifying
6 characteristics of any person shall be divulged without
7 the approval of the department and the consent of the
8 person concerned. Persons engaged in research pursuant to
9 this section shall protect the privacy of individuals who
10 are the subject of such research by withholding from all
11 persons not connected with the conduct of such research
12 the names or other identifying characteristics of such
13 individuals. Persons engaged in the research shall
14 protect the privacy of such individuals and may not be
15 compelled in any State, civil, criminal, administrative,
16 legislative or other proceeding to identify such
17 individuals.

18 (x) Establishment of training programs for
19 professional and nonprofessional personnel with respect
20 to drug and alcohol abuse and dependence, including the
21 encouragement of such programs by local governments.

22 (xi) Development of a model curriculum, including
23 the provision of relevant data and other information, for
24 utilization by elementary and secondary schools for
25 instructing children and for parent-teachers'
26 associations, adult education centers, private citizen
27 groups or other State and local sources for instruction
28 of parents and other adults about drug and alcohol abuse
29 and dependence.

30 (xii) Preparation of a broad variety of educational,

1 prevention and intervention material for use in all
2 media, to reach all segments of the population, that can
3 be utilized by public and private agencies, institutions
4 and organizations in educational programs with respect to
5 drug and alcohol abuse and dependence.

6 (xiii) Establishment of educational courses,
7 including the provision of relevant data and other
8 information on the causes and effects of and treatment
9 for drug and alcohol abuse and dependence, for law
10 enforcement officials, including prosecuting attorneys,
11 court personnel, the judiciary, probation and parole
12 officers, correctional officers and other law enforcement
13 personnel, welfare, vocational rehabilitation and other
14 State and local officials, who come in contact with drug
15 abuse and dependence problems.

16 (xiv) Recruitment, training, organization and
17 employment of professional and other persons, including
18 former drug and alcohol abusers and dependent persons, to
19 organize and participate in programs of public education.

20 (xv) Treatment and rehabilitation services for male
21 and female juveniles and adults who are charged with,
22 convicted of or serving a criminal sentence for any
23 criminal offense under the laws of this Commonwealth.
24 Provision of similar services shall be made for juveniles
25 adjudged to be delinquent, dependent or neglected. These
26 services shall include, but are not limited to, emergency
27 medical services, inpatient services and intermediate
28 care, rehabilitative and outpatient services.

29 (xvi) Giving priority to developing community-based
30 drug or alcohol abuse treatment services in a cooperative

1 manner among State and local governmental agencies and
2 departments and public and private agencies, institutions
3 and organizations. Consideration shall be given to
4 supportive medical care, services or residential
5 facilities for drug or alcohol dependent persons for whom
6 treatment has repeatedly failed and for whom recovery is
7 unlikely.

8 (xvii) Establishment of a system of emergency
9 medical services for persons voluntarily seeking
10 treatment, for persons admitted and committed to
11 treatment facilities according to the procedural
12 admission and commitment provisions of the act of July 9,
13 1976 (P.L.817, No.143), known as the Mental Health
14 Procedures Act, and for persons charged with a crime
15 under Pennsylvania law. Upon the establishment of such
16 emergency medical services, the Department of Drug and
17 Alcohol Programs, by regulation, shall require that
18 appropriate emergency medical services be made available
19 to all drug and alcohol abusers who are arrested for a
20 crime under Pennsylvania law.

21 (xviii) Providing standards for the approval by the
22 relevant State agency for all private and public
23 treatment and rehabilitative facilities, which may
24 include, but are not limited to, State hospitals and
25 institutions, public and private general hospitals,
26 community mental health centers or their contracting
27 agencies and public and private drug or alcohol
28 dependence and drug and alcohol abuse and dependence
29 treatment and rehabilitation centers.

30 (xix) Grants and contracts for the prevention,

1 intervention and treatment of drug and alcohol
2 dependence. The grants and contracts may include
3 assistance to local governments and public and private
4 agencies, institutions and organizations for prevention,
5 intervention, treatment, rehabilitation, research,
6 education and training aspects of the drug and alcohol
7 abuse and dependence problems with the Commonwealth. Any
8 grant made or contract entered into by a department or
9 agency shall be pursuant to the functions allocated to
10 that department or agency by the State plan.

11 (xx) Preparation of general regulations for and
12 operation of programs supported with assistance.

13 (xxi) Establishment of priorities for deciding
14 allocation of the funds.

15 (xxii) Review the administration and operation of
16 programs, including the effectiveness of such programs in
17 meeting the purposes for which they are established and
18 operated, and make annual reports of the findings.

19 (xxiii) Evaluate the programs and projects carried
20 out and disseminate the results of such evaluations.

21 (xxiv) Establish such advisory committees as deemed
22 necessary to assist the department in fulfilling its
23 responsibilities.

24 (2) In developing the State plan initially, and prior to
25 its amendment annually, to hold a public hearing at least 30
26 days prior to the adoption of the initial State plan and
27 subsequent amendments and to afford all interested persons an
28 opportunity to present their views either orally or in
29 writing. The Department of Drug and Alcohol Programs, through
30 its staff, shall consult and collaborate with appropriate

1 Federal, State and local departments, boards, agencies and
2 governmental units, and with appropriate public and private
3 agencies, institutions, groups and organizations. Otherwise,
4 the promulgation of the State plan shall conform to the
5 procedure contained in the act of July 31, 1968 (P.L.769,
6 No.240), referred to as the Commonwealth Documents Law.

7 (3) In accordance with the State plan, to allocate the
8 responsibility for all services, programs and other efforts
9 provided for among the appropriate departments, agencies and
10 other State personnel. The department, through its employees,
11 shall have the power and its duty shall be to implement
12 compliance with the provisions of the State plan and to
13 coordinate all such efforts.

14 (4) To gather and publish statistics pertaining to drug
15 and alcohol abuse and dependence and promulgate regulations,
16 specifying uniform statistics to be obtained, records to be
17 maintained and reports to be submitted by public and private
18 departments, agencies, organizations, practitioners and other
19 persons with respect to drug and alcohol abuse and dependence
20 and related problems. Such statistics and reports shall not
21 reveal the identity of any patient or drug or alcohol-
22 dependent person or other confidential information.

23 (5) To establish an information center, which will
24 attempt to gather and contain all available published and
25 unpublished data and information on the problems of drug and
26 alcohol abuse and dependence. All Commonwealth departments
27 and agencies shall send to the Department of Drug and Alcohol
28 Programs any data and information pertinent to the cause,
29 prevention, diagnosis and treatment of drug and alcohol abuse
30 and dependence and the toxicology and pharmacology effects on

1 the health of drug and alcohol abusers and danger to the
2 public health of alcohol, drugs and controlled substances.
3 The Department of Drug and Alcohol Programs shall make such
4 data and information widely available.

5 (6) To require all appropriate State and local
6 departments, agencies, institutions and others engaged in
7 implementing the State plan to submit as often as necessary,
8 but no less often than annually, reports detailing the
9 activities and effects of the implementation and recommending
10 appropriate amendments to the State plan. The department may
11 direct a performance audit of any activity engaged in
12 pursuant to the State plan.

13 (7) To submit an annual report to the General Assembly
14 which shall specify the actions taken and services provided
15 and funds expended and an evaluation of their effectiveness.
16 The annual report shall also contain the current State plan.
17 The Department of Drug and Alcohol Programs shall submit such
18 additional reports as may be requested by the General
19 Assembly and recommendations to further the prevention,
20 treatment and control of drug and alcohol abuse and
21 dependence.

22 (8) To make provisions for facilities in each city or
23 region or catchment area which shall provide information
24 about the total Commonwealth drug and alcohol abuse and drug
25 and alcohol dependency programs and services.

26 (9) The department shall have the power to promulgate
27 the rules and regulations necessary to carry out the
28 provisions of this article.]

29 Section 5. The act is amended by adding an article to read:

30 ARTICLE XXIII-C

1 DEPARTMENT OF HEALTH AND HUMAN SERVICES

2 Section 2301-C. Purpose and legislative intent.

3 (a) Purpose.--It is the purpose of this article to more
4 effectively address the collaboration and service delivery of
5 health and human services which are of vital importance to this
6 Commonwealth by coordinating the services provided by the former
7 Department of Aging, the former Department of Drug and Alcohol
8 Programs, the former Department of Health and the former
9 Department of Human Services and establishing one agency to
10 administer the services.

11 (b) Intent.--In adopting this article to coordinate the
12 provision of health and human services, it is the intent of the
13 General Assembly to continue to:

14 (1) Promote and improve the efficient and effective
15 delivery of health and human services, including substance
16 use disorder and gambling addiction services and services to
17 advance the well-being of older Pennsylvanians.

18 (2) Appropriate State Lottery funds in accordance with
19 the act of August 26, 1971 (P.L.351, No.91), known as the
20 State Lottery Law.

21 Section 2302-C. Definitions.

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

25 "Area agency." The single local agency designated by the
26 department within each planning and service area to administer
27 the delivery of a comprehensive and coordinated plan of social
28 and other services and activities.

29 "Area plan." The plan submitted to the department by an area
30 agency describing the methods by which the department will

1 ensure a coordinated and comprehensive plan of social and other
2 services and activities in the planning and service area.

3 "Council." The Pennsylvania Council on Aging established
4 under section 2304-C.

5 "Department." The Department of Health and Human Services of
6 the Commonwealth.

7 "Domestic violence." The occurrence of one or more of the
8 following acts between family or household members, sexual or
9 intimate partners or persons who share biological parenthood:

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

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

14 "Domestic violence center." 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." 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 "Domiciliary care." A protected living arrangement in the
24 community which provides a safe, supportive, homelike
25 residential setting for not more than three adults who are
26 unrelated to the provider of the living arrangement, who cannot
27 live independently in the community and who are placed in the
28 living arrangement by an area agency.

29 "Local authority." County commissioners or a county council.

