
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 828 Session of
2017

INTRODUCED BY YAW, WHITE, MCGARRIGLE, DINNIMAN AND VULAKOVICH,
JUNE 29, 2017

REFERRED TO INTERGOVERNMENTAL OPERATIONS, JUNE 29, 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; abolishing the Department of Aging and
26 Department of Health and transferring their powers and
27 duties; making related repeals; and making editorial changes.

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

30 Section 1. Sections 201(a), 202, 203, 206, 207.1(d)(1) and

1 448(f), (k) and (l) of the act of April 9, 1929 (P.L.177,
2 No.175), known as The Administrative Code of 1929, are amended
3 to read:

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

28 * * *

29 Section 202. Departmental Administrative Boards,
30 Commissions, and Offices.--The following boards, commissions,

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

5 In the Department of State,

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

28 In the Treasury Department,

29 Board of Finance and Revenue;

30 In the Department of Community Affairs,

1 Board of Property;
2 In the Department of Education,
3 Board of Trustees of Thaddeus Stevens College of
4 Technology,
5 Board of Trustees of Scranton State School for the Deaf,
6 Public Service Institute Board,
7 State Board of Private Academic Schools,
8 State Board of Private Licensed Schools,
9 State Board of Education.

10 In the Department of Military and Veterans Affairs,
11 Armory Board of the State of Pennsylvania,
12 Board of Trustees of Scotland School for Veterans'
13 Children.

14 In the Department of Banking,
15 Board to License Private Bankers;

16 In the Department of Agriculture,
17 State Farm Products Show Commission;

18 [In the Department of Health,]

19 In the Department of Labor and Industry,
20 Workmen's Compensation Appeal Board,
21 State Workmen's Insurance Board,
22 The Industrial Board,
23 Unemployment Compensation Board of Review,
24 Pennsylvania Labor Relations Board,
25 Advisory Council on Affairs of the Handicapped;

26 [In the Department of Public Welfare,
27 Board of Trustees of The Western Youth Development
28 Centers,
29 Board of Trustees of The Central Youth Development
30 Centers,

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

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

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

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

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

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

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

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

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

29 In the Department of Health and Human Services,
30 A board of trustees for each psychiatric hospital

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

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

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

12 In the Department of Military Affairs,

13 State Military Reservation Commission,

14 In the Department of Environmental Protection,

15 Citizens Advisory Council;

16 In the Department of Health and Human Services,

17 Advisory Health Board[;],

18 Pennsylvania Advisory Council on Drug and Alcohol Abuse,

19 A community advisory board for each youth development

20 center operated by the department,

21 A community advisory board for each youth forestry camp

22 operated by the department;

23 In the Department of Labor and Industry,

24 Advisory Council on Affairs of the Handicapped,

25 Advisory Board on Problems of Older Workers,

26 Policy, Planning and Evaluation Advisory Committee[;]

27 In the Department of Public Welfare,

28 State Board of Public Welfare,

29 Advisory Committee for the Blind,

30 Advisory Committee for General and Special Hospitals,

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

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

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

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

14 Auditor General, of the Department of the Auditor General;

15 State Treasurer, of the Treasury Department;

16 Attorney General, of the Office of Attorney General;

17 Secretary of Education, of the Department of Education;

18 Adjutant General, of the Department of Military Affairs;

19 Insurance Commissioner, of the Insurance Department;

20 Secretary of Banking, of the Department of Banking;

21 Secretary of Agriculture, of the Department of Agriculture;

22 Secretary of Transportation, of the Department of

23 Transportation;

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

25 Health and Human Services;

26 Secretary of Drug and Alcohol Programs, of the

27 Department of Drug and Alcohol Programs;

28 Secretary of Labor and Industry, of the Department of Labor

29 and Industry;

30 [Secretary of Aging, of the Department of Aging;

1 Secretary of Public Welfare, of the Department of Public
2 Welfare;]

3 Secretary of Revenue, of the Department of Revenue;

4 Secretary of Community and Economic Development, of the
5 Department of Community and Economic Development;

6 Secretary of Environmental Protection, of the Department of
7 Environmental Protection;

8 Secretary of Conservation and Natural Resources, of the
9 Department of Conservation and Natural Resources;

10 Secretary of General Services, of the Department of General
11 Services;

12 Secretary of Corrections, of the Department of Corrections.

13 Section 207.1. Gubernatorial Appointments.--* * *

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

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

1 * * *

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

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

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

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

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

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

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

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

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

13 Advisory Committee for the Blind,

14 Advisory Committee for General and Special Hospitals,

15 Advisory Committee for Children and Youth,

16 Advisory Committee for Public Assistance,

17 Advisory Committee for Mental Health and Mental Retardation.

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

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

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

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

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

29 * * *

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

1 [ARTICLE XXI

2 POWERS AND DUTIES OF THE DEPARTMENT

3 OF HEALTH AND ITS DEPARTMENTAL

4 ADMINISTRATIVE AND ADVISORY BOARDS

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

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

29 Section 2102. General Health Administration.--The Department
30 of Health shall have the power, and its duty shall be:

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

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

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

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

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

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

1 jurisdiction;

2 (g) To promulgate its rules and regulations.

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

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

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

29 (k) To investigate, hold hearings upon and determine any
30 question of fact regarding the purity of water supplied to the

1 public by any public utility over which the Pennsylvania Public
2 Utility Commission has jurisdiction, whenever said commission
3 shall certify such question to the department.

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

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

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

23 (n) To designate the Health Care Policy Board to adjudicate
24 appeals, in accordance with 2 Pa.C.S. (relating to
25 administrative law and procedure), of decisions made under
26 Chapters 7 and 8 of the act of July 19, 1979 (P.L.130, No.48),
27 known as the "Health Care Facilities Act." The department shall
28 promulgate regulations establishing appeal procedures to be
29 followed. Until such time as final regulations have been
30 promulgated, procedures set forth in 37 Pa. Code Ch. 197

1 (relating to practice and procedure) and 1 Pa. Code Part II
2 (relating to general rules of administrative practice and
3 procedure) shall be followed for these appeals.

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

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

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

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

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

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

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

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

27 (a) To obtain, collect, compile, and preserve all statistics
28 of marriages, deaths, diseases, of practitioners of medicine and
29 surgery, of midwives, nurses, and undertakers, and of all
30 professions whose occupation is deemed to be of importance in

1 obtaining a complete registration of births, deaths, marriages,
2 and diseases, or other vital statistics;

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

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

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

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

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

29 Section 2105. Health Districts and Officers.--The Department
30 of Health shall have the power to apportion the Commonwealth

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

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

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

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

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

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

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

28 (b) To approve or disapprove plans and specifications for
29 county hospitals or sanatoria erected for the treatment therein
30 of persons suffering from tuberculosis, as may now or hereafter

1 be provided by law.

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

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

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

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

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

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

28 (d) To prescribe minimum health activities and minimum
29 standards of performance of health services for counties or
30 other political subdivisions.

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

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

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

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

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

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

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

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

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

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

28 Section 2117. Center for Treatment of Physical and Neuro-
29 developmental Disabilities.--(a) Effective July 1, 1982, a
30 center is hereby established to be managed and controlled by the

1 Pennsylvania State University to provide comprehensive
2 diagnostic and treatment services for persons with physical and
3 neuro-developmental disabilities amenable to medical, surgical
4 and rehabilitative treatment.

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

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

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

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

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

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

29 Excepting thereout and therefrom three tracts of surplus land
30 with buildings thereon submitted under Article XXIV-A of this

1 act for sale or disposition, No. 1 containing 9 acres and
2 buildings on both sides of Cassell Road; No. 2 containing a lot,
3 a residence and garage; No. 3 containing the Superintendent's
4 Residence and the surrounding land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) Onsite parenting skills counseling and training.

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

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

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

1 as the department deems appropriate.

