

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

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

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

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

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

(1) The eligibility criteria for assisted outpatient
treatment.

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

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

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

Sections 302(b) and

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

are

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

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

(b) Examination and Determination of Need for Emergency
Treatment.--A person taken to a facility shall be examined by a
physician within two hours of arrival in order to determine if
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).