30 "Long-term care." Services designed to provide diagnostic,

1 therapeutic, rehabilitative, supportive or maintenance services
2 for individuals who have chronic functional impairments in a
3 variety of institutional and noninstitutional care settings,
4 including the home.

5 "Older adult." An individual residing within this
6 Commonwealth who is at least 60 years of age or other
7 individuals as authorized by law.

8 "Older Americans Act of 1965." The Older Americans Act of
9 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

10 "Planning and service area." The geographic unit within this
11 Commonwealth authorized by the Older Americans Act of 1965 for
12 allocation of funds for the delivery of social services.

13 "Rape crisis center." An organization, or the coordinating
14 body of an organization, which has as its primary purpose the
15 operation of rape crisis programs.

16 "Rape crisis program." A program which has as its primary
17 purpose the provision of direct services to victims of sexual
18 assault, including, but not limited to, crisis intervention,
19 counseling, victim advocacy, information and referral, victim-
20 witness and assistance, accompaniment through the medical,
21 police and judicial systems as well as providing education and
22 prevention programs on rape and sexual assaults.

23 "Regional council." A regional council on aging established
24 under section 2304-C.

25 "Secretary." The Secretary of Health and Human Services of
26 the Commonwealth.

27 "Sexual assault." Conduct which is a crime under 18 Pa.C.S.
28 Ch. 31 (relating to sexual offenses).

29 "Single county authority." The agency designated by the
30 department to plan and coordinate substance use disorder

1 prevention, intervention and treatment services for a geographic
2 area that may consist of one or more counties and to administer
3 the provision of the services funded through the agency.

4 "Unit of general purpose local government." A county or
5 other unit which carries general government authority for an
6 area designated as a planning and service area under this act or
7 a combination of such units.

8 Section 2303-C. Administration.

9 (a) Continuation.--The department shall, except as provided
10 in this article, exercise the powers and perform the duties by
11 law vested in and imposed on the former Department of Drug and
12 Alcohol Programs, the former Department of Health, the former
13 Department of Aging, the former Department of Human Services and
14 the former Department of Public Welfare.

15 (b) Powers and duties.--In addition to such other powers and
16 duties that may be provided by this article or other law, the
17 department shall:

18 (1) Administer and enforce the laws of this Commonwealth
19 relating to the following:

20 (i) Mental health, intellectual disability, autism,
21 substance use disorder and gambling addiction.

22 (ii) The care, prevention, early recognition and
23 treatment of mental illness, emotional disturbance,
24 intellectual disability, autism, substance use disorder
25 and gambling addiction.

26 (iii) The licensing and regulation of facilities and
27 agencies with the primary functions of diagnosis,
28 treatment, care and rehabilitation of individuals with
29 mental illness, emotional disturbance, intellectual
30 disability, autism or substance use disorder.

1 (iv) The admission of individuals with mental
2 illness, intellectual disability, autism or substance use
3 disorder to facilities under subparagraph (iii) and the
4 transfer, discharge, escape, interstate rendition and
5 deportation of the individuals.

6 (v) The licensing, certification and regulation of
7 the following:

8 (A) health care facilities; and

9 (B) medical marijuana organizations.

10 (vi) The certification and regulation of the
11 following:

12 (A) laboratories;

13 (B) emergency medical services providers; and

14 (C) managed care organizations.

15 (vii) The issuance and enforcement of disease
16 control measures, including isolation orders and
17 quarantine orders.

18 (viii) The issuance of grants and contracts to aid
19 in the prevention and control of the spread of disease
20 and to ensure the health and welfare of the citizens of
21 this Commonwealth.

22 (ix) The collection, compilation and preservation of
23 vital statistics of the citizens of this Commonwealth.

24 (2) Protect the health of the people of this
25 Commonwealth and determine and employ the most efficient and
26 practical means for the prevention and suppression of
27 disease.

28 (3) Prevent, respond to and reduce the public health and
29 medical consequences of an emergency or a disaster.

30 (4) Promulgate the rules and regulations necessary to

1 carry out this article.

2 (c) Commissioner on Substance Abuse and Addiction.--There
3 shall be within the department a Commissioner on Substance Abuse
4 and Addiction Policy. The commissioner shall be appointed by the
5 Governor by and with the advice and consent of a majority of the
6 members elected to the Senate. The department shall provide
7 adequate staff and other support to the commissioner as needed.
8 The commissioner shall serve at the pleasure of the Governor.
9 The salary and other conditions of employment for the
10 commissioner shall be set by the Executive Board. The
11 commissioner shall:

12 (1) Advise the Governor and the secretary on substance
13 use disorder, gambling addiction and related policies.

14 (2) Participate in the decision-making process of the
15 department on policies relating to substance use disorder and
16 gambling addiction issues and in the decision-making process
17 of other executive branch agencies as directed by the
18 Governor.

19 (3) Coordinate the efforts of Commonwealth agencies in
20 the control, prevention, intervention, treatment,
21 rehabilitation, research, education and training aspects of
22 substance use disorders and gambling addiction to avoid
23 duplications and inconsistencies in the efforts of the
24 agencies.

25 (4) Consult with recognized experts on substance use
26 disorder and gambling addiction matters which are within the
27 jurisdiction of the department and other executive branch
28 agencies.

29 (5) Provide advice on substance use disorder and
30 gambling addiction issues to the secretary and to other

1 executive branch agencies.

2 (6) Coordinate educational, informational substance use
3 disorder and gambling addiction programs for the promotion of
4 wellness, public health and related medical issues in this
5 Commonwealth and serve as the primary advocate for these
6 programs.

7 (7) Serve as an ex officio member of the Pennsylvania
8 Advisory Council on Drug and Alcohol Abuse.

9 (8) Perform other duties as directed by the Governor.

10 (d) Physician General.--There shall be within the department
11 a Physician General. The Physician General shall be appointed by
12 the Governor by and with the advice and consent of a majority of
13 the members elected to the Senate. The department shall provide
14 adequate staff and other support to the Physician General as
15 needed. The Physician General shall be a graduate of an
16 accredited medical or osteopathic medical school and shall be a
17 practicing physician licensed by the Commonwealth. The Physician
18 General shall serve at the pleasure of the Governor. The salary
19 and other conditions of employment for the Physician General
20 shall be set by the Executive Board. The Physician General
21 shall:

22 (1) Advise the Governor and the secretary on health
23 policy.

24 (2) Participate in the decision-making process of the
25 department on policies relating to medical and public-health-
26 related issues and in the decision-making process of other
27 executive branch agencies as directed by the Governor.

28 (3) Review professional standards and practices in
29 medicine and public health which are related to matters
30 within the jurisdiction of the department and other executive

1 branch agencies.

2 (4) Consult with recognized experts on medical and
3 public health matters which are within the jurisdiction of
4 the department and other executive branch agencies.

5 (5) Provide advice on medical and public health issues
6 to the secretary and to other agencies.

7 (6) Coordinate educational, informational and other
8 programs for the promotion of wellness, public health and
9 related medical issues in this Commonwealth and serve as the
10 primary advocate for the programs.

11 (7) Consult with experts in this Commonwealth and other
12 jurisdictions regarding medical research, innovation and
13 development which relate to programs and issues of importance
14 to the department and the Commonwealth.

15 (8) Perform other duties as directed by the Governor.

16 (9) Serve as an ex officio member of the State Board of
17 Medicine, the State Board of Osteopathic Medicine and other
18 Commonwealth boards and commissions as may be provided by
19 law. The Physician General may provide a designee to serve in
20 the Physician General's stead.

21 (e) Commissioner on Aging.--There shall be within the Office
22 of the Governor a Commissioner on Aging. The Commissioner on
23 Aging shall be appointed by the Governor by and with the advice
24 and consent of the majority of the members elected to the
25 Senate. The Office of the Governor shall provide adequate staff
26 and other support to the Commissioner on Aging as needed. The
27 Commissioner on Aging shall serve at the pleasure of the
28 Governor. The salary and other conditions of employment for the
29 Commissioner on Aging shall be set by the Executive Board. The
30 Commissioner on Aging shall:

1 (1) Advise the Governor and the secretary on issues
2 impacting older adults.

3 (2) Participate in the decision-making process of the
4 department on policies relating to older adults and in the
5 decision-making process of other executive branch agencies as
6 directed by the Governor.

7 (3) Assist the department to develop the State plan on
8 aging and the State plan for Alzheimer's disease and related
9 disorders.

10 (4) Consult with recognized experts on issues impacting
11 older adults which are within the jurisdiction of the
12 department and other executive branch agencies.

13 (5) Coordinate educational, informational and other
14 programs for the promotion of wellness, public health and
15 related issues impacting older adults and serve as the
16 primary advocate for the programs.

17 (6) Perform other duties as directed by the Governor.

18 (7) Serve as the Executive Director of the Council on
19 Aging.

20 Section 2304-C. Pennsylvania Council on Aging.

21 (a) Establishment.--The Pennsylvania Council on Aging is
22 established in the Office of the Governor. The council shall
23 consist of an executive director and 21 members. Eleven members
24 of the council shall constitute a quorum for the conduct of the
25 business of the council. Absence of a member at three
26 consecutive meetings shall result in the member forfeiting the
27 member's seat, unless the member requests in writing and
28 receives approval from the chairperson for good cause.

29 (b) Executive director.--The executive director of the
30 council shall be appointed by the Governor and advise the

1 Governor and the secretary on policies, programs and services
2 for older adults.

3 (c) Composition and terms.--The following apply:

4 (1) The members of the council shall be nominated by the
5 Governor, subject to the advice and consent of a majority of
6 the members elected to the Senate, and shall represent, as
7 far as practicable, different geographical locations of this
8 Commonwealth. The following additional criteria shall apply
9 to members of the council:

10 (i) The chairperson of the regional councils on
11 aging established under subsection (g) shall be ex
12 officio members.

