

## AMENDMENTS TO HOUSE BILL NO. 1233

Sponsor: SENATOR CORMAN

Printer's No. 3188

1 Amend Bill, page 1, line 7, by inserting after "for" where it  
2 occurs the second time

3 treatment facilities and for

4 Amend Bill, page 1, line 9, by inserting after "COUNTIES"  
5 and for assisted outpatient treatment implementation by  
6 department

7 Amend Bill, page 1, line 11, by inserting after "subject,"  
8 for involuntary emergency examination and treatment authorized  
9 by physician,

10 Amend Bill, page 3, by inserting between lines 4 and 5

11 "County local authority." The county commissioners of a  
12 county, or the city councils and the mayors of the first class  
13 cities, or two or more of these acting in concert.

14 "Department." The Department of Human Services of the  
15 Commonwealth.

16 Amend Bill, page 4, line 2, by striking out all of said line  
17 and inserting

18 "Secretary." The Secretary of Human Services of the  
19 Commonwealth.

20 Section 3. Sections 105 and 107 of the act are amended to  
21 read:

22 Section 105. Treatment Facilities.--Involuntary treatment  
23 and voluntary treatment funded in whole or in part by public  
24 moneys shall be available at a facility approved for such  
25 purposes by the county administrator (who shall be the County  
26 Mental Health and Mental Retardation Administrator of a county  
27 or counties, or his duly authorized delegate), or by the  
28 [Department of Public Welfare, hereinafter cited as the  
29 "department."] department. Approval of facilities shall be made  
30 by the appropriate authority which can be the department  
31 pursuant to regulations adopted by the department. Treatment may  
32 be ordered at the Veterans Administration or other agency of the

1 United States upon receipt of a certificate that the person is  
2 eligible for such hospitalization or treatment and that there is  
3 available space for his care. Mental health facilities operated  
4 under the direct control of the Veterans Administration or other  
5 Federal agency are exempt from obtaining State approval. The  
6 department's standards for approval shall be at least as  
7 stringent as those of the joint commission for accreditation of  
8 hospitals and those of the Federal Government pursuant to Titles  
9 18 and 19 of the Federal Social Security Act to the extent that  
10 the type of facility is one in which those standards are  
11 intended to apply. An exemption from the standards may be  
12 granted by the department for a period not in excess of one year  
13 and may be renewed. Notice of each exemption and the rationale  
14 for allowing the exemption must be published pursuant to the act  
15 of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth  
16 Documents Law," and shall be prominently posted at the entrance  
17 to the main office and in the reception areas of the facility.

18 Amend Bill, page 4, by inserting after line 30

19 (c) A treatment plan developed in accordance with this  
20 section shall meet all of the requirements of this act.

21 Amend Bill, page 5, line 1, by striking out "(C)" and  
22 inserting

23 (d)

24 Amend Bill, page 5, line 7, by striking out "A SECTION" and  
25 inserting

26 sections

27 Amend Bill, page 5, line 14, by striking out "SECRETARY OF  
28 HEALTH" and inserting

29 secretary

30 Amend Bill, page 5, line 20, by striking out "SECRETARY OF  
31 HEALTH" and inserting

32 secretary

33 Amend Bill, page 5, line 22, by striking out "SECRETARY OF  
34 HEALTH" and inserting

35 secretary

36 Amend Bill, page 5, line 23, by striking out "SECRETARY OF  
37 HEALTH" and inserting

38 secretary

1 Amend Bill, page 5, line 24, by striking out "SECRETARY OF  
2 HEALTH" and inserting  
3 secretary

4 Amend Bill, page 5, line 28, by striking out "SECRETARY OF  
5 HEALTH" and inserting  
6 secretary

7 Amend Bill, page 6, by inserting between lines 1 and 2  
8 Section 118. Assisted Outpatient Treatment Implementation by  
9 Department.--(a) The department shall modify the standard  
10 involuntary commitment petition forms and other relevant  
11 educational documents used in conjunction with the involuntary  
12 commitment process to describe, define and incorporate assisted  
13 outpatient treatment.

14 (b) The department shall develop a separate involuntary  
15 assisted outpatient treatment commitment petition form which  
16 shall include:

17 (1) The eligibility criteria for assisted outpatient  
18 treatment.

19 (2) After consultation with the Pennsylvania College of  
20 Emergency Physicians, appropriate guidance and instructions to  
21 the petitioner on use of hospital emergency departments in  
22 conjunction with the petition process for involuntary inpatient  
23 commitment or assisted outpatient treatment.

24 Amend Bill, page 6, line 13, by inserting after "himself,"  
25 as defined in subsection (b),

26 Amend Bill, page 8, line 8, by striking out "Section" where  
27 it occurs the second time and inserting

28 Sections 302(b) and

29 Amend Bill, page 8, line 8, by striking out "is" and  
30 inserting

31 are

32 Amend Bill, page 8, by inserting between lines 9 and 10

33 Section 302. Involuntary Emergency Examination and Treatment  
34 Authorized by a Physician - Not to Exceed One Hundred Twenty  
35 Hours.--\* \* \*

36 (b) Examination and Determination of Need for Emergency  
37 Treatment.--A person taken to a facility shall be examined by a  
38 physician within two hours of arrival in order to determine if  
39 the person is severely mentally disabled within the meaning of

1 section [301] 301(b) and in need of immediate treatment. If it  
2 is determined that the person is severely mentally disabled and  
3 in need of emergency treatment, treatment shall be begun  
4 immediately. If the physician does not so find, or if at any  
5 time it appears there is no longer a need for immediate  
6 treatment, the person shall be discharged and returned to such  
7 place as he may reasonably direct. The physician shall make a  
8 record of the examination and his findings. In no event shall a  
9 person be accepted for involuntary emergency treatment if a  
10 previous application was granted for such treatment and the new  
11 application is not based on behavior occurring after the earlier  
12 application.

13 \* \* \*

14 Amend Bill, page 10, line 21, by striking out "physician" and  
15 inserting

16 psychiatrist or licensed clinical psychologist

17 Amend Bill, page 11, lines 18 and 19, by striking out "state  
18 the name of any examining physician and shall"

19 Amend Bill, page 11, line 20, by inserting after "clinical"  
20 licensed

21 Amend Bill, page 11, line 21, by striking out "and a  
22 statement signed by a physician"

23 Amend Bill, page 11, line 21, by striking out "person" and  
24 inserting

25 clinician

26 Amend Bill, page 11, line 22, by striking out "petition" and  
27 inserting

28 statement

29 Amend Bill, page 11, line 26, by inserting after "clinical"  
30 licensed

31 Amend Bill, page 11, line 27, by striking out "and physician"

32 Amend Bill, page 14, line 16, by inserting after "following"  
33 additional requirements

34 Amend Bill, page 18, by inserting between lines 17 and 18

35 (8) A copy of the person's individualized treatment plan and

1 related documents shall be made available to the court for  
2 purposes of proceedings under clause (5) or (7).