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

4 (7) Onsite structured reentry counseling and activities.

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

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

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

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

30 (e) The Department of Health shall annually convene a

1 meeting of all recipients of funds for programs funded under
2 this section and other interested parties so that the department
3 may receive input regarding ways to improve and expand treatment
4 services and prevention activities for pregnant women, mothers
5 and young children.

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

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

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

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

27 (a) To establish, on a demonstration basis, programs to
28 train the staff of child protective services agencies,
29 counseling programs and shelters for victims of domestic
30 violence, recipients of funds under the High Risk Maternity

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

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

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

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

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

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

27 * * *

28 Section 4. Article XXII-A of the act is repealed:

29 [ARTICLE XXII-A
30 DEPARTMENT OF AGING

1 Section 2201-A. Objectives.--The objectives of this article
2 are:

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

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

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

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

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

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

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

27 "Council" means the Pennsylvania Council on Aging.

28 "Department" means the Department of Aging.

29 "Domiciliary care" is a protected living arrangement in the
30 community which provides a safe, supportive, homelike

1 residential setting for three or less adults who are unrelated
2 to the domiciliary care provider, who cannot live independently
3 in the community, and who are placed by an area agency.

4 "Federal Older Americans Act of 1965" means Public Law 89-73,
5 42 U.S.C. § 3001 et seq., as amended.

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

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

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

18 "Secretary" means the Secretary of Aging.

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

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

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

29 (1) Evaluate the need for services for the aged within the
30 State and determine the extent to which public and private

1 programs meet such a need with special emphasis on the needs and
2 participation of the minority elderly.

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

6 (2.1) Develop and periodically update in consultation with
7 the council and the area agencies, a comprehensive plan for
8 coordinating all major Commonwealth services, programs and
9 activities which are directed towards persons with chronic
10 physical or mental impairments which necessitate long-term care.

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

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

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

23 (5.1) Administer the act of November 4, 1983 (P.L.217,
24 No.63), known as the "Pharmaceutical Assistance Contract for the
25 Elderly Act."

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

30 (7) Maintain a clearinghouse of information related to the

1 interests of older persons and provide technical assistance and
2 consultation to all agencies, both public and private with
3 respect to programs and services for older persons.

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

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

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

16 (11) Promote and support programs, studies and policies, in
17 cooperation with the Departments of Labor and Industry,
18 Education, Community and Economic Development, Public Welfare
19 and other agencies, which will enhance the opportunity for
20 continued work, education and training for older persons and for
21 preretirement assistance where appropriate. ((11) amended July
22 9, 2010, P.L.348, No.50)

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

29 (13) Make recommendations for legislative action to the
30 Governor and the General Assembly.

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

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

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

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

16 (17.1) In cooperation with the area agencies and Federal,
17 State and local organizations and agencies, work toward the
18 development of a continuum of community-based service and
19 housing options for impaired and chronically ill older persons
20 designed to maintain them in the community and avoid or delay
21 institutional care. System development activities shall include,
22 but not be limited to, coordinating the Commonwealth's plans for
23 the provision, expansion and effective administration of:

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

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

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

30 (iv) Adult day-care services, respite services and other

1 community-based services to support care by caregivers.

2 (v) The promotion of informal community supports.

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

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

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

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

16 (17.2) In cooperation with the Department of Health and the
17 Department of Public Welfare:

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

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

26 (18) Review all proposed Commonwealth program plans and
27 policies, and administrative regulations that are published in
28 the Pennsylvania Bulletin for their impact on older persons.

29 Where the secretary believes that they have an impact on older
30 persons, he shall comment in accordance with the provisions of

1 the Commonwealth Documents Law.

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

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

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

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

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

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

29 (24.1) Conduct, in cooperation with the Department of
30 Health, an ongoing Statewide prescription drug education program

1 designed to inform older adults of the dangers of prescription
2 drug abuse and misuse.

3 (24.2) Establish and administer a State Long-Term Care
4 Ombudsman Program, including providing resources to area
5 agencies on aging or other contractors to investigate and
6 resolve complaints related to the health, safety or rights of
7 older individuals who are consumers of long-term care services
8 and to prepare and submit to the General Assembly an annual
9 report containing data and findings regarding the types of
10 problems experienced and complaints investigated.

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

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

28 (27) Review and comment on rules, regulations, eligibility
29 standards, or contract provisions issued by the Departments of
30 Revenue and Transportation relating to activities financed in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 set forth by the department for combining or dividing
2 geographical areas to bring about more effective and efficient
3 planning and service delivery.

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

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

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

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

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

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

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

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

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

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

30 (4) Adult day-care services, respite services and other

1 community-based services to support care by caregivers.

2 (5) The promotion of informal community supports.

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

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

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

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

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

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

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

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

23 (4) Low income.

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

26 (6) Inadequate housing.

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

28 (c) In carrying out this section, the area agency shall
29 provide preference in filling all jobs for persons of age sixty
30 and above in accordance with the regulations promulgated by the

1 department.

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

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

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

1 area. This plan may be submitted as part of a coordinated county
2 human service plan, provided that the format is approved by the
3 department.

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

8 Section 5. Section 2204-B(7) of the act is amended to read:

9 Section 2204-B. Commonwealth Departments and Agencies.--The
10 office shall have the following powers and duties:

11 * * *

12 (7) To work with the Department of [Aging] Health and Human
13 Services to produce the following results:

14 (i) Involvement of young people in assisting professional
15 staff in the delivery of services to older Pennsylvanians in
16 nursing homes, retirement communities or personal households.

17 (ii) Expansion of service opportunities that combine the
18 human resources of younger Pennsylvanians with the human
19 resources of older Pennsylvanians to expand intergenerational
20 programs so as to combine the energy, wisdom, strength and time
21 of both our younger and older population in order to address
22 vital social needs.

23 * * *

24 Section 6. Article XXIII of the act is repealed:

25 [ARTICLE XXIII

26 POWERS AND DUTIES OF THE DEPARTMENT OF

27 PUBLIC WELFARE AND ITS DEPARTMENTAL

28 ADMINISTRATIVE AND ADVISORY BOARDS

29 AND COMMISSIONS

30 Section 2301. Powers and Duties in General.--The Department

1 of Public Welfare shall, subject to any inconsistent provisions
2 in this act contained, continue to exercise the powers and
3 perform the duties by law vested in and imposed upon the said
4 department, the Secretary of Public Welfare, and the former
5 Department of Public Welfare, and Commissioner of Public
6 Welfare, and the former Department of Welfare.

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

9 (a) To administer and enforce the laws of this Commonwealth
10 relative to mental health, the care, prevention, early
11 recognition and treatment of mental illness, mental defects,
12 epilepsy, and inebriety, the licensing and regulation of
13 institutions for the mentally ill, mentally defective and
14 epileptic, the admission and commitment of patients to such
15 institutions and the transfer, discharge, escape, interstate
16 rendition, and deportation of such patients.

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

20 Section 2313.4. Operation of Eastern Pennsylvania
21 Psychiatric Institute.--The Department of Public Welfare is
22 hereby authorized to relinquish the entire government,
23 management, operation and control of the Eastern Pennsylvania
24 Psychiatric Institute to The Medical College of Pennsylvania
25 upon the effective date of a lease entered pursuant to section
26 2418.

27 (1) Upon the execution of the lease permitted pursuant to
28 section 2418, the Eastern Pennsylvania Psychiatric Institute
29 shall be operated under the management of the Board of
30 Corporators of The Medical College of Pennsylvania, which shall

1 be responsible for the management and operation of the
2 institute.

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

14 (3) The Medical College of Pennsylvania shall utilize all
15 space in the buildings known as the Eastern Pennsylvania
16 Psychiatric Institute consistent with the functions described in
17 this section. If The Medical College of Pennsylvania uses space
18 in the Eastern Pennsylvania Psychiatric Institute for functions
19 other than those described, it shall provide the Department of
20 Public Welfare with written documentation that an equivalent
21 amount of space is used in other facilities of The Medical
22 College of Pennsylvania for those functions.

