

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1348 Session of
1998

INTRODUCED BY MELLOW, BODACK, FUMO, O'PAKE, MUSTO, LAVALLE,
TARTAGLIONE, KITCHEN, STOUT, HUGHES, SCHWARTZ, KUKOVICH,
WOZNIAK AND WAGNER, MARCH 11, 1998

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 11, 1998

AN ACT

1 Amending the act of April 27, 1905 (P.L.312, No.218), entitled
2 "An act creating a Department of Health, and defining its
3 powers and duties," providing for the Office of Physician
4 General.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1 of the act of April 27, 1905 (P.L.312,
8 No.218), entitled "An act creating a Department of Health, and
9 defining its powers and duties," amended July 2, 1996 (P.L.518,
10 No.87), is amended to read:

11 Section 1. Be it enacted, &c., (a) The Department of Health
12 shall consist of a Secretary of Health, an advisory board and
13 [a] the Office of Physician General.

14 (b) The secretary shall be the head of the department, and
15 shall be appointed by the Governor, with the advice and consent
16 of the Senate. The secretary shall be either a graduate of an
17 accredited medical or osteopathic medical school who is a
18 practicing physician licensed by the Commonwealth or an

1 individual with professional experience in the field of public
2 health, health services delivery or education or training of
3 health service professionals. The secretary shall serve at the
4 pleasure of the Governor.

5 [(c) There shall be an office of Physician General within
6 the administrative structure of the department. The Physician
7 General shall be appointed by the Governor by and with the
8 advice and consent of the Senate. The department shall provide
9 adequate staff and other support as needed. The Physician
10 General shall be a graduate of an accredited medical or
11 osteopathic medical school and shall be a practicing physician
12 licensed by the Commonwealth. The Physician General shall serve
13 at the pleasure of the Governor. The Physician General shall:

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

15 (2) Participate in the decision-making process of the
16 department on policies relating to all medical and public
17 health-related issues and in the decision-making process of
18 other executive branch agencies as directed by the Governor.

19 (3) Review professional standards and practices in medicine
20 and public health which are related to matters within the
21 jurisdiction of the department and other executive branch
22 agencies.

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

26 (5) Provide advice on medical and public health issues to
27 the secretary and to other executive branch agencies.

28 (6) Coordinate educational, informational and other programs
29 for the promotion of wellness, public health and related medical
30 issues in this Commonwealth and serve as the primary advocate

1 for these programs.

2 (7) Consult with experts in this Commonwealth and other
3 states regarding medical research, innovation and development
4 which relate to programs and issues of importance to the
5 department and the Commonwealth.

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

7 (9) When the secretary is not a physician, serve as a voting
8 member of the State Board of Medicine and the State Board of
9 Osteopathic Medicine. The Physician General may provide a
10 designee to serve in his or her stead. The salary and other
11 conditions of employment shall be set by the Executive Board.]

12 (d) The department shall have an official seal.

13 Section 2. The act is amended by adding a section to read:

14 Section 1.1. (a) There is hereby established within the
15 Department of Health an independent Office of Physician General
16 to establish health policy in the interest of the people of this
17 Commonwealth.

18 (b) The Governor shall appoint a Physician General, which
19 appointment shall be subject to the approval of a majority of
20 the members of the Senate. The Physician General shall be a
21 graduate of an accredited medical or osteopathic medical school
22 and shall be a practicing physician licensed by the
23 Commonwealth. The Physician General shall be appointed for a
24 five-year term. The Physician General is not eligible to serve
25 more than one five-year term. The Physician General shall serve
26 as Physician General until a successor is appointed and
27 qualified. No individual who serves as the Physician General
28 shall engage in the private practice of medicine, while serving
29 in such position. Any individual who is appointed to the
30 position of Physician General shall not seek election or accept

1 appointment to any public office during the tenure as Physician
2 General and for a period of two years after the appointment
3 served or terminated.

4 (c) The Secretary of Health shall have administrative
5 responsibilities only for the Office of Physician General and
6 shall not be responsible, in any manner, for the policies,
7 procedures or other substantive matters developed by the
8 Physician General in carrying out his or her duties under this
9 act.

10 (d) The Physician General shall:

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

12 (2) Participate in the decision-making process of the
13 department on policies relating to all medical and public
14 health-related issues and in the decision-making process of
15 other executive branch agencies.

16 (3) Review professional standards and practices in medicine
17 and public health which are related to matters within the
18 jurisdiction of the department and other executive branch
19 agencies.

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

23 (5) Provide advice on medical and public health issues to
24 the secretary and to other executive branch agencies.

25 (6) Coordinate educational, informational and other programs
26 for the promotion of wellness, public health and related medical
27 issues in this Commonwealth and serve as the primary advocate
28 for these programs.

29 (7) Consult with experts in this Commonwealth and other
30 states regarding medical research, innovation and development

1 which relate to programs and issues of importance to the
2 department and the Commonwealth.

3 (8) When the secretary is not a physician, serve as a voting
4 member of the State Board of Medicine and the State Board of
5 Osteopathic Medicine. The Physician General may provide a
6 designee to serve in his or her stead. The salary and other
7 conditions of employment shall be set by the Executive Board.

8 (e) Before November 1 of each year, the Physician General
9 shall estimate the total expenditures for the Office of
10 Physician General and submit the estimate to the Governor in
11 accordance with section 610 of the act of April 9, 1929
12 (P.L.177, No.175), known as The Administrative Code of 1929. At
13 the same time the Physician General submits the estimate to the
14 Governor, the Physician General shall also submit that estimate
15 to the General Assembly. The Physician General or designated
16 representatives of the Physician General shall be afforded an
17 opportunity to appear before the Governor and the Appropriations
18 Committee of the Senate and the Appropriations Committee of the
19 House of Representatives regarding the estimate.

20 Section 3. This act shall take effect in 60 days.