13 (ii) At least 11 members shall be older adults who
14 are residents of this Commonwealth.

15 (iii) At least one member shall be a representative
16 of a long-term care provider operating in this
17 Commonwealth.

18 (iv) At least one member shall be a representative
19 of an adult day-care provider operating in this
20 Commonwealth.

21 (2) The members shall serve staggered three-year terms,
22 on a schedule determined by the Governor upon appointment,
23 and shall serve until their successors are appointed and
24 qualified. Members shall be eligible for reappointment.

25 (d) Procedures.--The council shall provide for its
26 organization and procedures, including the selection of a
27 chairperson and other officers as deemed necessary.

28 (e) Compensation.--The members of the council shall receive
29 no compensation for their services on the council but shall be
30 reimbursed by the department for ordinary and necessary expenses

1 incurred in the performance of their duties.

2 (f) Meetings.--The council shall meet at least six times
3 each calendar year.

4 (g) Powers and duties.--The council shall have the following
5 powers and duties:

6 (1) Assisting the department in the development of the
7 State plan on aging required by section 2322-C(a)(6).

8 (2) Reviewing and commenting on rules and regulations
9 relating to programs and services for older adults
10 promulgated by the department.

11 (3) Preparing and submitting to the Governor, secretary
12 and General Assembly, public reports evaluating the level and
13 quality of services and programs provided to older adults by
14 Commonwealth agencies, including recommendations for
15 improved, expanded or additional programs and services for
16 older adults.

17 (4) Conducting public hearings on matters affecting the
18 rights and interests of older adults, including matters
19 involving cases of neglect, abuse and age discrimination
20 against older adults in the administration of the laws of
21 this Commonwealth.

22 (5) Conducting studies in the areas of age
23 discrimination, health care, Medical Assistance program
24 policies affecting older adults, duration-of-stay contracts
25 for nursing homes, health-related insurance increases and, as
26 appropriate, other major issues affecting older adults. The
27 council shall report its findings and recommendations to the
28 Governor, secretary, General Assembly and public regarding
29 the appropriate actions and long-term strategy to address the
30 areas specified under this paragraph.

1 (6) Consulting with the secretary regarding the
2 operations of the department's programs and services for
3 older adults.

4 (7) Establishing up to five regional councils on aging,
5 each of which shall consist of 15 members who are residents
6 of the region to be served by a council and who shall not be
7 elected officials. The council shall determine the
8 composition, members' terms of offices, organization and
9 duties and responsibilities of the regional councils.

10 (8) Employing, with funds as are annually appropriated
11 by the General Assembly, sufficient staff and services to
12 carry out the powers and duties of the council and the
13 regional councils, as specified under this subsection.

14 Section 2304.1-C. Renal Disease Advisory Committee.

15 The Governor shall appoint a Renal Disease Advisory Committee
16 to consult with the department in the administration of the act
17 of June 23, 1970 (P.L.419, No.140), referred to as the Renal
18 Disease Treatment Act. The committee shall be composed of 11
19 persons representing hospitals and medical schools which
20 establish dialysis centers, voluntary agencies interested in
21 kidney diseases, local public health agencies, physicians
22 licensed to practice medicine in all of its branches and the
23 general public. The members of the committee shall serve for a
24 two-year period and may be reappointed. The committee shall
25 serve without compensation, but shall receive necessary travel
26 expenses. The chairman of the committee shall be elected by the
27 committee. The committee, with the approval of the secretary,
28 shall establish standards for the expenditure of State funds
29 which are provided for the support of persons suffering from
30 renal diseases to assure the availability of specialized

1 personnel, resources and equipment necessary to enable such
2 persons to function and to care for patients with severe uremia.
3 The secretary shall choose from a list provided by the advisory
4 committee the institutions which qualify under the standards
5 established to receive grants of State funds to provide care for
6 renal disease patients.

7 Section 2305-C. Substance use disorder.

8 (a) State plan.--The department shall develop and adopt a
9 State plan for the control, prevention, intervention, treatment,
10 rehabilitation, research, education and training aspects of
11 substance use disorders. The State plan shall include, but not
12 be limited to, provisions for all of the following:

13 (1) Coordination of the efforts of all Commonwealth
14 agencies in the control, prevention, intervention, treatment,
15 rehabilitation, research, education and training aspects of
16 substance use disorders for the purpose of preventing
17 duplications and inconsistencies in the efforts of the
18 agencies.

19 (2) Coordination of all health and rehabilitation
20 efforts to deal with substance use disorders, including, but
21 not limited to, those relating to vocational rehabilitation,
22 workforce development and training, older adults, law
23 enforcement assistance, parole and probation systems, jails
24 and prisons, health research facilities, facilities for
25 individuals with an intellectual disability and community
26 mental health centers, juvenile delinquency, health
27 professions, educational assistance, hospital and medical
28 facilities, social security, community health services,
29 education professions development, higher education,
30 Commonwealth employees health benefits, economic opportunity,

1 comprehensive health planning, elementary and secondary
2 education, highway safety and Federal and State civil service
3 laws.

4 (3) Encouragement of the formation of local agencies and
5 coordinating councils, promotion of cooperation and
6 coordination among the agencies and councils and
7 encouragement of communication of ideas and recommendations
8 from the agencies and councils to the Pennsylvania Advisory
9 Council on Drug and Alcohol Abuse.

10 (4) Development of model substance use disorder control
11 plans for local government, utilizing the concepts
12 incorporated in the State plan. The model plans shall be
13 reviewed on a periodic basis, but not less than once a year,
14 and revised to keep the model plans current. The model plans
15 shall specify how all types of community resources and
16 existing Federal and State law may be utilized.

17 (5) Assistance to and consultation with local
18 governments, public and private agencies, institutions and
19 organizations and individuals with respect to the prevention
20 and treatment of substance use disorders, including
21 coordination of programs.

22 (6) Cooperation with organized medicine to disseminate
23 medical guidelines for the use of drugs and controlled
24 substances in medical practice.

25 (7) Coordination of research, scientific investigations,
26 experiments and studies relating to the cause, epidemiology,
27 sociological aspects, toxicology, pharmacology, chemistry,
28 effects on health, dangers to public health, prevention,
29 diagnosis and treatment of substance use disorders.

30 (8) Investigation of methods for the more precise

1 detection and determination of alcohol and controlled
2 substances in urine and blood samples and by other means, and
3 publication on a current basis of a uniform methodology for
4 detections and determinations.

5 (9) The use of information obtained through scientific
6 investigation or research conducted under this section in a
7 manner so that the name or identifying characteristics of an
8 individual are not divulged without the approval of the
9 department and the consent of the individual. A person
10 engaged in research under this section shall protect the
11 privacy of an individual who is the subject of the research
12 by withholding from all persons not connected with the
13 conduct of the research the name or other identifying
14 characteristics of the individual. A person engaged in
15 research under this section may not be compelled in a State,
16 civil, criminal, administrative, legislative or other
17 proceeding to identify the individual who is the subject of
18 the research.

19 (10) Establishment of training programs for professional
20 and nonprofessional personnel with respect to substance use
21 disorders, including the encouragement of the programs by
22 local governments.

23 (11) Development of a model curriculum, including the
24 provision of relevant data and other information, for
25 utilization by elementary and secondary schools for
26 instructing children and for parent-teachers' associations,
27 adult education centers, private citizen groups or other
28 State and local sources for instruction of parents and other
29 adults about substance use disorders.

30 (12) Preparation of a broad variety of educational,

1 prevention and intervention material for use in the media
2 for the purpose of reaching all segments of the population
3 and which can be utilized by public and private agencies,
4 institutions and organizations in educational programs with
5 respect to substance use disorders.

6 (13) Establishment of educational courses, including the
7 provision of relevant data and other information on the
8 causes and effects of and treatment for substance use
9 disorders for law enforcement officials, including
10 prosecuting attorneys, court personnel, the judiciary,
11 probation and parole officers, correctional officers and
12 other law enforcement personnel, human services personnel,
13 vocational rehabilitation personnel and other State and local
14 officials, who come in contact with substance use disorder
15 problems.

16 (14) Recruitment, training, organization and employment
17 of professional and other persons, including individuals in
18 recovery from substance use disorders, to organize and
19 participate in programs of public education.

20 (15) Treatment and rehabilitation services for juveniles
21 and adults with substance use disorders who are charged with,
22 convicted of or serving a criminal sentence for a criminal
23 offense under the laws of this Commonwealth. Provision of
24 similar services shall be made for juveniles adjudged to be
25 delinquent, dependent or neglected. These services shall
26 include, but not be limited to, emergency medical services,
27 inpatient services and intermediate care, rehabilitative and
28 outpatient services.

29 (16) Giving priority to developing community-based
30 substance use disorder treatment services in a cooperative

1 manner among State and local governmental agencies and
2 departments and public and private agencies, institutions and
3 organizations. Consideration shall be given to supportive
4 medical care, services or residential facilities for
5 individuals with a substance use disorder for whom treatment
6 has repeatedly failed and for whom recovery is unlikely.

7 (17) Establishment of a system of emergency medical
8 services for individuals with substance use disorders and
9 who:

10 (i) voluntarily seek treatment;

11 (ii) are admitted and committed to treatment
12 facilities according to the procedural admission and
13 commitment provisions of the act of July 9, 1976
14 (P.L.817, No.143), known as the Mental Health Procedures
15 Act; or

16 (iii) are charged with a crime under the laws of
17 this Commonwealth.

18 (18) Providing standards for the licensure of or
19 approval for all private and public treatment and
20 rehabilitative facilities, which may include, but not be
21 limited to, State hospitals and institutions, public and
22 private general hospitals, community mental health centers or
23 their contracting agencies and public and private substance
24 use disorder treatment and rehabilitation centers.