23 (4) The Medical College of Pennsylvania may construct
24 buildings on vacant land of the leased premises if the buildings
25 are consistent with the academic health mission of The Medical
26 College of Pennsylvania.

27 Section 2327. Powers and Duties of the State Board of Public
28 Welfare.--The State Board of Public Welfare shall be an advisory
29 body to, and a consultative body of the Department of Public
30 Welfare with no power to approve or disapprove rules or

1 regulations, and shall have the power and its duty shall be:

2 (a) To participate in the development of broad outlines, of
3 policy and in the formulation of long-range programs and
4 objectives of the Department of Public Welfare,

5 (b) To interpret such programs and objectives to the public,
6 and

7 (c) To advise the Secretary of Public Welfare, the Governor
8 and the General Assembly, with respect to the policies,
9 programs, objectives and functioning of the Department of Public
10 Welfare.

11 Section 2328. Powers and Duties of Advisory Committees.--The
12 Advisory Committee for the Blind, the Advisory Committee for
13 General and Special Hospitals, the Advisory Committee for
14 Children and Youth, the Advisory Committee for Public Assistance
15 and the Advisory Committee for Mental Health and Mental
16 Retardation, shall, concerning matters within their respective
17 special fields of interest, have the power and their duty shall
18 be:

19 (a) To advise the appropriate major program unit of the
20 Department of Public Welfare. This advice shall include, but
21 shall not be limited to, such matters as standards of
22 eligibility, nature and extent of service, amounts of payments
23 to individuals, standards of approval, certification and
24 licensure of institutions and agencies, ways and means of
25 coordinating public and private welfare activities, and such
26 other matters as may, by law, require citizen review or may be
27 referred to the committees by the departmental units advised by
28 them; and the Advisory Committee for Mental Health and Mental
29 Retardation shall also have the power and duty to advise the
30 Governor and the Secretary of Public Welfare with regard to the

1 appointment of the Commissioner of Mental Health.

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

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

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

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

11 (a) The General Assembly finds that the public health and
12 safety is threatened by increasing incidences of domestic
13 violence and rape. Domestic violence programs and rape crisis
14 programs provide needed support services for victims and assist
15 in prevention through community education. Therefore, the
16 General Assembly finds that it is in the public interest for the
17 Commonwealth to establish a mechanism to provide financial
18 assistance to domestic violence centers and rape crisis centers
19 for the operation of domestic violence and rape crisis programs.

20 (b) Where any person after the effective date of this
21 section pleads guilty or nolo contendere to or is convicted of
22 any crime as herein defined, there shall be imposed, in addition
23 to all other costs, an additional cost in the sum of ten dollars
24 (\$10) for the purpose of funding the services as described in
25 this section. Such sum shall be paid over to the State Treasurer
26 to be deposited in the General Fund. Under no condition shall a
27 political subdivision be liable for the payment of the ten
28 dollars (\$10) in additional costs.

29 (c) The Department of Public Welfare shall make grants to
30 domestic violence centers and rape crisis centers for the

1 operation of domestic violence programs and rape crisis programs
2 consistent with this section. In awarding grants, the Department
3 of Public Welfare shall consider the population to be served,
4 the geographical area to be serviced, the scope of the services,
5 the need for services and the amount of funds provided from
6 other sources.

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

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

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

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

26 (1) Intentionally, knowingly or recklessly causing or
27 attempting to cause bodily injury.

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

30 "Domestic violence center" means an organization, or the

1 coordinating body of an organization, which has as its primary
2 purpose the operation of domestic violence programs.

3 "Domestic violence program" means a program which has as its
4 primary purpose the provision of direct services to victims of
5 domestic violence and their children, including, but not limited
6 to, victim advocacy, counseling, shelter, information and
7 referral, victim-witness, accompaniment, community education and
8 prevention.

9 "Rape crisis center" means an organization, or the
10 coordinating body of an organization, which has as its primary
11 purpose the operation of rape crisis programs.

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

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

21 Section 2334. Medical Assistance Payments.--(a) It is the
22 general purpose of this section to provide for a continuum of
23 alcohol and drug detoxification and rehabilitation services to
24 persons eligible for medical assistance. Facilities serving as
25 appropriate treatment settings include hospital and nonhospital
26 drug detoxification and rehabilitation facilities, hospital and
27 nonhospital alcohol detoxification and rehabilitation
28 facilities, and hospital and nonhospital drug and alcohol
29 detoxification and rehabilitation facilities and outpatient
30 services licensed by the Office of Drug and Alcohol Programs of

1 the Department of Health. The General Assembly recognizes that
2 the fluctuating nature of alcohol and drug dependency, in
3 combination with the associated physical complications often
4 arising from long-term use of alcohol and drugs, necessitates
5 that a variety of treatment modalities and settings be made
6 available to persons eligible for medical assistance. The
7 availability of a new service in this area is in no way intended
8 to limit access to or funding of services available currently.

9 (b) Consistent with section 2301, the Department of Public
10 Welfare shall:

11 (1) Provide, on behalf of persons eligible for medical
12 assistance, medical assistance coverage for detoxification,
13 treatment and care in a nonhospital alcohol detoxification
14 facility, nonhospital drug detoxification facility, nonhospital
15 alcohol and drug detoxification facility, or a nonhospital
16 treatment facility which can provide services for either drug or
17 alcohol detoxification or treatment or for both, provided that
18 the facility is licensed by the Office of Drug and Alcohol
19 Programs in the Department of Health.

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

24 (3) Notwithstanding clause (1), provide by regulation for
25 gradual implementation of medical assistance coverage under this
26 subsection to client populations which shall be identified in
27 cooperation with the Department of Health. The regulations shall
28 provide for full implementation of clause (1) to all medical
29 assistance eligibles in phases over a period of time not to
30 exceed five years from the effective date of the regulations.

1 The program phases shall be structured so as to allow for
2 independent evaluation of each phase on an ongoing basis.
3 Initial regulations adopted pursuant to this subsection shall
4 not be subject to review pursuant to the act of June 25, 1982
5 (P.L.633, No.181), known as the "Regulatory Review Act," except
6 that the regulations may be reviewed under section 5(h) of that
7 act.

8 (c) The Department of Public Welfare, the Department of
9 Health and the Office of Drug and Alcohol Programs shall jointly
10 provide for an independent evaluation of the program authorized
11 by this section in accordance with specific evaluation criteria,
12 which shall include, but not be limited to: (i) comparison of
13 medical costs before and after program implementation; (ii)
14 employment history; and (iii) involvement with other programs of
15 the Department of Health, the Department of Public Welfare, the
16 Department of Corrections and any other appropriate agencies.
17 The evaluation shall be conducted in compliance with all
18 applicable Federal and State confidentiality requirements.

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

20 (a) Drug or alcohol abusers and drug or alcohol dependent
21 persons shall be admitted to and treated in all facilities
22 licensed by the Department of Health and Office of Drug and
23 Alcohol Programs, at reasonable rates on the basis of medical or
24 psychotherapeutic need, and shall not be discriminated against
25 on the basis of medical assistance eligibility.

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

29 (c) The Office of Drug and Alcohol Programs may suspend or
30 revoke the license of any facility which fails to maintain an

1 admission policy consistent with the requirements of this
2 section and may impose a fine not to exceed one thousand dollars
3 (\$1,000) for each violation.

4 (d) Nothing in this section shall require any facility to
5 accept medical assistance eligible patients for whom payment is
6 not available pursuant to regulations adopted under section
7 2334(b)(3).]

