

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 461

Session of  
1973

INTRODUCED BY NOLAN, SMITH AND ROSS, MARCH 12, 1973

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 12, 1973

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," creating a Department of  
21 Developmental Disabilities, defining its powers and duties,  
22 transferring State mental institutions and their boards of  
23 trustees into the department, transferring certain powers and  
24 duties of the Department of Public Welfare and the Secretary  
25 of Public Welfare relating to mental health, mental illness,  
26 mental defects, epilepsy, inebriety, and the care and  
27 treatment of patients to the Department of Developmental  
28 Disabilities or the Secretary of Developmental Disabilities,  
29 and making appropriations.

30 The General Assembly of the Commonwealth of Pennsylvania

31 hereby enacts as follows:

32 Section 1. Section 201, act of April 9, 1929 (P.L.177,

1 No.175), known as "The Administrative Code of 1929," amended  
2 December 3, 1970 (P.L.834, No.275), is amended to read:

3 Section 201. Executive Officers, Administrative Departments  
4 and Independent Administrative Boards and Commissions.--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 [Superintendent of Public Instruction] Secretary of Education;  
10 by the Executive Board, and the Pennsylvania State Police; by  
11 the following administrative departments: Department of State,  
12 Department of Justice, Department of the Auditor General,  
13 Treasury Department, Department of [Public Instruction,]  
14 Education, Department of Military Affairs, Insurance Department,  
15 Department of Banking, Department of Agriculture, Department of  
16 Transportation, Department of Health, Department of Labor and  
17 Industry, Department of Public Welfare, Department of Property  
18 and Supplies, Department of Revenue, Department of Commerce,  
19 Department of Community Affairs, [and] Department of  
20 Environmental Resources and Department of Developmental  
21 Disabilities; and by the following independent administrative  
22 boards and commissions: Pennsylvania Game Commission,  
23 Pennsylvania Fish Commission, State Civil Service Commission,  
24 Pennsylvania Public Utility Commission, and the Pennsylvania  
25 Historical and Museum Commission.

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

1       Section 2.   Section 202 of the act is amended, by amending as  
2 much thereof as applies to the Department of Public Welfare,  
3 amended July 9, 1970 (P.L.470, No.161), and adding before the  
4 last paragraph, a paragraph to read:

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

11       \* \* \*

12       In the Department of Public Welfare,  
13       Board of Trustees of The Western Youth Development Centers,  
14       Board of Trustees of The Central Youth Development Centers,  
15       Board of Trustees of The Eastern Youth Development Centers,  
16       [Board of Trustees of Allentown State Hospital,  
17       Board of Trustees of Clarks Summit State Hospital,  
18       Board of Trustees of Danville State Hospital,  
19       Board of Trustees of Embreeville State Hospital,  
20       Board of Trustees of Eastern Pennsylvania Psychiatric  
21       Institute,  
22       Board of Trustees of Farview State Hospital,  
23       Board of Trustees of Harrisburg State Hospital,  
24       Board of Trustees of Hollidaysburg State Hospital,  
25       Board of Trustees of Mayview State Hospital,  
26       Board of Trustees of Norristown State Hospital,  
27       Board of Trustees of Philadelphia State Hospital,  
28       Board of Trustees of Retreat State Hospital,  
29       Board of Trustees of Somerset State Hospital,  
30       Board of Trustees of Warren State Hospital,

1 Board of Trustees of Wernersville State Hospital,  
2 Board of Trustees of Woodville State Hospital,  
3 Board of Trustees of Torrance State Hospital,  
4 Board of Trustees of Haverford State Hospital,]  
5 Board of Trustees of Ashland State General Hospital,  
6 Board of Trustees of Blossburg State General Hospital,  
7 Board of Trustees of Coaldale State General Hospital,  
8 Board of Trustees of Connellsville State General Hospital,  
9 [Board of Trustees of Dixmont State Hospital,]  
10 Board of Trustees of Hazleton State General Hospital,  
11 Board of Trustees of Locust Mountain State General Hospital,  
12 Board of Trustees of Nanticoke State General Hospital,  
13 Board of Trustees of Philipsburg State General Hospital,  
14 Board of Trustees of Scranton State General Hospital,  
15 Board of Trustees of Shamokin State General Hospital,  
16 [Board of Trustees of Cresson State School and Hospital,  
17 Board of Trustees of Ebensburg State School and Hospital,  
18 Board of Trustees of Eastern State School and Hospital,  
19 Board of Trustees of Laurelton State School and Hospital,  
20 Board of Trustees of Pennhurst State School and Hospital,  
21 Board of Trustees of Polk State School and Hospital,  
22 Board of Trustees of Selinsgrove State School and Hospital,  
23 Board of Trustees of Hamburg State School and Hospital,  
24 Board of Trustees of Western State School and Hospital,  
25 Board of Trustees of White Haven State School and Hospital,  
26 Board of Trustees of Eastern Mental Health Center,]  
27 Board of Trustees of Western Restoration Centers,  
28 Board of Trustees of Central Restoration Centers,  
29 Board of Trustees of Eastern Restoration Centers.