25 (19) Grants and contracts for the prevention,
26 intervention and treatment of substance use disorders within
27 this Commonwealth. The grants and contracts may include
28 assistance to local governments and public and private
29 agencies, institutions and organizations for prevention,
30 intervention, treatment, rehabilitation, research, education

1 and training aspects of substance use disorders.

2 (20) Establishment of priorities for deciding allocation
3 of funds.

4 (21) The conduct of annual reviews and evaluations of
5 the administration and operation of programs of the
6 department relating to substance use disorders, including the
7 effectiveness of the programs in meeting the purposes for
8 which they are established and operated.

9 (22) Creation and dissemination of annual reports of the
10 reviews and evaluations conducted under paragraph (21).

11 (23) Establishment of advisory committees as deemed
12 necessary to assist the department in fulfilling its
13 responsibilities under this section.

14 (b) Public hearings.--Prior to the adoption of the State
15 plan or any amendment of the plan, the department shall hold a
16 public hearing to afford all interested persons an opportunity
17 to present their views either orally or in writing. The
18 department shall consult and collaborate in the conduct of the
19 hearings with appropriate Federal, Commonwealth and local
20 agencies, departments, boards, governmental units, public and
21 private agencies, institutions, groups and organizations. A
22 hearing to be conducted pursuant to this subsection shall be
23 held at least 30 days prior to the adoption or amendment of the
24 State plan.

25 (c) Implementation.--The department shall implement the
26 State plan adopted under this section, shall coordinate
27 responsibilities under the plan of other Commonwealth agencies
28 and shall monitor compliance with the State plan by relevant
29 Commonwealth and local agencies, departments, institutions and
30 others engaged in implementing the State plan. In connection

1 with such implementation, coordination and monitoring, the
2 department shall do the following:

3 (1) Allocate the responsibility for all services,
4 programs and other efforts provided for in the plan among the
5 appropriate Commonwealth agencies and departments.

6 (2) Gather and publish statistics pertaining to
7 substance use disorders and promulgate regulations that
8 specify uniform statistics to be obtained, records to be
9 maintained and reports to be submitted by public and private
10 departments, agencies, organizations, practitioners and other
11 persons with respect to substance use disorders and related
12 problems. The statistics and reports may not reveal the
13 identity of a patient or person with a substance use disorder
14 or other confidential information.

15 (3) Establish an information center that attempts to
16 gather and contain all available published and unpublished
17 data and information on substance use disorders and related
18 problems. All Commonwealth departments and agencies shall
19 send to the department data and information pertinent to the
20 cause, prevention, diagnosis and treatment of substance use
21 disorders and the toxicology and pharmacology effects on
22 persons with a substance use disorder, and the danger of
23 alcohol, drugs and controlled substances to the public
24 health. The department shall make the data and information
25 available on its publicly accessible Internet website.

26 (4) Conduct performance audits as the department deems
27 necessary of the activities engaged in by other Commonwealth
28 and local agencies, departments, institutions and others
29 engaged in implementing the State plan.

30 (d) Reporting requirements.--The following apply:

1 (1) All appropriate Commonwealth and local departments,
2 agencies, institutions and others engaged in implementing the
3 State plan shall submit to the department as often as
4 necessary, but no less often than annually, reports detailing
5 the activities and effects of the implementation and
6 recommending appropriate amendments to the State plan.

7 (2) The department shall submit an annual report to the
8 General Assembly that specifies the actions taken, services
9 provided and funds expended under the State plan together
10 with an evaluation of their effectiveness. The department
11 shall submit additional reports as may be requested by the
12 General Assembly and shall make recommendations to further
13 the prevention, treatment and control of substance use
14 disorders in this Commonwealth.

15 (3) The department shall facilitate the distribution
16 throughout this Commonwealth of information about all
17 Commonwealth substance use disorder programs and services.
18 Section 2306-C. Residential substance use disorder treatment
19 programs for women and children.

20 (a) Grants and contracts.--The department shall award grants
21 or enter into contracts to provide residential substance use
22 disorder treatment and related services for pregnant women,
23 women and their dependent children and women who do not have
24 custody of their children where there is a reasonable likelihood
25 that the children will be returned to the women if the women
26 participate satisfactorily in the treatment program. Grant or
27 contract money shall only be used for treatment and related
28 services provided to residents of this Commonwealth by providers
29 of substance use disorder treatment programs licensed by the
30 department that provide the following services:

1 (1) Residential treatment services for women and their
2 dependent children, subject to reasonable limitations on the
3 number and ages of the children, including, but not limited
4 to:

5 (i) Onsite substance use disorder education,
6 counseling and treatment.

7 (ii) Onsite individual, group and family counseling.

8 (iii) Onsite substance use disorder prevention and
9 education activities for children.

10 (iv) Onsite special counseling for children of women
11 with substance use disorders.

12 (v) Involvement with support groups for women and
13 children of women with substance use disorders.

14 (vi) Activities that enhance self-esteem and self-
15 sufficiency.

16 (2) Onsite parenting skills counseling and training.

17 (3) Access to school for children and women where
18 appropriate, including, but not limited to, securing
19 documents necessary for registration.

20 (4) Job counseling and referral to existing job training
21 programs.

22 (5) Onsite child care for children of women:

23 (i) who attend counseling, school or job training
24 programs;

25 (ii) who work or are looking for work; and

26 (iii) who need such services at other times as the
27 department deems appropriate.

28 (6) Referral for other needed services, including, but
29 not limited to, health care.

30 (7) Onsite structured reentry counseling and activities.

1 (8) Referral to outpatient counseling upon discharge
2 from the residential program.

3 (b) Information to single county authorities.--The
4 department shall advise a single county authority of those
5 programs in its jurisdiction that are being considered for
6 funding under this section and shall give the single county
7 authority an opportunity to comment on the funding proposals
8 prior to the department making a decision to award funding.

9 (c) Information to be provided to department.--

10 (1) Providers of treatment programs that receive funding
11 under this section shall collect and provide to the
12 department information concerning the number of women and
13 children denied treatment or placed on waiting lists and may
14 require such other data and information as the department
15 deems useful in determining the effectiveness of the
16 treatment programs.

17 (2) Records regarding identifiable individuals enrolled
18 in treatment programs funded under this section that are in
19 the possession of the department or a provider shall be
20 confidential.

21 (d) Limitation.--Contributions by counties or single county
22 authorities shall not be required as a condition for receiving
23 grants for programs funded under this section, but the
24 department may require counties or single county authorities to
25 make commitments to provide outpatient intervention, referral
26 and aftercare services to women whose residential treatment is
27 funded under this section upon completion of residential
28 treatment.

29 (e) Annual report required.--The department shall report
30 annually to the Governor and the General Assembly as to:

1 (1) The department's activities and expenditures under
2 this section.

3 (2) The activities of recipients of funds under this
4 section.

5 (3) The number of women and children served by programs
6 funded under this section.

7 (4) The number of women and children denied treatment or
8 placed on waiting lists by providers that receive funding for
9 programs under this section.

10 (5) The recommendations of the department.

11 Section 2307-C. Staff training and referral mechanisms.

12 The department shall:

13 (1) Establish, on a demonstration basis, programs to
14 train the staff of child protective services agencies,
15 counseling programs and shelters for victims of domestic
16 violence, recipients of funds under high risk maternity
17 programs or Federal maternal and child health care grants and
18 community health care centers in order to identify those
19 women for whom these agencies are already providing services
20 and who are in need of substance use disorder treatment.

21 (2) Establish referral networks and mechanisms between
22 the agencies referred to in paragraph (1) and single county
23 authorities and appropriate substance use disorder treatment
24 programs.

25 Section 2308-C. Medical assistance payments.

26 (a) Purpose.--The following shall apply:

27 (1) The purpose of this section is to provide for
28 alcohol and drug detoxification and rehabilitation services
29 to persons eligible for medical assistance.

30 (2) Facilities serving as appropriate treatment settings

1 shall include the following if they are licensed by the
2 department:

3 (i) hospital and nonhospital drug detoxification and
4 rehabilitation facilities;

5 (ii) hospital and nonhospital alcohol detoxification
6 and rehabilitation facilities;

7 (iii) hospital and nonhospital drug and alcohol
8 detoxification and rehabilitation facilities; and

9 (iv) outpatient services.

10 (3) The General Assembly recognizes that the fluctuating
11 nature of substance use disorder, in combination with the
12 associated physical complications often arising from long-
13 term substance use, requires the availability of a variety of
14 treatment modalities and settings for individuals eligible
15 for medical assistance. The availability of a new service in
16 this area is in no way intended to limit access to or funding
17 of services currently available.

18 (b) Responsibilities of the department.--The department
19 shall:

20 (1) Provide to individuals eligible for medical
21 assistance, if the facility is licensed by the department,
22 medical assistance coverage for detoxification, treatment and
23 care in the following facilities:

24 (i) a nonhospital alcohol detoxification facility;

25 (ii) nonhospital drug detoxification facility;

26 (iii) nonhospital alcohol and drug detoxification
27 facility; or

28 (iv) nonhospital treatment facility that can provide
29 services for either drug or alcohol detoxification or
30 treatment, or both.

1 (2) Use criteria adopted by the department for governing
2 the type, level and length of care or treatment, including
3 hospital detoxification, as a basis for the development of
4 standards for services provided under paragraph (1).

5 Section 2309-C. Public health.

6 (a) General rule.--The department shall have the following
7 powers and duties:

8 (1) Protect the health of the citizens of this
9 Commonwealth and determine and employ the most efficient and
10 practical means for the prevention and suppression of
11 disease.

12 (2) (i) Investigate conditions affecting the security
13 of life and health, in any locality, and, for that
14 purpose, enter, inspect and survey all grounds, vehicles,
15 apartments, buildings and other places within this
16 Commonwealth.

17 (ii) All persons authorized by the department to
18 conduct the activities under subparagraph (i) shall have
19 the powers and authority conferred by law upon
20 constables.