8 Section 7. The act is amended by adding an article to read:

9 ARTICLE XXIII-C

10 DEPARTMENT OF HEALTH AND HUMAN SERVICES

11 Section 2301-C. Purpose and legislative intent.

12 (a) Purpose.--It is the purpose of this article to more
13 effectively address the collaboration and service delivery of
14 health and human services which are of vital importance to this
15 Commonwealth by coordinating the services provided by the former
16 Department of Health and the former Department of Human Services
17 and establishing one agency to administer the services.

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

21 (1) Promote and improve the efficient and effective
22 delivery of health and human services, including substance
23 use disorder and gambling addiction services and services to
24 advance the well-being of older Pennsylvanians.

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

28 Section 2302-C. Definitions.

29 The following words and phrases when used in this article
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Area agency." The single local agency designated by the
3 department within each planning and service area to administer
4 the delivery of a comprehensive and coordinated plan of social
5 and other services and activities.

6 "Area plan." The plan submitted to the department by an area
7 agency describing the methods by which the department will
8 ensure a coordinated and comprehensive plan of social and other
9 services and activities in the planning and service area.

10 "Council." The Pennsylvania Council on Aging established
11 under section 2304-C.

12 "Department." The Department of Health and Human Services of
13 the Commonwealth.

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

17 (1) Intentionally, knowingly or recklessly causing or
18 attempting to cause bodily injury.

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

21 "Domestic violence center." An organization, or the
22 coordinating body of an organization, which has as its primary
23 purpose the operation of domestic violence programs.

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

30 "Domiciliary care." A protected living arrangement in the

1 community which provides a safe, supportive, homelike
2 residential setting for not more than three adults who are
3 unrelated to the provider of the living arrangement, who cannot
4 live independently in the community and who are placed in the
5 living arrangement by an area agency.

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

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

12 "Older adult." An individual residing within this
13 Commonwealth who is at least 60 years of age.

14 "Older Americans Act of 1965." The Older Americans Act of
15 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

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

19 "Rape crisis center." An organization, or the coordinating
20 body of an organization, which has as its primary purpose the
21 operation of rape crisis programs.

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

29 "Regional council." A regional council on aging established
30 under section 2304-C.

1 "Secretary." The Secretary of Health and Human Services of
2 the Commonwealth.

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

5 "Single county authority." The agency designated by the
6 department to plan and coordinate substance use disorder
7 prevention, intervention and treatment services for a geographic
8 area that may consist of one or more counties and to administer
9 the provision of the services funded through the agency.

10 "Unit of general purpose local government." A county or
11 other unit which carries general government authority for an
12 area designated as a planning and service area under this act or
13 a combination of such units.

14 Section 2303-C. Administration.

15 (a) Continuation.--The department shall, except as provided
16 in this article, exercise the powers and perform the duties by
17 law vested in and imposed on the former Department of Health,
18 the former Department of Human Services and the former
19 Department of Public Welfare.

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

23 (1) Administer and enforce the laws of this Commonwealth
24 relating to the following:

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

27 (ii) The care, prevention, early recognition and
28 treatment of mental illness, emotional disturbance,
29 intellectual disability, autism, substance use disorder
30 and gambling addiction.

1 (iii) The licensing and regulation of facilities and
2 agencies with the primary functions of diagnosis,
3 treatment, care and rehabilitation of individuals with
4 mental illness, emotional disturbance, intellectual
5 disability, autism or substance use disorder.

6 (iv) The admission of individuals with mental
7 illness, intellectual disability, autism or substance use
8 disorder to facilities under subparagraph (iii) and the
9 transfer, discharge, escape, interstate rendition and
10 deportation of the individuals.

11 (v) The licensing, certification and regulation of
12 the following:

13 (A) health care facilities; and

14 (B) medical marijuana organizations.

15 (vi) The certification and regulation of the
16 following:

17 (A) laboratories;

18 (B) emergency medical services providers; and

19 (C) managed care organizations.

20 (vii) The issuance and enforcement of disease
21 control measures, including isolation orders and
22 quarantine orders.

23 (viii) The issuance of grants and contracts to aid
24 in the prevention and control of the spread of disease
25 and to ensure the health and welfare of the citizens of
26 this Commonwealth.

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

29 (2) Protect the health of the people of this
30 Commonwealth and determine and employ the most efficient and

1 practical means for the prevention and suppression of
2 disease.

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

5 (4) Promulgate the rules and regulations necessary to
6 carry out this article.

7 (c) Executive Director of Substance Abuse and Addiction
8 Policy.--There shall be within the department an Executive
9 Director of Substance Abuse and Addiction Policy. The executive
10 director shall be appointed by the Governor by and with the
11 advice and consent of a majority of the members elected to the
12 Senate. The department shall provide adequate staff and other
13 support to the executive director as needed. The executive
14 director shall serve at the pleasure of the Governor. The salary
15 and other conditions of employment for the Executive Director of
16 Substance Abuse and Addiction Policy shall be set by the
17 Executive Board. The executive director shall:

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

20 (2) Participate in the decision-making process of the
21 department on policies relating to substance use disorder and
22 gambling addiction issues and in the decision-making process
23 of other executive branch agencies as directed by the
24 Governor.

25 (3) Coordinate the efforts of Commonwealth agencies in
26 the control, prevention, intervention, treatment,
27 rehabilitation, research, education and training aspects of
28 substance use disorders and gambling addiction to avoid
29 duplications and inconsistencies in the efforts of the
30 agencies.

1 (4) Consult with recognized experts on substance use
2 disorder and gambling addiction matters which are within the
3 jurisdiction of the department and other executive branch
4 agencies.

5 (5) Provide advice on substance use disorder and
6 gambling addiction issues to the secretary and to other
7 executive branch agencies.

8 (6) Coordinate educational, informational substance use
9 disorder and gambling addiction programs for the promotion of
10 wellness, public health and related medical issues in this
11 Commonwealth and serve as the primary advocate for these
12 programs.

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

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

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

28 (1) Advise the Governor and the secretary on health
29 policy.

30 (2) Participate in the decision-making process of the

1 department on policies relating to medical and public-health-
2 related issues and in the decision-making process of other
3 executive branch agencies as directed by the Governor.

4 (3) Review professional standards and practices in
5 medicine and public health which are related to matters
6 within the jurisdiction of the department and other executive
7 branch agencies.

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

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

13 (6) Coordinate educational, informational and other
14 programs for the promotion of wellness, public health and
15 related medical issues in this Commonwealth and serve as the
16 primary advocate for the programs.

17 (7) Consult with experts in this Commonwealth and other
18 jurisdictions regarding medical research, innovation and
19 development which relate to programs and issues of importance
20 to the department and the Commonwealth.

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

22 (9) Serve as an ex officio member of the State Board of
23 Medicine, the State Board of Osteopathic Medicine and other
24 Commonwealth boards and commissions as may be provided by
25 law. The Physician General may provide a designee to serve in
26 the Physician General's stead.

27 Section 2304-C. Pennsylvania Council on Aging.

28 (a) Establishment.--The Pennsylvania Council on Aging is
29 established in the Office of the Governor. The council shall
30 consist of an executive director and 21 members. Eleven members

1 of the council shall constitute a quorum for the conduct of the
2 business of the council. Absence of a member at three
3 consecutive meetings shall result in the member forfeiting the
4 member's seat, unless the member requests in writing and
5 receives approval from the chairperson for good cause.

6 (b) Executive director.--The executive director of the
7 council shall be appointed by the Governor and advise the
8 Governor and the secretary on policies, programs and services
9 for older adults.

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

11 (1) The members of the council shall be nominated by the
12 Governor, subject to the advice and consent of a majority of
13 the members elected to the Senate, and shall represent, as
14 far as practicable, different geographical locations of this
15 Commonwealth. The following additional criteria shall apply
16 to members of the council:

17 (i) The chairperson of the regional councils on
18 aging established under subsection (g) shall be ex
19 officio members.

