

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 930 Session of
1995

INTRODUCED BY RICHARDSON, ITKIN, ROBINSON, STURLA, MUNDY,
YOUNGBLOOD, CARN, TIGUE, JAMES, KIRKLAND, OLIVER AND
WASHINGTON, FEBRUARY 28, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," changing the Department of
21 Public Welfare to the Department of Human Services and making
22 related editorial changes; providing for certain State
23 contract requirements, for a review and report on the
24 maximization of Federal and non-State funding sources and for
25 a report on truancy.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

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

1 December 30, 1984 (P.L.1299, No.245) and repealed in part May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

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

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

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

1 Welfare in section 202 of the act, amended July 9, 1986
2 (P.L.547, No.97), is amended to read:

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

9 * * *

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

1 Board of Trustees of Haverford State Hospital,
2 Board of Trustees of Ashland State General Hospital,
3 Board of Trustees of Coaldale State General Hospital,
4 Board of Trustees of Nanticoke State General Hospital,
5 Board of Trustees of Philipsburg State General Hospital,
6 Board of Trustees of Scranton State General Hospital,
7 Board of Trustees of Shamokin State General Hospital,
8 Board of Trustees of Ebensburg Center,
9 Board of Trustees of Eastern State School and Hospital,
10 Board of Trustees of Laurelton Center,
11 Board of Trustees of Pennhurst Center,
12 Board of Trustees of Polk Center,
13 Board of Trustees of Selinsgrove Center,
14 Board of Trustees of Hamburg Center,
15 Board of Trustees of Western Center,
16 Board of Trustees of White Haven Center,
17 Board of Trustees of Woodhaven Center,
18 Board of Trustees of South Mountain Restoration Center.

19 * * *

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

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

26 * * *

27 In the Department of [Public Welfare] Human Services,
28 State Board of [Public Welfare] Human Services,
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 * * *

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

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

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

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

1 Secretary of [Public Welfare] Human Services, of the
2 Department of [Public Welfare] Human Services;
3 Secretary of Revenue, of the Department of Revenue;
4 Secretary of Commerce, of the Department of Commerce;
5 Secretary of Community Affairs, of the Department of
6 Community Affairs;
7 Secretary of Environmental Resources, of the Department of
8 Environmental Resources;
9 Secretary of General Services, of the Department of General
10 Services;
11 Secretary of Corrections, of the Department of Corrections.

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

15 Section 207.1. Gubernatorial Appointments.--* * *

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

21 (1) The Secretary of Education, the Secretary of the
22 Commonwealth, the Adjutant General, the Insurance Commissioner,
23 the Secretary of Banking, the Secretary of Agriculture, the
24 Secretary of Transportation, the Secretary of Health, the
25 Commissioner of the State Police, the Secretary of Corrections,
26 the Secretary of Labor and Industry, the Secretary of Aging, the
27 Secretary of [Public Welfare] Human Services, the Secretary of
28 General Services, the Secretary of Revenue, the Secretary of
29 Commerce, the Secretary of Community Affairs and the Secretary
30 of Environmental Resources.

1 * * *

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

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

7 * * *

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

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

15 * * *

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

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

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

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

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

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

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

30 A majority of the members of each advisory committee shall

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

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

13 * * *

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

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

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

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

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

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

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

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

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

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

30 (3) Develop strategic plans and programs to promote and

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

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

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

10 Section 8. The act is amended by adding sections to read:

11 Section 530. Contract Partnership.--(a) The Department of
12 General Services, in consultation with the Department of Human
13 Services, shall stimulate and coordinate efforts of State-funded
14 programs to hire qualified public assistance recipients. At a
15 minimum, the effort shall require that all contracts and all
16 grants and loans for economic development with any department,
17 Commonwealth agency or other entity include language requiring
18 all of the following:

19 (1) A good faith effort to hire current public assistance
20 recipients for any new jobs created as a result of State funds.

21 (2) That, among public assistance recipients, priority shall
22 be given to the transitionally needy.

23 (3) Existing employes or employes on unemployment
24 compensation shall not be displaced by this effort.

25 (b) The Department of General Services shall submit a report
26 detailing the efforts under this section to the General Assembly
27 by March 1, 1994, and annually thereafter.

28 (c) The section shall apply to contracts entered into on or
29 after July 1, 1993.

30 Section 531. Maximization of Funding Participation by

1 Federal and Other Non-State Sources.--(a) Within sixty (60)
2 days of the effective date of this section, the Department of
3 Corrections, the Department of Education, the Department of
4 Health and the Department of Human Services shall each review
5 all of their health care-related programs and report to the
6 General Assembly and the Secretary of the Budget all programs or
7 parts of programs for which funding contributions may be
8 available through Federal participation in the medical
9 assistance program or other non-State sources. This report shall
10 include the actions planned to make use of these additional
11 funding sources.