21 (3) Administer the health laws, regulations and
22 ordinances of a borough or a township if:

23 (i) the department determines that a condition
24 exists in the borough or township that is a menace to the
25 lives and health of residents of the borough or township
26 or of surrounding municipalities;

27 (ii) the department has knowledge that the borough
28 or township is without an existing or efficient board of
29 health, until a competent and efficient board of health,
30 as determined by the department, has been appointed and

1 is ready, able and willing to assume and carry out the
2 duties imposed upon it by law; or

3 (iii) the borough or township requests the
4 department to do so.

5 (4) Recover from a borough or township all expenses
6 incurred by the township in performing the duties of a board
7 of health of the borough or township under paragraph (3)(ii).

8 (5) Prescribe standard requirements for the medical
9 examination of public school students and public schools
10 throughout this Commonwealth and to appoint appropriate
11 inspectors for this purpose.

12 (6) Train, in appropriate facilities, qualified
13 Commonwealth, county and municipal employees in the field of
14 public health work.

15 (7) Designate the Health Care Policy Board to
16 adjudicate, in accordance with 2 Pa.C.S. (relating to
17 administrative law and procedure), appeals from any final
18 order, decision, decree, determination or ruling of the
19 department made under Chapters 7 and 8 of the act of July 19,
20 1979 (P.L.130, No.48), known as the Health Care Facilities
21 Act. The department shall promulgate regulations establishing
22 appeal procedures to be followed. Until such time as final
23 regulations have been promulgated, procedures set forth in 1
24 Pa. Code Part II (relating to general rules of administrative
25 practice and procedure) and 37 Pa. Code Ch. 197 (relating to
26 practice and procedure) shall be followed for these appeals.
27 An appeal filed with the Health Policy Board from any final
28 order, decision, decree, determination or ruling of the
29 department relating to licensure shall not act as a
30 supersedeas but, upon good cause shown, and where the

1 circumstances require it, the department or the board, or
2 both, shall have the power to grant a supersedeas.

3 (b) Public health laboratory.--

4 (1) The department shall maintain and operate a public
5 health laboratory that shall assure the availability of
6 reliable clinical laboratory services and laboratory-based
7 information that are needed by health providers for proper
8 diagnosis and treatment, prevention of disease and promotion
9 of the health of the citizens of this Commonwealth.

10 (2) The public health laboratory maintained and operated
11 under paragraph (1) shall arrange for or perform the
12 following clinical tests:

13 (i) to identify diseases and provide epidemiological
14 and surveillance support; and

15 (ii) for, but not limited to, rabies, measles,
16 rubella, Lyme disease, influenza and tuberculosis
17 identification.

18 (c) Dental health districts.--

19 (1) The department shall apportion this Commonwealth
20 into dental health districts administered by a public health
21 dentist within the department.

22 (2) The public health dentist administering a dental
23 health district under paragraph (1) shall implement dental
24 health policies and programs.

25 (d) Abatement of detrimental conditions.--The department
26 shall have power and authority to order conditions detrimental
27 to the public health or the causes of disease and mortality to
28 be abated and removed and to enforce quarantine orders. The
29 following shall apply:

30 (1) If the owner or occupant of a premises subject to an

1 order of the department under this subsection fails to comply
2 with the order, agents or employees of the department may
3 enter the premises and abate or remove the condition.

4 (2) The expense of the abatement or removal under
5 paragraph (1) shall be paid by the owner or occupant of the
6 premises subject to the order. The following shall apply:

7 (i) The expense shall be a lien upon the land on
8 which the condition existed, for which a claim may be
9 filed by the department, in the name of the Commonwealth,
10 in the court of common pleas for the county in which the
11 land is located.

12 (ii) A claim under subparagraph (i) must be filed
13 within six months from the date of completion of the work
14 of abatement or removal, subject to the same proceedings
15 for entry or revival of judgment and execution as are
16 provided by law for municipal liens.

17 (3) The department may maintain an action against an
18 owner or occupant, in the name of the Commonwealth, to
19 recover expenses related to abatement under paragraph (1) in
20 the same way as debts of like amounts are recoverable by law.

21 (4) Expenses recovered under this section by enforcement
22 of a lien or by other action shall be paid to the State
23 Treasurer, to be held and used as funds of the department.

24 (5) This subsection shall not apply to waters pumped or
25 flowing from coal mines or tanneries.

26 (e) Revocation or modification of action by a local board of
27 health.--The department may revoke or modify an order,
28 regulation, bylaw or ordinance of a local board of health,
29 concerning a matter which the department has determined affects
30 the public health beyond the territory over which the local

1 board has jurisdiction.

2 (f) Civil penalty.--

3 (1) The department may impose a civil penalty on a
4 person that fails to comply with an order issued by the
5 department under this section, or that resists or interferes
6 with an agent or employee of the department in the
7 performance of the agent's or employee's duties in accordance
8 with the public health regulations and orders of the
9 department.

10 (2) A penalty under paragraph (1) shall be no more than
11 \$1,000 for the first offense, no more than \$2,000 for the
12 second offense and no more than \$5,000 for each subsequent
13 offense.

14 (g) Controlled substances.--The department shall have the
15 power and duty to carry out those powers and duties conferred
16 upon the former Secretary of Health and the former Department of
17 Health under the act of April 14, 1972 (P.L.233, No.64), known
18 as The Controlled Substance, Drug, Device and Cosmetic Act.
19 Notwithstanding any provision of The Controlled Substance, Drug,
20 Device and Cosmetic Act, loperamide hydrochloride is expressly
21 deemed not to be a controlled substance within the meaning of
22 section 4 of that act.

23 Section 2310-C. Newborn testing.

24 (a) General rule--The department shall permit a laboratory
25 certified under the Clinical Laboratories Improvement Act of
26 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
27 perform screening testing of newborn infants in any state and
28 uses normal pediatric reference ranges to conduct the analysis
29 required by section 4(a) of the act of September 9, 1965
30 (P.L.497, No.251), known as the Newborn Child Testing Act, as an

1 alternative to the testing laboratory designated by the
2 department in accordance with section 5 of the Newborn Child
3 Testing Act.

4 (b) Testing requirements.--The testing performed by the
5 laboratory under subsection (a) must include testing for newborn
6 diseases as required by law or regulation and shall provide test
7 results and reports consistent with appropriate policies,
8 procedures, laws and regulations of the department.

9 (c) Blood samples.--A testing laboratory designated by the
10 department or permitted as an alternative under this section
11 shall not use or provide blood samples for scientific research
12 without the informed written consent of the parent or guardian
13 of the child.

14 Section 2311-C. Recovery of blood plasma proteins.

15 The department shall have the power and duty to:

16 (1) Maintain facilities, or contract with facilities,
17 for the recovery of outdated human whole blood and blood from
18 which the cells of certain proteins useful for immunization,
19 treatment, research and disaster stock-piling purposes have
20 been withdrawn.

21 (2) Make available to research institutions, physicians
22 and hospitals, upon request, blood plasma proteins for
23 research, immunization and treatment.

24 (3) Maintain facilities for the proper storage of blood
25 proteins for disaster purposes.

26 (4) Adopt standards for the efficient execution of a
27 blood plasma protein recovery program.

28 (5) Develop and employ the necessary procedures and
29 perform any and all things necessary to carry out the
30 purposes of this section.

1 (6) Collect and dispense money received from any source,
2 by gift or otherwise, for the purpose of carrying out the
3 provisions of this section.

4 Section 2312-C. Vital statistics.

5 The department shall have the power and duty to:

6 (1) Obtain, collect, compile and preserve all statistics
7 from all professionals whose information is deemed to be
8 necessary to ensure a complete registration of births,
9 deaths, marriages and diseases occurring within this
10 Commonwealth or other vital statistics.

11 (2) Prepare the necessary methods, forms and blanks for
12 obtaining and preserving records of births, deaths, marriages
13 and diseases in this Commonwealth.

14 (3) Ensure that the laws requiring the registration of
15 births, deaths, marriages and diseases are uniformly and
16 thoroughly enforced throughout this Commonwealth, along with
17 the prompt provision of registrations to the department.

18 (4) With the advice and concurrence of the Advisory
19 Health Board, promulgate regulations for the thorough
20 organization and efficiency of the registration of vital
21 statistics throughout the Commonwealth, and enforce
22 regulations.

23 (5) Issue birth and death certificates and burial or
24 removal permits as provided by law.

25 (6) Establish districts for the registration of vital
26 statistics and appoint registrars, deputies and sub-
27 registrars, as may be necessary, to obtain, collect, compile
28 and preserve the statistics which the department is required
29 to obtain, collect, compile and preserve. All local
30 registrars, deputies and sub-registrars, appointed under this

1 paragraph, shall perform the duties required of them by the
2 department and shall receive compensation as may be fixed by
3 law.

4 Section 2313-C. Health districts and officers.

5 The department may:

6 (1) Apportion this Commonwealth into health districts as
7 the department, with the approval of the Governor, decides.

8 (2) Appoint a health officer in each health district,
9 who shall:

10 (i) Under the direction of the department, handle
11 matters as delegated by law or by the secretary.

12 (ii) In connection with the management of the
13 sanitary affairs of the Commonwealth, cooperate with the
14 Department of Environmental Protection and with the
15 Department of Conservation and Natural Resources.

16 Section 2314-C. Quarantine.

17 The department shall have the power and duty to:

18 (1) In addition to diseases that may be declared by law
19 to be communicable, declare a disease to be communicable with
20 the approval of the Advisory Health Board and establish
21 regulations for the prevention of the spread of communicable
22 diseases as the department and the Advisory Health Board deem
23 necessary and appropriate.

24 (2) Issue and enforce an isolation and quarantine order,
25 to prevent the spread of a disease declared by law or by the
26 department to be a communicable disease.

27 (3) Administer and enforce the laws of this Commonwealth
28 with regard to vaccination and other means of preventing the
29 spread of a communicable disease.