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

22 (iii) At least one member shall be a representative
23 of a long-term care provider operating in this
24 Commonwealth.

25 (iv) At least one member shall be a representative
26 of an adult day-care provider operating in this
27 Commonwealth.

28 (2) The members shall serve staggered three-year terms,
29 on a schedule determined by the Governor upon appointment,
30 and shall serve until their successors are appointed and

1 qualified. Members shall be eligible for reappointment.

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

5 (e) Compensation.--The members of the council shall receive
6 no compensation for their services on the council but shall be
7 reimbursed by the department for ordinary and necessary expenses
8 incurred in the performance of their duties.

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

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

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

15 (2) Reviewing and commenting on rules and regulations
16 relating to programs and services for older adults
17 promulgated by the department.

18 (3) Preparing and submitting to the Governor, secretary
19 and General Assembly, public reports evaluating the level and
20 quality of services and programs provided to older adults by
21 Commonwealth agencies, including recommendations for
22 improved, expanded or additional programs and services for
23 older adults.

24 (4) Conducting public hearings on matters affecting the
25 rights and interests of older adults, including matters
26 involving cases of neglect, abuse and age discrimination
27 against older adults in the administration of the laws of
28 this Commonwealth.

29 (5) Conducting studies in the areas of age
30 discrimination, health care, Medical Assistance program

1 policies affecting older adults, duration-of-stay contracts
2 for nursing homes, health-related insurance increases and, as
3 appropriate, other major issues affecting older adults. The
4 council shall report its findings and recommendations to the
5 Governor, secretary, General Assembly and public regarding
6 the appropriate actions and long-term strategy to address the
7 areas specified under this paragraph.

8 (6) Consulting with the secretary regarding the
9 operations of the department's programs and services for
10 older adults.

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

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

21 Section 2305-C. Substance use disorder.

22 (a) State plan.--The department shall develop and adopt a
23 State plan for the control, prevention, intervention, treatment,
24 rehabilitation, research, education and training aspects of
25 substance use disorders. The State plan shall include, but not
26 be limited to, provisions for all of the following:

27 (1) Coordination of the efforts of all Commonwealth
28 agencies in the control, prevention, intervention, treatment,
29 rehabilitation, research, education and training aspects of
30 substance use disorders for the purpose of preventing

1 duplications and inconsistencies in the efforts of the
2 agencies.

3 (2) Coordination of all health and rehabilitation
4 efforts to deal with substance use disorders, including, but
5 not limited to, those relating to vocational rehabilitation,
6 workforce development and training, older adults, law
7 enforcement assistance, parole and probation systems, jails
8 and prisons, health research facilities, facilities for
9 individuals with an intellectual disability and community
10 mental health centers, juvenile delinquency, health
11 professions, educational assistance, hospital and medical
12 facilities, social security, community health services,
13 education professions development, higher education,
14 Commonwealth employees health benefits, economic opportunity,
15 comprehensive health planning, elementary and secondary
16 education, highway safety and Federal and State civil service
17 laws.

18 (3) Encouragement of the formation of local agencies and
19 coordinating councils, promotion of cooperation and
20 coordination among the agencies and councils and
21 encouragement of communication of ideas and recommendations
22 from the agencies and councils to the Pennsylvania Advisory
23 Council on Drug and Alcohol Abuse.

24 (4) Development of model substance use disorder control
25 plans for local government, utilizing the concepts
26 incorporated in the State plan. The model plans shall be
27 reviewed on a periodic basis, but not less than once a year,
28 and revised to keep the model plans current. The model plans
29 shall specify how all types of community resources and
30 existing Federal and State law may be utilized.

1 (5) Assistance to and consultation with local
2 governments, public and private agencies, institutions and
3 organizations and individuals with respect to the prevention
4 and treatment of substance use disorders, including
5 coordination of programs.

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

9 (7) Coordination of research, scientific investigations,
10 experiments and studies relating to the cause, epidemiology,
11 sociological aspects, toxicology, pharmacology, chemistry,
12 effects on health, dangers to public health, prevention,
13 diagnosis and treatment of substance use disorders.

14 (8) Investigation of methods for the more precise
15 detection and determination of alcohol and controlled
16 substances in urine and blood samples and by other means, and
17 publication on a current basis of a uniform methodology for
18 detections and determinations.

19 (9) The use of information obtained through scientific
20 investigation or research conducted under this section in a
21 manner so that the name or identifying characteristics of an
22 individual are not divulged without the approval of the
23 department and the consent of the individual. A person
24 engaged in research under this section shall protect the
25 privacy of an individual who is the subject of the research
26 by withholding from all persons not connected with the
27 conduct of the research the name or other identifying
28 characteristics of the individual. A person engaged in
29 research under this section may not be compelled in a State,
30 civil, criminal, administrative, legislative or other

1 proceeding to identify the individual who is the subject of
2 the research.

3 (10) Establishment of training programs for professional
4 and nonprofessional personnel with respect to substance use
5 disorders, including the encouragement of the programs by
6 local governments.

7 (11) Development of a model curriculum, including the
8 provision of relevant data and other information, for
9 utilization by elementary and secondary schools for
10 instructing children and for parent-teachers' associations,
11 adult education centers, private citizen groups or other
12 State and local sources for instruction of parents and other
13 adults about substance use disorders.

14 (12) Preparation of a broad variety of educational,
15 prevention and intervention material for use in the media
16 for the purpose of reaching all segments of the population
17 and which can be utilized by public and private agencies,
18 institutions and organizations in educational programs with
19 respect to substance use disorders.

20 (13) Establishment of educational courses, including the
21 provision of relevant data and other information on the
22 causes and effects of and treatment for substance use
23 disorders for law enforcement officials, including
24 prosecuting attorneys, court personnel, the judiciary,
25 probation and parole officers, correctional officers and
26 other law enforcement personnel, human services personnel,
27 vocational rehabilitation personnel and other State and local
28 officials, who come in contact with substance use disorder
29 problems.

30 (14) Recruitment, training, organization and employment

1 of professional and other persons, including individuals in
2 recovery from substance use disorders, to organize and
3 participate in programs of public education.

4 (15) Treatment and rehabilitation services for juveniles
5 and adults with substance use disorders who are charged with,
6 convicted of or serving a criminal sentence for a criminal
7 offense under the laws of this Commonwealth. Provision of
8 similar services shall be made for juveniles adjudged to be
9 delinquent, dependent or neglected. These services shall
10 include, but not be limited to, emergency medical services,
11 inpatient services and intermediate care, rehabilitative and
12 outpatient services.

13 (16) Giving priority to developing community-based
14 substance use disorder treatment services in a cooperative
15 manner among State and local governmental agencies and
16 departments and public and private agencies, institutions and
17 organizations. Consideration shall be given to supportive
18 medical care, services or residential facilities for
19 individuals with a substance use disorder for whom treatment
20 has repeatedly failed and for whom recovery is unlikely.

21 (17) Establishment of a system of emergency medical
22 services for individuals with substance use disorders and
23 who:

24 (i) voluntarily seek treatment;

25 (ii) are admitted and committed to treatment
26 facilities according to the procedural admission and
27 commitment provisions of the act of July 9, 1976

28 (P.L.817, No.143), known as the Mental Health Procedures
29 Act; or

30 (iii) are charged with a crime under the laws of

1 this Commonwealth.

2 (18) Providing standards for the licensure of or
3 approval for all private and public treatment and
4 rehabilitative facilities, which may include, but not be
5 limited to, State hospitals and institutions, public and
6 private general hospitals, community mental health centers or
7 their contracting agencies and public and private substance
8 use disorder treatment and rehabilitation centers.

9 (19) Grants and contracts for the prevention,
10 intervention and treatment of substance use disorders within
11 this Commonwealth. The grants and contracts may include
12 assistance to local governments and public and private
13 agencies, institutions and organizations for prevention,
14 intervention, treatment, rehabilitation, research, education
15 and training aspects of substance use disorders.