30 \* \* \*

In the Department of Developmental Disabilities,  
Board of Trustees of Allentown State Hospital,  
Board of Trustees of Clarks Summit State Hospital,  
Board of Trustees of Danville State Hospital,  
Board of Trustees of Dixmont State Hospital,  
Board of Trustees of Embreeville State Hospital,  
Board of Trustees of Eastern Pennsylvania Psychiatric  
Institute,  
Board of Trustees of Farview State Hospital,  
Board of Trustees of Harrisburg State Hospital,  
Board of Trustees of Haverford State Hospital,  
Board of Trustees of Hollidaysburg State Hospital,  
Board of Trustees of Mayview State Hospital,  
Board of Trustees of Norristown State Hospital,  
Board of Trustees of Philadelphia State Hospital,  
Board of Trustees of Retreat State Hospital,  
Board of Trustees of Somerset State Hospital,  
Board of Trustees of Torrance State Hospital,  
Board of Trustees of Warren State Hospital,  
Board of Trustees of Wernersville State Hospital,  
Board of Trustees of Woodville State Hospital,  
Board of Trustees of Eastern State School and Hospital,  
Board of Trustees of Ebensburg State School and Hospital,  
Board of Trustees of Hamburg State School and Hospital,  
Board of Trustees of Laurelton State School and Hospital,  
Board of Trustees of Pennhurst State School and Hospital,  
Board of Trustees of Polk State School and Hospital,  
Board of Trustees of Selinsgrove State School and Hospital,  
Board of Trustees of Western State School and Hospital,  
Board of Trustees of White Haven State School and Hospital,

1     Board of Trustees of Eastern Mental Health Center.

2     All of the foregoing departmental administrative boards and  
3     commissions shall be organized or reorganized as provided by  
4     this act.

5     Section 3. Section 203, section 206, and the first paragraph  
6     of subsection (a) of section 207 of the act, amended December 3,  
7     1970 (P.L.834, No.275), are amended to read:

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

11    In the Department of Military Affairs,

12       State Military Reservation Commission,

13       State Veterans' Commission;

14    In the Department of Environmental Resources,

15       Citizens Advisory Council;

16    In the Department of Health,

17       Advisory Health Board;

18    In the Department of Labor and Industry,

19       Industrial Board,

20       Advisory Council on Affairs of the Handicapped,

21       Advisory Board on Problems of Older Workers;

22    In the Department of Public Welfare,

23       State Board of Public Welfare,

24       Advisory Committee for the Aging,

25       Advisory Committee for the Blind,

26       Advisory Committee for General and Special Hospitals,

27       Advisory Committee for Children and Youth,

28       Advisory Committee for Public Assistance;

29       [Advisory Committee for Mental Health and Mental  
30       Retardation;]

1 In the Department of Property and Supplies,  
2 General Galusha-Pennypacker Monument Commission;  
3 In the Department of Commerce,  
4 Board of the Pennsylvania Science and Engineering  
5 Foundation;

6 In the Department of Developmental Disabilities,  
7 Advisory Committee for Mental Health and Mental  
8 Retardation.

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

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

17 Secretary of the Commonwealth, of the Department of State;  
18 Attorney General, of the Department of Justice;  
19 Auditor General, of the Department of the Auditor General;  
20 State Treasurer, of the Treasury Department;

21 [Superintendent of Public Instruction,] Secretary of  
22 Education, of the Department of [Public Instruction;]  
23 Education;

24 Adjutant General, of the Department of Military Affairs;  
25 Insurance Commissioner, of the Insurance Department;  
26 Secretary of Banking, of the Department of Banking;  
27 Secretary of Agriculture, of the Department of Agriculture;  
28 Secretary of Transportation, of the Department of  
29 Transportation;

30 Secretary of Health, of the Department of Health;

1 Secretary of Labor and Industry, of the Department of  
2 Labor and Industry;  
3 Secretary of Public Welfare, of the Department of Public  
4 Welfare;  
5 Secretary of Property and Supplies, of the Department of  
6 Property and Supplies;  
7 Secretary of Revenue, of the Department of Revenue;  
8 Secretary of Commerce, of the Department of Commerce;  
9 Secretary of Community Affairs, of the Department of  
10 Community Affairs;  
11 Secretary of Environmental Resources, of the Department of  
12 Environmental Resources;  
13 Secretary of Developmental Disabilities, of the  
14 Department of Developmental Disabilities.