30 Section 2315-C. Narcotic drugs.

1 The department shall have the power and duty to supervise the
2 enforcement and administration of laws regulating the
3 possession, control, dealing in, giving away, delivery,
4 dispensing, administering, prescribing and use of narcotic
5 drugs.

6 Section 2316-C. Advisory Health Board.

7 The Advisory Health Board shall have the power and duty:

8 (1) To advise the secretary on such matters as the
9 secretary may request.

10 (2) To advise the department regarding the department's
11 promulgation of rules and regulations as necessary for the
12 prevention of disease and for the protection of the lives and
13 health of the residents of this Commonwealth.

14 (3) To make and revise a list of communicable diseases
15 against which children shall be required to be immunized as a
16 condition of attendance at a public, private or parochial
17 school in this Commonwealth. The list shall be published by
18 the department together with rules and regulations
19 promulgated by the department that are necessary to ensure
20 that the immunization is timely, effective and properly
21 verified.

22 (4) To prescribe minimum health activities and minimum
23 standards of performance of health services for a political
24 subdivision.

25 Section 2317-C. Speech and hearing rehabilitation centers.

26 The department shall have the power and duty:

27 (1) To provide, maintain, administer and operate a
28 speech and hearing rehabilitation center:

29 (i) For the diagnosis and treatment of children with
30 or suspected of having hearing loss.

1 (ii) To provide auditory training for preschool
2 children.

3 (iii) To provide consultative services for hard of
4 hearing children of school age and the parents of the
5 children.

6 (2) The department may purchase services if it is not
7 feasible to provide and maintain a speech and hearing
8 rehabilitation center.

9 Section 2318-C. Cystic fibrosis program.

10 The department shall have the power and duty to conduct a
11 program of care and treatment of individuals suffering from
12 cystic fibrosis who are 21 years of age or older.

13 Section 2319-C. Investigators, subpoenas and warrants.

14 (a) Investigator.--The department may:

15 (1) Employ a competent person to:

16 (i) Render sanitary service and undertake or
17 supervise practical and scientific investigations and
18 examinations requiring expert skill.

19 (ii) Prepare plans and reports relative to an
20 investigation and examination under subparagraph (i).

21 (2) Purchase supplies and materials necessary to
22 carrying out the work of the department.

23 (b) Subpoena.--The department may issue a subpoena for the
24 examination, investigation and adjudication of the violation of
25 a statute or regulation administered by the department to secure
26 the attendance of an individual necessary to the matter or
27 proceeding and compel the individual to testify in a matter or
28 proceeding before the department.

29 (c) Order.--In the event of a public health emergency, as
30 determined by the Governor or the secretary, the department may

1 issue and deliver a disease control order to the appropriate law
2 enforcement organization for execution of the order. If required
3 by the order, the law enforcement organization shall
4 immediately, with or without a warrant, take the subject of the
5 disease control order to a facility or other location specified
6 in the order or ensure there is not ingress or egress from the
7 place of isolation or quarantine specified in the order, as
8 appropriate. The law enforcement organization may take
9 appropriate measures to enforce a disease control order against
10 each subject of the order. The law enforcement organization
11 shall provide a copy of the order to each subject of the order.
12 If it is impractical to provide a copy of the order to each
13 subject of the order, the law enforcement organization shall
14 communicate the order in any other manner reasonably likely to
15 reach the subjects of the order.

16 (d) Definition.--As used in this section, the term "public
17 health emergency" means an occurrence or imminent threat of a
18 disease or condition of public health importance with the
19 following characteristics:

20 (1) Is believed to be caused by any of the following:

21 (i) A bioterrorist event, a chemical attack or a
22 nuclear attack.

23 (ii) The appearance of a novel or previously
24 controlled or eradicated infectious agent or biological
25 toxin.

26 (iii) A natural disaster, an accidental chemical
27 release or a nuclear incident.

28 (iv) A disease outbreak or unusual expression of
29 illness.

30 (2) Poses a high probability of any of the following

1 harms in the affected population:

2 (i) A large number of deaths.

3 (ii) A large number of serious or long-term
4 disabilities.

5 (iii) Widespread exposure to an infectious or toxic
6 agent that poses a significant risk of substantial
7 present or future harm to a large number of individuals.

8 Section 2320-C. Cooperation in enforcing health laws.

9 A city, borough or township may cooperate with the following
10 in the administration and enforcement of this article and of the
11 rules and regulations of the department:

12 (1) The county in which the city, borough or township is
13 situated.

14 (2) Another political subdivision within the county.

15 (3) The department.

16 Section 2321-C. Anatomical gifts.

17 In addition to the powers and duties of the department
18 relating to anatomical gifts, the department shall continue the
19 rotation of referrals to tissue procurement providers started
20 under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

21 Adjustments to the rotation may be made to accommodate new,
22 quality tissue procurement providers accredited by the American
23 Association of Tissue Banks or a successor organization, as
24 adjudged under the guidelines published in 26 Pa.B. 2044 (April
25 27, 1996). A hospital may discontinue the rotation for cause.

26 Section 2322-C. Programs and services for older adults.

27 (a) Powers and duties.--The department shall have the power
28 and duty to:

29 (1) Evaluate the need for services for older adults
30 within this Commonwealth and determine the extent to which

1 public and private programs meet the need with special
2 emphasis on the needs and participation of older adults who
3 are members of minority communities.

4 (2) Assist with planning and provide consultation to
5 Commonwealth agencies with respect to services, programs and
6 activities which the agencies may furnish to older adults.

7 (3) Develop and periodically update, in consultation
8 with the council and the area agencies, a comprehensive plan
9 for coordinating all major Commonwealth services, programs
10 and activities which are directed towards an individual with
11 a chronic physical or mental impairment which necessitates
12 long-term care.

13 (4) Provide for services to older adults through area
14 agencies and other appropriate agencies, organizations and
15 institutions authorized under the Older Americans Act of
16 1965, related Federal acts and laws of this Commonwealth and
17 stimulate services and opportunities for older adults which
18 are not otherwise available.

19 (5) Function as the single State agency to receive and
20 disburse Federal funds under the Older Americans Act of 1965
21 and Commonwealth funds made available for providing services
22 to older adults.

23 (6) Develop and administer the State plan for the aging
24 required by Federal law.

25 (7) Serve as an advocate for older adults at each level
26 of government and provide consultation and assistance to the
27 area agencies, communities and civic groups developing local
28 services for older adults.

29 (8) Maintain a clearinghouse of information related to
30 the interests of older adults and provide technical

1 assistance and consultation to public and private agencies
2 with respect to programs and services for older adults.

3 (9) Prepare for the Governor an annual budget as may be
4 reasonably required to address the needs of the council and
5 the regional councils.

6 (10) Promote, utilizing wherever possible the area
7 agencies, community education regarding the problems of older
8 adults through institutes, publications and use of
9 communications media.

10 (11) Cooperate with area agencies and agencies of the
11 Federal government in studies and conferences designed to
12 examine the needs of the older adult population of this
13 Commonwealth and to assist in preparing programs and
14 developing facilities to meet those needs.

15 (12) Promote and support programs, studies and policies,
16 in cooperation with the Department of Labor and Industry, the
17 Department of Education, the Department of Community and
18 Economic Development and other agencies, which will enhance
19 the opportunity for continued work, education and training
20 for older adults and for preretirement assistance where
21 appropriate.

22 (13) Promote, through the use of area agencies and
23 direct grants, contracts and technical assistance, the
24 development of independent senior centers, service
25 organizations, clubs, associations and organizations
26 dedicated to the rights and needs of older adults when the
27 development of independent senior centers, service
28 organizations, clubs, associations and organizations are not
29 in conflict with State or area plans for older adults.

30 (14) Make recommendations for legislative action

1 concerning older adults to the Governor and the General
2 Assembly.

3 (15) In coordination with the area agencies and the
4 council, develop and conduct research, demonstration programs
5 and training programs to advance the interests of older
6 adults.

7 (16) Publish a description of the organization and
8 function of the department so that interested agencies and
9 individuals may be better able to solicit assistance from the
10 department.

11 (17) Administer and supervise a domiciliary care
12 program.

13 (18) Conduct, in cooperation with appropriate
14 Commonwealth and local public and private agencies, studies
15 and evaluations pertaining to the quality of life, health and
16 social needs, civil rights and status of older adults
17 residing in personal care homes and similar residencies and
18 report the findings and recommendations to the General
19 Assembly.

20 (19) (i) In cooperation with the area agencies and
21 Federal, Commonwealth and local organizations and
22 agencies, work toward the development of community-based
23 service and housing options designed to maintain impaired
24 and chronically ill older adults in the community and
25 avoid or delay institutional care as described in section
26 2325-C(b)(1).

27 (ii) To the extent that the needs of other adults
28 involve and overlap the needs of older adults addressed
29 by this paragraph, the department shall serve as an
30 advocate for adults of all ages.

1 (20) Develop and administer a system of preadmission
2 assessment for older adults who are at risk of needing
3 institutional care, if the Governor finds the system cost
4 effective.

5 (21) Develop and administer a system of managed
6 community-based long-term care for older adults who are
7 assessed as being clinically eligible for nursing home care
8 and who can be cared for within cost-of-care guidelines
9 established by the department, if the Governor finds the
10 system cost effective.

11 (22) Review all proposed Commonwealth program plans and
12 policies and administrative regulations that are published in
13 the Pennsylvania Bulletin for their impact on older adults.

14 (23) At the option of the secretary, administer special
15 transit programs for older adults as may be authorized by the
16 laws of this Commonwealth.

17 (24) Serve as an advocate for the needs of adults with
18 disabilities as the needs involve and overlap the needs and
19 services of older adults.

20 (25) Review the activities of regulatory agencies of the
21 Commonwealth which affect the full and fair utilization of
22 Commonwealth and community resources for programs and
23 benefits for older adults and initiate programs which will
24 help assure the utilization.