16 (20) Establishment of priorities for deciding allocation
17 of funds.

18 (21) The conduct of annual reviews and evaluations of
19 the administration and operation of programs of the
20 department relating to substance use disorders, including the
21 effectiveness of the programs in meeting the purposes for
22 which they are established and operated.

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

25 (23) Establishment of advisory committees as deemed
26 necessary to assist the department in fulfilling its
27 responsibilities under this section.

28 (b) Public hearings.--Prior to the adoption of the State
29 plan or any amendment of the plan, the department shall hold a
30 public hearing to afford all interested persons an opportunity

1 to present their views either orally or in writing. The
2 department shall consult and collaborate in the conduct of the
3 hearings with appropriate Federal, Commonwealth and local
4 agencies, departments, boards, governmental units, public and
5 private agencies, institutions, groups and organizations. A
6 hearing to be conducted pursuant to this subsection shall be
7 held at least 30 days prior to the adoption or amendment of the
8 State plan.

9 (c) Implementation.--The department shall implement the
10 State plan adopted under this section, shall coordinate
11 responsibilities under the plan of other Commonwealth agencies
12 and shall monitor compliance with the State plan by relevant
13 Commonwealth and local agencies, departments, institutions and
14 others engaged in implementing the State plan. In connection
15 with such implementation, coordination and monitoring, the
16 department shall do the following:

17 (1) Allocate the responsibility for all services,
18 programs and other efforts provided for in the plan among the
19 appropriate Commonwealth agencies and departments.

20 (2) Gather and publish statistics pertaining to
21 substance use disorders and promulgate regulations that
22 specify uniform statistics to be obtained, records to be
23 maintained and reports to be submitted by public and private
24 departments, agencies, organizations, practitioners and other
25 persons with respect to substance use disorders and related
26 problems. The statistics and reports may not reveal the
27 identity of a patient or person with a substance use disorder
28 or other confidential information.

29 (3) Establish an information center that attempts to
30 gather and contain all available published and unpublished

1 data and information on substance use disorders and related
2 problems. All Commonwealth departments and agencies shall
3 send to the department data and information pertinent to the
4 cause, prevention, diagnosis and treatment of substance use
5 disorders and the toxicology and pharmacology effects on
6 persons with a substance use disorder, and the danger of
7 alcohol, drugs and controlled substances to the public
8 health. The department shall make the data and information
9 available on its publicly accessible Internet website.

10 (4) Conduct performance audits as the department deems
11 necessary of the activities engaged in by other Commonwealth
12 and local agencies, departments, institutions and others
13 engaged in implementing the State plan.

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

15 (1) All appropriate Commonwealth and local departments,
16 agencies, institutions and others engaged in implementing the
17 State plan shall submit to the department as often as
18 necessary, but no less often than annually, reports detailing
19 the activities and effects of the implementation and
20 recommending appropriate amendments to the State plan.

21 (2) The department shall submit an annual report to the
22 General Assembly that specifies the actions taken, services
23 provided and funds expended under the State plan together
24 with an evaluation of their effectiveness. The department
25 shall submit additional reports as may be requested by the
26 General Assembly and shall make recommendations to further
27 the prevention, treatment and control of substance use
28 disorders in this Commonwealth.

29 (3) To facilitate the distribution throughout this
30 Commonwealth of information about all Commonwealth substance

1 use disorder programs and services.

2 Section 2306-C. Residential substance use disorder treatment
3 programs for women and children.

4 (a) Grants and contracts.--The department shall award grants
5 or enter into contracts to provide residential substance use
6 disorder treatment and related services for pregnant women,
7 women and their dependent children and women who do not have
8 custody of their children where there is a reasonable likelihood
9 that the children will be returned to the women if the women
10 participate satisfactorily in the treatment program. Grant or
11 contract money shall only be used for treatment and related
12 services provided to residents of this Commonwealth by providers
13 of substance use disorder treatment programs licensed by the
14 department that provide the following services:

15 (1) Residential treatment services for women and their
16 dependent children, subject to reasonable limitations on the
17 number and ages of the children, including, but not limited
18 to:

19 (i) Onsite substance use disorder education,
20 counseling and treatment.

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

22 (iii) Onsite substance use disorder prevention and
23 education activities for children.

24 (iv) Onsite special counseling for children of women
25 with substance use disorders.

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

28 (vi) Activities that enhance self-esteem and self-
29 sufficiency.

30 (2) Onsite parenting skills counseling and training.

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

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

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

7 (i) who attend counseling, school or job training
8 programs;

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

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

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

14 (7) Onsite structured reentry counseling and activities.

15 (8) Referral to outpatient counseling upon discharge
16 from the residential program.

17 (b) Information to single county authorities.--The
18 department shall advise a single county authority of those
19 programs in its jurisdiction that are being considered for
20 funding under this section and shall give the single county
21 authority an opportunity to comment on the funding proposals
22 prior to the department making a decision to award funding.

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

24 (1) Providers of treatment programs that receive funding
25 under this section shall collect and provide to the
26 department information concerning the number of women and
27 children denied treatment or placed on waiting lists and may
28 require such other data and information as the department
29 deems useful in determining the effectiveness of the
30 treatment programs.

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

5 (d) Limitation.--Contributions by counties or single county
6 authorities shall not be required as a condition for receiving
7 grants for programs funded under this section, but the
8 department may require counties or single county authorities to
9 make commitments to provide outpatient intervention, referral
10 and aftercare services to women whose residential treatment is
11 funded under this section upon completion of residential
12 treatment.

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

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

17 (2) The activities of recipients of funds under this
18 section.

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

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

24 (5) The recommendations of the department.

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

26 The department shall:

27 (1) Establish, on a demonstration basis, programs to
28 train the staff of child protective services agencies,
29 counseling programs and shelters for victims of domestic
30 violence, recipients of funds under high risk maternity

1 programs or Federal maternal and child health care grants and
2 community health care centers in order to identify those
3 women for whom these agencies are already providing services
4 and who are in need of substance use disorder treatment.

5 (2) Establish referral networks and mechanisms between
6 the agencies referred to in paragraph (1) and single county
7 authorities and appropriate substance use disorder treatment
8 programs.

9 Section 2308-C. Medical assistance payments.

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

11 (1) The purpose of this section is to provide for
12 alcohol and drug detoxification and rehabilitation services
13 to persons eligible for medical assistance.

14 (2) Facilities serving as appropriate treatment settings
15 shall include the following if they are licensed by the
16 department:

17 (i) hospital and nonhospital drug detoxification and
18 rehabilitation facilities;

19 (ii) hospital and nonhospital alcohol detoxification
20 and rehabilitation facilities;

21 (iii) hospital and nonhospital drug and alcohol
22 detoxification and rehabilitation facilities; and

23 (iv) outpatient services.

24 (3) The General Assembly recognizes that the fluctuating
25 nature of substance use disorder, in combination with the
26 associated physical complications often arising from long-
27 term substance use, requires the availability of a variety of
28 treatment modalities and settings for individuals eligible
29 for medical assistance. The availability of a new service in
30 this area is in no way intended to limit access to or funding

1 of services currently available.

2 (b) Responsibilities of the department.--The department
3 shall:

4 (1) Provide to individuals eligible for medical
5 assistance, if the facility is licensed by the department,
6 medical assistance coverage for detoxification, treatment and
7 care in the following facilities:

8 (i) a nonhospital alcohol detoxification facility;

9 (ii) nonhospital drug detoxification facility;

10 (iii) nonhospital alcohol and drug detoxification
11 facility; or

12 (iv) nonhospital treatment facility that can provide
13 services for either drug or alcohol detoxification or
14 treatment, or both.

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

19 Section 2309-C. Public health.

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

22 (1) Protect the health of the citizens of this
23 Commonwealth and determine and employ the most efficient and
24 practical means for the prevention and suppression of
25 disease.