12 (b) Within thirty (30) days of receipt of the reports
13 described in subsection (a), the Secretary of the Budget shall
14 report to the General Assembly on the progress made in acquiring
15 additional funding from the sources described in subsection (a).

16 Section 9. Section 1209(b) of the act, amended February 1,
17 1966 (1965 P.L.1849, No.582), is amended to read:

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

21 * * *

22 (b) To furnish to the corporate authorities of each county
23 (except counties of the first class), city of the third class,
24 borough, incorporated town, township suitable blank forms for
25 the making of annual reports of the financial condition of their
26 respective local governments to the department, which forms for
27 financial report purposes shall be placed by said corporate
28 authorities into the hands of the director, controller or
29 auditors who by law are required to make such financial reports
30 to the department. Such annual financial reports shall be

1 prepared in cooperation with aforesaid duly authorized
2 committees of local government officials and shall contain: (1)
3 a statement of the receipts of the unit of local government from
4 all sources and of all accounts and revenue which may be due and
5 uncollected at the close of the fiscal year; (2) a statement of
6 the disbursements for all the governmental activities of the
7 unit of local government during the fiscal year; (3) a detailed
8 statement of the indebtedness of the unit of local government at
9 the close of the fiscal year, the provisions made for the
10 payment thereof, together with the purposes for which it was
11 incurred; (4) a statement of the cost of ownership and operation
12 of each and every public service industry owned, maintained or
13 operated by the unit of local government; (5) such further or
14 more specific information in relation to the cost of any branch
15 of the local government and improvements therein as may be
16 required by the department.

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

25 * * *

26 Section 10. The act is amended by adding a section to read:

27 Section 1321. Truancy Report.--(a) The Department of
28 Education shall prepare a report on truancy in the public
29 schools. The report shall document the extent to which truancy
30 is a problem and shall make recommendations for solutions.

1 (b) The report shall be submitted to the General Assembly no
2 later than December 31, 1996.

3 (c) The report shall include, at a minimum, all of the
4 following:

5 (1) Data on any significant historical trends in truancy
6 patterns.

7 (2) Data on any significant regional or seasonal variations
8 in truancy patterns.

9 (3) Data on the demographics of truants and their parents or
10 legal guardians.

11 (4) Data on the number of truants who become dropouts.

12 (5) The cost incurred by school districts in responding to
13 truancy.

14 (6) Data on the extent to which the monetary penalties and
15 suspension and expulsion actions authorized under sections 1318
16 and 1333 of the act of March 10, 1949 (P.L.30, No.14), known as
17 the "Public School Code of 1949," are imposed and a discussion
18 of the effectiveness of these sanctions.

19 (7) A discussion of other corrective actions, sanctions or
20 programs used by schools in this Commonwealth or in other states
21 and their effectiveness.

22 (8) Recommendations for solutions including a discussion of
23 any legislative or regulatory changes needed for implementation
24 of these recommendations.

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

28 Section 2203-A. Powers and Duties in General.--(a) The
29 Department of Aging hereinafter referred to in this article as
30 the department shall, subject to any inconsistent provisions in

1 this act contained, have the power and its duty shall be to:

2 * * *

3 (11) Promote and support programs, studies and policies, in
4 cooperation with the Departments of Labor and Industry,
5 Education, Commerce, [Public Welfare] Human Services and other
6 agencies, which will enhance the opportunity for continued work,
7 education and training for older persons and for preretirement
8 assistance where appropriate.

9 * * *

10 (17.2) In cooperation with the Department of Health and the
11 Department of [Public Welfare] Human Services:

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

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

20 * * *

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

26 * * *

27 (26) Review and comment on all rules, regulations,
28 eligibility or payment standards issued by the Departments of
29 [Public Welfare] Human Services, Environmental Resources, Health
30 or Labor and Industry relating to the licensure and regulation

1 of nursing homes, hospitals, and other health facilities;
2 medical assistance, supplemental security income; homemaking and
3 home-health care or residential care facilities for older
4 adults. Said rules, regulations and standards shall not take
5 effect until they have been submitted to the department for
6 comment.