25 (26) Conduct periodic studies and evaluations pertaining
26 to the quality of care and related services for consumers of
27 long-term care services and report the findings to the
28 General Assembly.

29 (27) Conduct an ongoing Statewide prescription drug
30 education program designed to inform older adults of the

1 dangers of prescription drug abuse and misuse.

2 (28) Establish and administer a State Long-Term Care
3 Ombudsman Program, including providing resources to area
4 agencies or other contractors to investigate and resolve
5 complaints related to the health, safety or rights of older
6 adults who are consumers of long-term care services and to
7 prepare and submit to the General Assembly an annual report
8 containing data and findings regarding the types of problems
9 experienced and complaints investigated.

10 (29) Collaborate with the Department of Community and
11 Economic Development and the Pennsylvania Housing Finance
12 Agency in the location, design, management and services of
13 housing built for older adults and upon request provide
14 technical assistance to local housing authorities, nonprofit
15 housing and community groups, redevelopment authorities and
16 other groups with a special emphasis on programs on utility
17 costs, rehabilitation and maintenance of the homes of older
18 adults.

19 (30) Provide for services to adults under 60 years of
20 age whose needs for services are similar to those for which
21 the department is responsible with respect to older adults
22 and as may be specifically authorized by law.

23 (b) Objective.--The objectives of the programs and services
24 for older adults are as follows:

25 (1) To effect the maximum feasible coordination of, and
26 eliminate duplication in, the Commonwealth's administration
27 of certain Federal and State programs for older adults.

28 (2) To further promote the efficient delivery of certain
29 social and other services to older adults.

30 (3) To promote the creation and growth of independent

1 clubs and associations of older adults and related activities
2 which assist older adults in maintaining lives of
3 independence and dignity, involvement in the social, economic
4 and political affairs of their communities and dignified and
5 efficient assistance when disabled or impaired.

6 Section 2323-C. Planning and service areas.

7 (a) Establishment.--The geographical planning and service
8 areas established by the authority of the secretary under the
9 Older Americans Act of 1965 and in effect as of July 1, 2017,
10 shall remain in effect and not be reduced by size or number,
11 except as prohibited by Federal law.

12 (b) Designated area agencies.--For each planning and service
13 area there shall be one area agency designated by the department
14 in accordance with the Older Americans Act of 1965 to serve as a
15 focal point in the community for the coordination of services
16 for older adults and for the issues and concerns of aging. An
17 area agency designated by the department must be one of the
18 following:

19 (1) An established office of aging.

20 (2) An office or agency of a unit of general purpose
21 local government, which is designated for this purpose by the
22 chief elected officials of the unit of general purpose local
23 government.

24 (3) An office or agency designated by the chief elected
25 officials of a combination of units of general purpose local
26 government to act on behalf of the combination for this
27 purpose.

28 (4) A public or nonprofit private agency in a planning
29 and service area which is under the supervision or direction
30 for this purpose of the designated Commonwealth agency,

1 which can engage in the planning or provision of a broad
2 range of social services within the planning and service area
3 and which can provide adequate assurance, as determined by
4 the department, that it will have the ability to develop and
5 administer an area plan.

6 (c) Designation and redesignation.--The secretary, in
7 consultation with the Commissioner on Aging, may redesignate or
8 designate new area agencies based on regulations promulgated by
9 the department. The regulations shall include criteria of
10 efficiencies, appropriateness and equity and shall provide for
11 public hearings on redesignation conducted in the affected
12 planning and service areas. The determinations of redesignation
13 shall be executed not less than 100 days prior to the beginning
14 of the fiscal year of the local authority. A designation or
15 redesignation may only occur under the following circumstances:

16 (1) Changes are made in established planning and service
17 area boundaries as provided under subsection (a).

18 (2) A currently designated area agency is incapable of
19 carrying out the approved area plan.

20 (3) A currently designated area agency is unable or
21 unwilling to continue as the area agency.

22 (4) Removal of an area agency designation is requested
23 by the local authority with cause shown.

24 (5) As required under 45 CFR Pt. 1321 (relating to
25 grants to State and community programs on aging).

26 (d) Removal.--The removal of an area agency designation and
27 the designation of a new area agency shall be carried out under
28 regulations promulgated by the department, in consultation with
29 the Commissioner on Aging, and consistent with the Older
30 Americans Act of 1965 and Federal regulations.

1 Section 2324-C. (Reserved).

2 Section 2325-C. Area agencies and powers and duties.

3 (a) Authority.--The area agency shall have the authority to
4 act as an advocate at all levels of government and within the
5 community at large for the interests of older adults within the
6 planning and service area. The area agency shall develop a
7 comprehensive area plan to coordinate services for older adults
8 within the planning and service area as the department may
9 prescribe by regulation. The area plan shall make provision for
10 the following:

11 (1) Information about and referral to advocacy programs.

12 (2) Social service case management and casework services
13 including protective services and placement services.

14 (3) Transportation services.

15 (4) Legal counseling and representation.

16 (5) In-home services including personal care and health-
17 related services.

18 (6) Assistance to secure adequate housing and health
19 services.

20 (7) Other services required by Federal law and other
21 services and activities designated by the department or
22 identified as critical needs by the area agency and the area
23 agency advisory board. The State plan on aging and grants and
24 contracts provided by the department shall reasonably
25 accommodate the locally designated priorities and critical
26 needs.

27 (8) The establishment of an affiliated network of
28 multiservice centers and neighborhood centers for older
29 adults. Each center shall provide those services required by
30 the department in accordance with regulations promulgated by

1 the department, which regulations shall provide for the
2 maximum involvement of members of the centers and sponsoring
3 organizations in the identification and prioritization of
4 services and activities to be conducted in the centers.

5 (b) Duties.--

6 (1) The area agency shall be responsible for working
7 toward the development, in cooperation with Commonwealth and
8 local organizations and agencies, of community-based service
9 and housing options designed to maintain impaired and
10 chronically ill older adults in the community and avoid or
11 delay institutional care. System development activities shall
12 include, but not be limited to, coordinating area plans for
13 the provision, expansion and effective administration of:

14 (i) Personal care and health-related services
15 provided to older adults in their homes.

16 (ii) Housing options including service-assisted
17 housing and personal care homes.

18 (iii) Special supports to caregivers who care for
19 impaired older adults.

20 (iv) Adult day-care services, respite services and
21 other community-based services to support care by
22 caregivers.

23 (v) The promotion of informal community supports.

24 (vi) Geriatric assessment and nursing home screening
25 programs.

26 (vii) Special services to protect the health, safety
27 and welfare of older adults who lack the capacity to
28 protect themselves.

29 (viii) Special advocacy efforts to promote greater
30 awareness of, and more effective response to, the

1 problems of individuals with Alzheimer's disease and
2 other related brain disorders.

3 (2) To the extent that the needs of other adults involve
4 and overlap the needs of older adults addressed under this
5 subsection, the area agency shall serve as an advocate for
6 adults of all ages.

7 (c) Priority.--The area agency shall give priority of
8 services to older adults with the greatest need and least
9 resources. The following factors shall be considered when
10 identifying older adults entitled to priority:

11 (1) Severe restriction of ability to carry out daily
12 activities or other functional disabilities.

13 (2) Living alone in a private apartment or home.

14 (3) Seventy-five years of age or older.

15 (4) Low income.

16 (5) The availability of services to minorities in
17 proportion to their numbers consistent with the provisions of
18 the act of October 27, 1955 (P.L.744, No.222), known as the
19 Pennsylvania Human Relations Act.

20 (6) Inadequate housing.

21 (7) Lack of access to recreational and social
22 activities.

23 (d) Preference.--The area agency shall provide preference in
24 filling all jobs for older adults in accordance with the
25 regulations promulgated by the department.

26 (e) Contracting.--Consistent with the Older Americans Act of
27 1965 and rules, regulations and guidelines of the department,
28 the area agency may grant to or contract with a public or
29 private agency for the provision of social services. The area
30 agency is authorized to use the services, equipment, personnel

1 and facilities of Federal and Commonwealth agencies, with or
2 without reimbursement, and on a similar basis to cooperate with
3 other public and private agencies, and instrumentalities, in the
4 use of services, equipment and facilities.

5 Section 2326-C. Area Agency Advisory Councils.

6 In each planning and service area, an advisory council of at
7 least 15 members shall be appointed to advise the area agency
8 with regard to the needs of older adults residing in the
9 planning and service area and the area agency's responses to
10 those needs. The composition and responsibility of each area
11 agency advisory council shall be consistent with the provisions
12 of the Older Americans Act of 1965 and the regulations of the
13 department. At a minimum, the regulations shall require that
14 each council be composed of a majority of older adults. The
15 councils shall be given the maximum possible opportunity to
16 influence local programs and policies and advocacy roles within
17 area agency programs and local communities. Area agencies shall
18 provide advisory councils with funds necessary to carry out
19 their functions.

20 Section 2327-C. Area agencies and reports and plans.

21 (a) Comprehensive area plan on aging.--Each area agency
22 shall submit to the department a comprehensive area plan on
23 aging which clearly explains the area agency's objectives for
24 providing services to the older adults of the planning and
25 service area. If the format is approved by the department, the
26 plan may be submitted as part of a coordinated county human
27 service plan.

28 (b) Annual report.--Each area agency shall submit to the
29 department an annual report which describes and evaluates its
30 programs and services after the close of each year of funding by

1 the department.

2 Section 2328-C. Allocation of resources.

3 (a) Allocation.--The area agency shall receive a basic
4 allocation of resources, consisting of Federal and Commonwealth
5 funds weighted by the proportion of poor older adults who reside
6 in the planning and service area in relation to the total number
7 of poor older adults who reside in this Commonwealth utilizing
8 poverty threshold income standards as determined by the United
9 States Office of Management and Budget. Each area agency shall
10 be held harmless to the amount of Commonwealth funds received in
11 the preceding program year.