26 (2) (i) Investigate conditions affecting the security
27 of life and health, in any locality, and, for that
28 purpose, enter, inspect and survey all grounds, vehicles,
29 apartments, buildings and other places within this
30 Commonwealth.

1 (ii) All persons authorized by the department to
2 conduct the activities under subparagraph (i) shall have
3 the powers and authority conferred by law upon
4 constables.

5 (3) Administer the health laws, regulations and
6 ordinances of a borough or a township of the first class if:

7 (i) the department determines that a condition
8 exists in the borough or township that is a menace to the
9 lives and health of residents of the borough or township
10 or of surrounding municipalities;

11 (ii) the department has knowledge that the borough
12 or township is without an existing or efficient board of
13 health, until a competent and efficient board of health,
14 as determined by the department, has been appointed and
15 is ready, able and willing to assume and carry out the
16 duties imposed upon it by law; or

17 (iii) the borough or township requests the
18 department to do so.

19 (4) Recover from a borough or township of the first
20 class all expenses incurred by the township in performing the
21 duties of a board of health of the borough or township under
22 paragraph (3) (ii).

23 (5) Prescribe standard requirements for the medical
24 examination of public school students and public schools
25 throughout this Commonwealth and to appoint appropriate
26 inspectors for this purpose.

27 (6) Train, in appropriate facilities, qualified
28 Commonwealth, county and municipal employees in the field of
29 public health work.

30 (b) Public health laboratory.--

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

7 (2) The public health laboratory maintained and operated
8 under paragraph (1) shall arrange for or perform the
9 following clinical tests:

10 (i) to identify diseases and provide epidemiological
11 and surveillance support; and

12 (ii) for, but not limited to, rabies, measles,
13 rubella, Lyme disease, influenza and tuberculosis
14 identification.

15 (c) Dental health districts.--

16 (1) The department shall apportion this Commonwealth
17 into dental health districts administered by a public health
18 dentist within the department.

19 (2) The public health dentist administering a dental
20 health district under paragraph (1) shall implement dental
21 health policies and programs.

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

27 (1) If the owner or occupant of a premises subject to an
28 order of the department under this subsection fails to comply
29 with the order, agents or employees of the department may
30 enter the premises and abate or remove the condition.

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

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

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

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

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

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

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

29 (f) Civil penalty.--

30 (1) The department may impose a civil penalty on a

1 person that fails to comply with an order issued by the
2 department under this section, or that resists or interferes
3 with an agent or employee of the department in the
4 performance of the agent's or employee's duties in accordance
5 with the public health regulations and orders of the
6 department.

7 (2) A penalty under paragraph (1) shall be no more than
8 \$1,000 for the first offense, no more than \$2,000 for the
9 second offense and no more than \$5,000 for each subsequent
10 offense.

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

20 Section 2310-C. Newborn testing.

21 (a) General rule--The department shall permit a laboratory
22 certified under the Clinical Laboratories Improvement Act of
23 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
24 perform screening testing of newborn infants in any state and
25 uses normal pediatric reference ranges to conduct the analysis
26 required by section 4(a) of the act of September 9, 1965
27 (P.L.497, No.251), known as the Newborn Child Testing Act, as an
28 alternative to the testing laboratory designated by the
29 department in accordance with section 5 of the Newborn Child
30 Testing Act.

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

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

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

12 The department shall have the power and duty to:

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

18 (2) Make available to research institutions, physicians
19 and hospitals, upon request, blood plasma proteins for
20 research, immunization and treatment.

21 (3) Maintain facilities for the proper storage of blood
22 proteins for disaster purposes.

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

25 (5) Develop and employ the necessary procedures and
26 perform any and all things necessary to carry out the
27 purposes of this section.

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

1 Section 2312-C. Vital statistics.

2 The department shall have the power and duty to:

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

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

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

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

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

22 (6) Establish districts for the registration of vital
23 statistics and appoint registrars, deputies and sub-
24 registrars, as may be necessary, to obtain, collect, compile
25 and preserve the statistics which the department is required
26 to obtain, collect, compile and preserve. All local
27 registrars, deputies and sub-registrars, appointed under this
28 paragraph, shall perform the duties required of them by the
29 department and shall receive compensation as may be fixed by
30 law.

1 Section 2313-C. Health districts and officers.

2 The department may:

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

5 (2) Appoint a health officer in each health district,
6 who shall:

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

9 (ii) In connection with the management of the
10 sanitary affairs of the Commonwealth, cooperate with the
11 Department of Environmental Protection and with the
12 Department of Conservation and Natural Resources.

13 Section 2314-C. Quarantine.

14 The department shall have the power and duty to:

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

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

24 (3) Administer and enforce the laws of this Commonwealth
25 with regard to vaccination and other means of preventing the
26 spread of a communicable disease.

27 Section 2315-C. Narcotic drugs.

28 The department shall have the power and duty to supervise the
29 enforcement and administration of laws regulating the
30 possession, control, dealing in, giving away, delivery,

1 dispensing, administering, prescribing and use of narcotic
2 drugs.

3 Section 2316-C. Advisory Health Board.

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

5 (1) To advise the secretary on such matters as the
6 secretary may request.

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

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

19 (4) To prescribe minimum health activities and minimum
20 standards of performance of health services for a political
21 subdivision.

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

23 The department shall have the power and duty:

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

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

28 (ii) To provide auditory training for preschool
29 children.

30 (iii) To provide consultative services for hard of

1 hearing children of school age and the parents of the
2 children.

3 (2) The department may purchase services if it is not
4 feasible to provide and maintain a speech and hearing
5 rehabilitation center.

6 Section 2318-C. Cystic fibrosis program.

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

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

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

12 (1) Employ a competent person to:

13 (i) Render sanitary service and undertake or
14 supervise practical and scientific investigations and
15 examinations requiring expert skill.

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

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

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

26 (c) Order.--In the event of a public health emergency, as
27 determined by the Governor or the secretary, the department may
28 issue and deliver a disease control order to the appropriate law
29 enforcement organization for execution of the order. If required
30 by the order, the law enforcement organization shall

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

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

14 A city, borough or township may cooperate with the following
15 in the administration and enforcement of this article and of the
16 rules and regulations of the department:

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

19 (2) Another political subdivision within the county.

20 (3) The department.

21 Section 2321-C. Anatomical gifts.

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

26 Adjustments to the rotation may be made to accommodate new,
27 quality tissue procurement providers accredited by the American
28 Association of Tissue Banks or a successor organization, as
29 adjudged under the guidelines published in 26 Pa.B. 2044 (April
30 27, 1996). A hospital may discontinue the rotation for cause.

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

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

4 (1) Evaluate the need for services for older adults
5 within this Commonwealth and determine the extent to which
6 public and private programs meet the need with special
7 emphasis on the needs and participation of older adults who
8 are members of minority communities.

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

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

18 (4) Provide for services to older adults through area
19 agencies and other appropriate agencies, organizations and
20 institutions authorized under the Older Americans Act of
21 1965, related Federal acts and laws of this Commonwealth and
22 stimulate services and opportunities for older adults which
23 are not otherwise available.

24 (5) Function as the single State agency to receive and
25 disburse Federal funds under the Older Americans Act of 1965
26 and Commonwealth funds made available for providing services
27 to older adults.

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

30 (7) Serve as an advocate for older adults at each level

1 of government and provide consultation and assistance to the
2 area agencies, communities and civic groups developing local
3 services for older adults.

4 (8) Maintain a clearinghouse of information related to
5 the interests of older adults and provide technical
6 assistance and consultation to public and private agencies
7 with respect to programs and services for older adults.

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

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

15 (11) Cooperate with area agencies and agencies of the
16 Federal government in studies and conferences designed to
17 examine the needs of the older adult population of this
18 Commonwealth and to assist in preparing programs and
19 developing facilities to meet those needs.