15 Section 207. Appointment.--The Governor shall nominate and,  
16 by and with the advice and consent of two-thirds of all the  
17 members of the Senate, appoint:

18 (a) The Secretary of the Commonwealth, the Attorney General,  
19 the [Superintendent of Public Instruction,] Secretary of  
20 Education, the Adjutant General, the Insurance Commissioner, the  
21 Secretary of Banking, the Secretary of Agriculture, the  
22 Secretary of Transportation, the Secretary of Health, the  
23 Commissioner of the Pennsylvania State Police, the Secretary of  
24 Labor and Industry, the Secretary of Public Welfare, the  
25 Secretary of Property and Supplies, the Secretary of Revenue,  
26 the Secretary of Commerce, the Secretary of Community Affairs,  
27 the Secretary of Environmental Resources, the Secretary of  
28 Developmental Disabilities, and the members of all independent  
29 administrative boards and commissions.

30 \* \* \*



1       Section 4.   Section 448 of the act is amended by amending the  
2   first paragraph of clause (1) amended July 9, 1970 (P.L.470,  
3   No.161), and adding a clause to read:

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

7       \* \* \*

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

9       Advisory Committee for the Aging,  
10      Advisory Committee for the Blind,  
11      Advisory Committee for General and Special Hospitals,  
12      Advisory Committee for Children and Youth,  
13      Advisory Committee for Public Assistance.

14      [Advisory Committee for Mental Health and Mental  
15      Retardation.]

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

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

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

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

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

27 \* \* \*

28 (q) The Advisory Committee of Mental Health and Mental  
29 Retardation shall be appointed by the Governor on the advice of  
30 the Secretary of Developmental Disabilities, and shall be

1 composed of both laymen and professionals in the field of mental  
2 health. They shall serve without compensation, other than  
3 reimbursement of travel and other actual expenses incurred in  
4 the performance of their duties. The Advisory Committee shall  
5 consist of the Secretary of Developmental Disabilities, who  
6 shall be its chairman, ex officio, and twenty (20) additional  
7 members, of whom five (5) shall be trustees of State mental  
8 institutions, five (5) shall be members of the Pennsylvania  
9 Medical Society, and ten (10) shall be laymen. The Advisory  
10 Committee shall meet at least twice a year at times and places  
11 of its own choice. Of the first appointees to the committee,  
12 four (4) shall have terms of one (1) year, four (4), terms of  
13 two (2) years, four (4), terms of three (3) years, four (4),  
14 terms of four (4) years and four (4), terms of five (5) years,  
15 and their successors shall serve terms of five (5) years.

16 Six (6) members of the committee, together with the Secretary  
17 of Developmental Disabilities or, in his place, his duly  
18 constituted deputy, shall constitute a quorum.

19 \* \* \*

20 Section 5. Sections 2313 and 2313.1 of the act are repealed.

21 Section 6. Section 2328 of the act, amended July 9, 1970  
22 (P.L.470, No.161), is amended to read:

23 Section 2328. Powers and Duties of Advisory Committees.--The  
24 Advisory Committee for the Aging, the Advisory Committee for the  
25 Blind, the Advisory Committee for General and Special Hospitals,  
26 the Advisory Committee for Children and Youth, and the Advisory  
27 Committee for Public Assistance [and the Advisory Committee for  
28 Mental Health and Mental Retardation,] shall, concerning matters  
29 within their respective special fields of interest, have the  
30 power and their duty shall be:

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

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

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

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

22 Section 7. The act is amended, by adding after Article  
23 XXIII, an article to read:

24 Article XXIII-A

25 Powers and Duties of the Department of Developmental  
26 Disabilities and its Departmental Administrative and  
27 Advisory Boards and Commissions.

28 (a) General Provisions

29 Section 2301-A. Powers and duties in General.--The  
30 Department of Developmental Disabilities shall have power and

1 its duty shall be:

2 (a) To administer and enforce the laws of this Commonwealth  
3 relative to (i) mental health, (ii) the care, prevention, early  
4 recognition and treatment of mental illness, mental defect,  
5 epilepsy and inebriety, (iii) the licensing and regulation of  
6 institutions for the mentally ill, mentally defective and  
7 epileptic, (iv) the admission and commitment of mental patients  
8 to hospitals for mental diseases and institutions for mental  
9 defectives and epilepsy, and (v) the transfer, discharge,  
10 escape, interstate rendition and deportation of such patients.

11 (b) Except as otherwise provided in this act, to approve or  
12 disapprove the advice and recommendations of the several boards  
13 of trustees of State mental institutions, other than the Board  
14 of Trustees of the Eastern Pennsylvania Psychiatric Institute.