12 (b) Additional allocations.--The department may allocate
13 additional resources to area agencies based upon:

14 (1) the total number of older adults who reside within
15 the planning and service area;

16 (2) the availability of transportation services;

17 (3) the rural-urban distribution of older adults and
18 attendant rural program cost differentials;

19 (4) the need for social and medical services; and

20 (5) the amount of funds provided by the authorities for
21 older adults and other special circumstances as determined by
22 the department.

23 (c) Distribution.--Funds appropriated to carry out the
24 provisions of this article shall be distributed to local
25 authorities or nonprofit agencies as grants or cost
26 reimbursement for services to older adults if there is an
27 acceptable plan in accordance with section 2325-C.

28 Section 2329-C. Evaluation.

29 The department shall continually review and evaluate the
30 activities of area agencies and the impact and effectiveness of

1 all programs under this article. The department shall ensure
2 that evaluations, including an onsite evaluation, be made
3 annually of all area agency activities and programs. A written
4 report of the findings of the evaluation shall be submitted to
5 the area agency subject to the evaluation and within 30 days
6 shall be available to the public. In all evaluations, the
7 department shall obtain the views of program beneficiaries
8 concerning strengths and weaknesses of the program. Other
9 departments and agencies of the Commonwealth shall make
10 available to the department information necessary for the
11 evaluations. Annually the department shall submit to the
12 Governor and the General Assembly a report on its activities
13 including statistical data reflecting services and activities
14 provided older persons during the preceding fiscal year.

15 Section 2330-C. Demonstration programs.

16 In recognition of the need for expanded knowledge and
17 experience concerning the status of older adults, the department
18 may establish research and demonstration programs for the
19 purpose of:

20 (1) Studying current living conditions and needs of
21 older adults, with special emphasis on adults with low
22 income, medical and functional disabilities, advanced age and
23 isolated living situations.

24 (2) Studying existing methods and alternatives for
25 providing services, programs and opportunities to older
26 adults.

27 (3) Identifying those factors of particular detriment or
28 benefit to the welfare of older adults.

29 (4) Developing new approaches and alternatives for
30 living arrangements, social services, institutional care,

1 health services, legal representation and the coordination of
2 community services for older adults.

3 Section 2331-C. Domestic violence and rape victim services.

4 (a) Findings.--The General Assembly finds that the public
5 health and safety is threatened by increasing incidences of
6 domestic violence and rape. Domestic violence programs and rape
7 crisis programs provide needed support services for victims and
8 assist in prevention through community education. It is in the
9 public interest of the Commonwealth to establish a mechanism to
10 provide financial assistance to domestic violence centers and
11 rape crisis centers for the operation of domestic violence
12 programs and rape crisis programs.

13 (b) Imposition of additional cost.--A person who, after the
14 effective date of this section, pleads guilty or nolo contendere
15 to or is convicted of a crime, in addition to all other costs,
16 shall pay an additional cost of \$10 for the purpose of funding
17 services under this section. The money shall be paid to the
18 State Treasurer to be deposited in the General Fund. A political
19 subdivision shall not be liable for the payment of the \$10 in
20 additional costs.

21 (c) Grants.--The department shall award grants to domestic
22 violence centers and rape crisis centers for the operation of
23 domestic violence programs and rape crisis programs consistent
24 with this section. In awarding grants, the department shall
25 consider the population to be served, the geographic area to be
26 served, the scope of the services, the need for services and the
27 amount of funds provided from other sources.

28 (d) Applications.--The department shall make available to
29 the public, at cost, copies of applications that have been
30 submitted or approved for funding under this section and reports

1 on fiscal or programmatic reviews of funded programs.

2 (e) Definition.--As used in this section, the term "crime"
3 shall mean an act committed in this Commonwealth which, if
4 committed by a mentally competent, criminally responsible adult,
5 who had no legal exemption or defense, would constitute a crime
6 as defined in and proscribed by 18 Pa.C.S. (relating to crimes
7 and offenses) or enumerated in the act of April 14, 1972
8 (P.L.233, No.64), known as The Controlled Substance, Drug,
9 Device and Cosmetic Act. The term shall not include an act
10 involving the operation of a motor vehicle which results in
11 injury unless the injury was intentionally inflicted through the
12 use of a motor vehicle.

13 Section 2332-C. Human services advisory committees.

14 (a) Advisory committees.--The department shall appoint and
15 maintain the following advisory committees which shall include
16 representatives of public and private agencies, recipients of
17 services, family members, service providers and advocates:

18 (1) A medical assistance advisory committee.

19 (2) An income maintenance advisory committee.

20 (3) An intellectual disabilities and autism advisory
21 committee.

22 (4) A mental health advisory committee.

23 (5) A child welfare advisory committee.

24 (b) Powers and duties.--An advisory committee shall have the
25 power and duty to:

26 (1) Advise the appropriate major program unit within the
27 department. This advice shall include, but shall not be
28 limited to, the following:

29 (i) Standards of eligibility.

30 (ii) Nature and extent of service.

1 (iii) Amounts of payments to individuals.

2 (iv) Standards of approval, certification and
3 licensure of institutions and agencies.

4 (v) The coordination of public and private human
5 services activities.

6 (vi) Other matters as may, by law, require citizen
7 review or may be referred to the committees.

8 (2) Arrange for and conduct public hearings as may be
9 required by law or which an advisory committee deems
10 necessary and advisable.

11 (3) Promote better public understanding of the programs
12 and objectives of the departmental units advised by them.

13 (4) Carry out the functions of advisory committees as
14 otherwise provided by law.

15 (c) Mental health advisory committee.--The mental health
16 advisory committee shall have the power and duty to advise the
17 Governor and the secretary with regard to the appointment of the
18 Commissioner of Mental Health under the act of July 9, 1987
19 (P.L.207, No.32).

20 Section 6. Transfers shall be effectuated as follows:

21 (1) The functions, personnel, allocations,
22 appropriations, equipment, supplies, records, contracts,
23 grants, agreements, rights and obligations of the Department
24 of Aging, the Department of Drug and Alcohol Programs, the
25 Department of Health, the Department of Human Services or the
26 Department of Public Welfare shall be transferred to the
27 Department of Health and Human Services. Upon completion, the
28 transfers under this paragraph shall have the same effect as
29 if the subjects of transfers had originally been those of the
30 Department of Health and Human Services.

1 (2) Personnel transferred under paragraph (1) shall
2 retain the same employment status held prior to transfer.

3 This paragraph includes:

4 (i) Civil Service classification.

5 (ii) Seniority.

6 (iii) Benefits.

7 (iv) Perquisites.

8 (3) Activities initiated under Articles XXI, XXII-A,
9 XXIII or XXIII-A of the act or under the act of April 27,
10 1905 (P.L. 312, No. 218), entitled, "An act creating a
11 Department of Health, and defining its powers and duties,"
12 shall continue and remain in full force and effect and may be
13 completed under Article XXIII-C of the act.

14 (4) Orders, regulations, rules and decisions which were
15 made under Articles XXI, XXII-A, XXIII or XXIII-A of the act
16 or under Act 218 of 1905 and which are in effect on the
17 effective date of section 8 of this act shall remain in full
18 force and effect until revoked, vacated or modified under
19 Article XXIII-C of the act.

20 (5) Contracts, grants, agreements, obligations and
21 collective bargaining agreements entered into under Articles
22 XXI, XXII-A, XXIII or XXIII-A of the act or under Act 218 of
23 1905 are not affected nor impaired by repeals under this act.

24 (6) If a State government entity includes membership by
25 more than one secretary under section 7(2), the Secretary of
26 Health and Human Services shall serve as one affected member
27 and shall designate the other affected members.

28 Section 7. The following apply to references:

29 (1) A reference in a statute or regulation to the
30 Department of Aging, the Department of Drug and Alcohol

1 Programs, the Department of Health, the Department of Human
2 Services or the Department of Public Welfare shall be deemed
3 a reference to the Department of Health and Human Services.

4 (2) A reference in a statute or regulation to the
5 Secretary of Aging, the Secretary of Drug and Alcohol
6 Programs, the Secretary of Health, the Secretary of Human
7 Services or the Secretary of Public Welfare shall be deemed a
8 reference to the Secretary of Health and Human Services.

9 Section 8. Repeals are as follows:

10 (1) The General Assembly declares that the repeal under
11 paragraph (2) is necessary to effectuate the addition of
12 Article XXIII-C of the act.

13 (2) The act of April 27, 1905 (P.L.312, No.218),
14 entitled, "An act creating a Department of Health, and
15 defining its powers and duties."

16 (3) Section 805 of the act of July 19, 1979 (P.L.130,
17 No.48), known as the Health Care Facilities Act.

18 (4) Section 4 of the act of June 23, 1970 (P.L.419,
19 No.140), referred to as the Renal Disease Treatment Act.

20 Section 9. The Secretary of Aging, the Secretary of Drug and
21 Alcohol Programs, the Secretary of Health and the Secretary of
22 Human Services and the employees of the Department of Aging, the
23 Department of Drug and Alcohol Programs, the Department of
24 Health and the Department of Human Services shall cooperate in
25 the transfers under section 6 of this act and other transition
26 activities required to implement Article XXIII-C of the act.
27 Upon completion of those transfers and transition activities
28 deemed necessary to implement Article XXIII-C of the act, the
29 Governor shall submit a notice to that effect for publication in
30 the Pennsylvania Bulletin.

1 Section 10. This act shall take effect as follows:

2 (1) The following provisions shall take effect
3 immediately:

4 (i) Section 6(1), (2), (3), (4) and (5) of this act.

5 (ii) Section 9 of this act.

6 (iii) This section.

7 (2) The remainder of this act shall take effect upon
8 publication of the notice under section 9 of this act.