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

27 (13) Promote, through the use of area agencies and
28 direct grants, contracts and technical assistance, the
29 development of independent senior centers, service
30 organizations, clubs, associations and organizations

1 dedicated to the rights and needs of older adults when the
2 development of independent senior centers, service
3 organizations, clubs, associations and organizations are not
4 in conflict with State or area plans for older adults.

5 (14) Make recommendations for legislative action
6 concerning older adults to the Governor and the General
7 Assembly.

8 (15) In coordination with the area agencies and the
9 council, develop and conduct research, demonstration programs
10 and training programs to advance the interests of older
11 adults.

12 (16) Publish a description of the organization and
13 function of the department so that interested agencies and
14 individuals may be better able to solicit assistance from the
15 department.

16 (17) Administer and supervise a domiciliary care
17 program.

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

25 (19) (i) In cooperation with the area agencies and
26 Federal, Commonwealth and local organizations and
27 agencies, work toward the development of community-based
28 service and housing options designed to maintain impaired
29 and chronically ill older adults in the community and
30 avoid or delay institutional care as described in section

1 2325-C(b) (1).

2 (ii) To the extent that the needs of other adults
3 involve and overlap the needs of older adults addressed
4 by this paragraph, the department shall serve as an
5 advocate for adults of all ages.

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

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

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

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

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

25 (25) Review the activities of regulatory agencies of the
26 Commonwealth which affect the full and fair utilization of
27 Commonwealth and community resources for programs and
28 benefits for older adults and initiate programs which will
29 help assure the utilization.

30 (26) Conduct periodic studies and evaluations pertaining

1 to the quality of care and related services for consumers of
2 long-term care services and report the findings to the
3 General Assembly.

4 (27) Conduct an ongoing Statewide prescription drug
5 education program designed to inform older adults of the
6 dangers of prescription drug abuse and misuse.

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

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

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

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

30 (1) To effect the maximum feasible coordination of, and

1 eliminate duplication in, the Commonwealth's administration
2 of certain Federal and State programs for older adults.

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

5 (3) To promote the creation and growth of independent
6 clubs and associations of older adults and related activities
7 which assist older adults in maintaining lives of
8 independence and dignity, involvement in the social, economic
9 and political affairs of their communities and dignified and
10 efficient assistance when disabled or impaired.

11 Section 2323-C. Planning and service areas.

12 (a) Establishment.--The geographical planning and service
13 areas established by the authority of the secretary under the
14 Older Americans Act of 1965 may only be changed by order of the
15 secretary to bring about more effective and efficient planning
16 and service delivery.

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

24 (1) An established office of aging.

25 (2) An office or agency of a unit of general purpose
26 local government, which is designated for this purpose by the
27 chief elected officials of the unit of general purpose local
28 government.

29 (3) An office or agency designated by the chief elected
30 officials of a combination of units of general purpose local

1 government to act on behalf of the combination for this
2 purpose.

3 (4) A public or nonprofit private agency in a planning
4 and service area which is under the supervision or direction
5 for this purpose of the designated Commonwealth agency,
6 which can engage in the planning or provision of a broad
7 range of social services within the planning and service area
8 and which can provide adequate assurance, as determined by
9 the department, that it will have the ability to develop and
10 administer an area plan.

11 (c) Designation and redesignation.--The secretary may
12 redesignate or designate new area agencies based on regulations
13 promulgated by the department. The regulations shall include
14 criteria of efficiencies, appropriateness and equity and shall
15 provide for public hearings on redesignation conducted in the
16 affected planning and service areas. The determinations of
17 redesignation shall be executed not less than 100 days prior to
18 the beginning of the fiscal year of the local authority. A
19 designation or redesignation may occur when changes are made in
20 established planning and service area boundaries, when a
21 currently designated area agency is unable or unwilling to
22 continue as the area agency, when removal of an area agency
23 designation is requested by the local authority with cause shown
24 or when the department determines that a currently designated
25 area agency is incapable of carrying out the approved area plan.
26 The removal of an area agency designation and the designation of
27 a new area agency shall be carried out under regulations
28 promulgated by the department and consistent with the Older
29 Americans Act of 1965.
30 Section 2324-C. (Reserved).

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

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

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

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

13 (3) Transportation services.

14 (4) Legal counseling and representation.

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

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

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

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

1 maximum involvement of members of the centers and sponsoring
2 organizations in the identification and prioritization of
3 services and activities to be conducted in the centers.

4 (b) Duties.--

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

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

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

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

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

22 (v) The promotion of informal community supports.

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

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

28 (viii) Special advocacy efforts to promote greater
29 awareness of, and more effective response to, the
30 problems of individuals with Alzheimer's disease and

1 other related brain disorders.

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

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

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

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

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

14 (4) Low income.

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

19 (6) Inadequate housing.

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

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

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

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

4 Section 2326-C. Area Agency Advisory Councils.

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

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

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

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

1 Section 2328-C. Allocation of resources.

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

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

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

15 (2) the availability of transportation services;

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

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

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

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

27 Section 2329-C. Evaluation.

28 The department shall continually review and evaluate the
29 activities of area agencies and the impact and effectiveness of
30 all programs under this article. The department shall ensure

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

14 Section 2330-C. Demonstration programs.

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

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

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

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

28 (4) Developing new approaches and alternatives for
29 living arrangements, social services, institutional care,
30 health services, legal representation and the coordination of

1 community services for older adults.

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

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

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

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

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

1 (e) Definition.--As used in this section, the term "crime"
2 shall mean an act committed in this Commonwealth 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 18 Pa.C.S. (relating to crimes
6 and offenses) or enumerated in the act of April 14, 1972
7 (P.L.233, No.64), known as The Controlled Substance, Drug,
8 Device and Cosmetic Act. The term shall not include an act
9 involving the operation of a motor vehicle which results in
10 injury unless the injury was intentionally inflicted through the
11 use of a motor vehicle.

12 Section 2332-C. Human services advisory committees.

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

17 (1) A medical assistance advisory committee.

18 (2) An income maintenance advisory committee.

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

21 (4) A mental health advisory committee.

22 (5) A child welfare advisory committee.

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

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

28 (i) Standards of eligibility.

29 (ii) Nature and extent of service.

30 (iii) Amounts of payments to individuals.

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

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

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

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

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

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

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

19 Section 8. Transfers shall be effectuated as follows:

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

30 (2) Personnel transferred under paragraph (1) shall

1 retain the same employment status held prior to transfer.

2 This paragraph includes:

3 (i) Civil Service classification.

4 (ii) Seniority.

5 (iii) Benefits.

6 (iv) Perquisites.

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

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

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

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

27 Section 9. The following apply to references:

28 (1) A reference in a statute or regulation to the
29 Department of Aging, the Department of Health, the Department
30 of Human Services or the Department of Public Welfare shall

1 be deemed a reference to the Department of Health and Human
2 Services.

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

8 Section 10. Repeals are as follows:

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

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

15 Section 11. The Secretary of Aging, the Secretary of Health
16 and the Secretary of Human Services and the employees of the
17 Department of Aging, the Department of Health and the Department
18 of Human Services shall cooperate in the transfers under section
19 6 of this act and other transition activities required to
20 implement Article XXIII-C of the act. Upon completion of those
21 transfers and transition activities deemed necessary to
22 implement Article XXIII-C of the act, the Governor shall submit
23 a notice to that effect for publication in the Pennsylvania
24 Bulletin.

25 Section 12. This act shall take effect as follows:

26 (1) The following provisions shall take effect
27 immediately:

28 (i) Section 8(1), (2), (3), (4) and (5) of this act.

29 (ii) Section 11 of this act.

30 (iii) This section.

1 (2) The remainder of this act shall take effect upon
2 publication of the notice under section 11 of this act.