7 * * *

8 Section 12. The heading of Article XXIII of the act, amended
9 July 13, 1957 (P.L.852, No.390), is amended to read:

10 ARTICLE XXIII
11 POWERS AND DUTIES OF THE DEPARTMENT OF
12 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL
13 ADMINISTRATIVE AND ADVISORY BOARDS
14 AND COMMISSIONS

15 Section 13. Sections 2301 and 2313 introductory paragraph of
16 the act, amended July 13, 1957 (P.L.852, No.390), are amended to
17 read:

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

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

29 * * *

30 Section 14. Section 2313.4 of the act, added December 11,

1 1986 (P.L.1485, No.153), is amended to read:

2 Section 2313.4. Operation of Eastern Pennsylvania
3 Psychiatric Institute.--The Department of [Public Welfare] Human
4 Services is hereby authorized to relinquish the entire
5 government, management, operation and control of the Eastern
6 Pennsylvania Psychiatric Institute to The Medical College of
7 Pennsylvania upon the effective date of a lease entered pursuant
8 to section 2418.

9 (1) Upon the execution of the lease permitted pursuant to
10 section 2418, the Eastern Pennsylvania Psychiatric Institute
11 shall be operated under the management of the Board of
12 Corporators of The Medical College of Pennsylvania, which shall
13 be responsible for the management and operation of the
14 institute.

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

26 (3) The Medical College of Pennsylvania shall utilize all
27 space in the buildings known as the Eastern Pennsylvania
28 Psychiatric Institute consistent with the functions described in
29 this section. If The Medical College of Pennsylvania uses space
30 in the Eastern Pennsylvania Psychiatric Institute for functions

1 other than those described, it shall provide the Department of
2 [Public Welfare] Human Services with written documentation that
3 an equivalent amount of space is used in other facilities of The
4 Medical College of Pennsylvania for those functions.

5 (4) The Medical College of Pennsylvania may construct
6 buildings on vacant land of the leased premises if the buildings
7 are consistent with the academic health mission of The Medical
8 College of Pennsylvania.

9 Section 15. Section 2327 of the act, added December 21, 1959
10 (P.L.1944, No.709), is amended to read:

11 Section 2327. Powers and Duties of the State Board of
12 [Public Welfare] Human Services.--The State Board of [Public
13 Welfare] Human Services shall be an advisory body to, and a
14 consultative body of the Department of [Public Welfare] Human
15 Services with no power to approve or disapprove rules or
16 regulations, and shall have the power and its duty shall be:

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

20 (b) To interpret such programs and objectives to the public,
21 and

22 (c) To advise the Secretary of [Public Welfare] Human
23 Services, the Governor and the General Assembly, with respect to
24 the policies, programs, objectives and functioning of the
25 Department of [Public Welfare] Human Services.

26 Section 16. Section 2328 of the act, amended June 20, 1978
27 (P.L.477, No.70), is amended to read:

28 Section 2328. Powers and Duties of Advisory Committees.--The
29 Advisory Committee for the Blind, the Advisory Committee for
30 General and Special Hospitals, the Advisory Committee for

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

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

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

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

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

29 Section 17. Section 2333 of the act, added March 30, 1988
30 (P.L.329, No.44), is amended to read:

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

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

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

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

28 (d) The Department of [Public Welfare] Human Services shall
29 make available at cost to the public copies of applications that
30 have been submitted or approved for funding and reports on any

1 fiscal or programmatic reviews of funded programs.

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

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

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

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

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

21 "Domestic violence center" means 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" means 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 "Rape crisis center" means an organization, or the

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

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

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

12 Section 18. Section 2334 of the act, added December 15, 1988
13 (P.L.1239, No.152), is amended to read:

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

1 to limit access to or funding of services available currently.

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

4 (1) Provide, on behalf of persons eligible for medical
5 assistance, medical assistance coverage for detoxification,
6 treatment and care in a nonhospital alcohol detoxification
7 facility, nonhospital drug detoxification facility, nonhospital
8 alcohol and drug detoxification facility, or a nonhospital
9 treatment facility which can provide services for either drug or
10 alcohol detoxification or treatment or for both, provided that
11 the facility is licensed by the Office of Drug and Alcohol
12 Programs in the Department of Health.

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

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

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

13 Section 19. Section 2409.1(b) of the act, amended July 1,
14 1981 (P.L.143, No.48), is amended to read:

15 Section 2409.1. Handicapped-Made Products and Services.--* *
16 *

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

1 provisions of this section. At the request of the Secretary of
2 General Services and with the approval of the Secretary of
3 [Public Welfare] Human Services, the Department of [Public
4 Welfare] Human Services or other nonprofit-making agency shall
5 facilitate the distribution of orders and services among
6 agencies for the handicapped.

7 * * *

8 Section 20. Section 2418 of the act, added December 11, 1986
9 (P.L.1485, No.153), is amended to read:

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

23 Section 21. Whenever in any law, reference is made to the
24 Department of Public Welfare or the Secretary of Public Welfare,
25 such reference shall be deemed to refer to the Department of
26 Human Services or the Secretary of Human Services, respectively.

27 Section 22. This act shall take effect immediately.