15 (c) To exercise all powers and perform all duties relating  
16 to mental health, mental diseases, mental defects, epilepsy and  
17 inebriety, and the care and treatment of patients heretofore  
18 conferred or imposed upon the Department of Public Welfare and  
19 the Secretary of Public Welfare.

20 Section 2302-A. Secretary of Developmental Disabilities.--In  
21 addition to his other powers and duties as head of the  
22 Department of Developmental Disabilities, the Secretary of  
23 Developmental Disabilities shall develop plans and programs, and  
24 make recommendations with respect to the general policy of the  
25 Commonwealth's mental health program. He shall initiate, develop  
26 and carry into effect, plans and programs designed to prevent,  
27 treat and cure the mentally ill and the mentally defective, and  
28 programs designed to conduct research and training in mental  
29 illness and mental deficiency. He shall appoint the  
30 superintendents of State mental institutions who, in turn, shall

1 assign, appoint and dismiss personnel of the institutions.

2 Section 2303-A. Promotion of Local Mental Health

3 Facilities.--The Department of Developmental Disabilities shall  
4 have the power to:

5 (a) Assist in the establishment of local mental health  
6 planning bodies.

7 (b) Provide consultation to local public officials and  
8 voluntary organizations in the establishment and operation of  
9 public and private mental health programs in fields in which the  
10 department has a responsibility.

11 (c) On the basis of formulae, which include ratios of public  
12 and voluntary support, to disburse Federal and State funds  
13 appropriated for the purpose as grants and subsidies to such  
14 programs, if they meet the department's standards.

15 Section 2304-A. Transfers, Leave of Absence or Discharge of  
16 Patients.--The Department of Developmental Disabilities shall  
17 have the power within the limits of the mental health laws of  
18 the Commonwealth:

19 (a) To apply to the proper court for the transfer or removal  
20 of mentally ill persons or mentally defective from county or  
21 district institutions to the State hospitals for the mentally  
22 ill.

23 (b) To transfer the indigent, mentally ill or mentally  
24 defective from State hospitals to the institutions of the  
25 several counties charged with their maintenance.

26 (c) To transfer patients from one State hospital for the  
27 mentally ill to another such hospital.

28 (d) To transfer a committed mentally ill person from a  
29 licensed private hospital or institution to a State or licensed  
30 county hospital and vice versa.

1     (e) To apply to the proper court for the removal to a  
2 hospital for the mentally ill of any person imprisoned in a  
3 correctional institution or prison and believed to be mentally  
4 ill.

5     (f) To transfer a committed patient from one type of  
6 institution under the supervision of the department to another  
7 type of institution under its supervision.

8     (g) To investigate and be heard before an order is made in  
9 any case to remove to any place of custody, other than a  
10 hospital, any criminal confined in a hospital by order of any  
11 court of any mentally ill person committed to a hospital after  
12 an acquittal of crime.

13     The cost of the transfer or removal and of the maintenance of  
14 any mentally ill person transferred by or under the direction or  
15 under the application of the Secretary of Developmental  
16 Disabilities or other officer of the department pursuant hereto  
17 shall be borne and paid in the manner provided by law in the  
18 case of any such transfer or removal.

19     All traveling expenses of indigent mentally ill persons  
20 discharged by order of the department from any State hospital  
21 for the mentally ill from the hospital to their respective homes  
22 shall be paid by the hospital; the amount thereof to be refunded  
23 to such hospital from the appropriation for the care and  
24 treatment of such indigent mentally ill.

25     (h) To order and compel the leave of absence or discharge of  
26 any person detained in any place as mentally ill or of unsound  
27 mind, other than a person committed after trial and conviction  
28 for crime, or by order of court; but, the department shall not  
29 make any such order, unless notice be given to the person having  
30 charge of the building in which the patient is detained and to

1 the person or persons at whose instance the patient is detained,  
2 and reasonable opportunity given to them to justify a further  
3 detention, and unless the department has caused the case of the  
4 patient to be personally attended and examined by its officer or  
5 agent.

6 Section 2305-A. Advisory Committee on Mental Health and  
7 Retardation.--The Committee on Mental Health and Retardation  
8 shall have the power and its duty shall be:

9 (a) To advise the Governor with regard to the appointment of  
10 the Secretary of Developmental Disabilities.

11 (b) To advise, assist and make recommendations with respect  
12 to the general policies and operations of the Commonwealth's  
13 programs on mental disabilities.

14 (c) To aid in increasing public understanding of and  
15 formulating plans for furthering the purposes and intention of  
16 this act.

17 Section 2306-A. Boards of Trustees of State Mental  
18 Institutions.--(1) The powers and duties of the boards of  
19 trustees of each State mental institution, within the Department  
20 of Developmental Disabilities, caring for the mentally ill and  
21 mentally deficient shall be only as defined in this section:

22 (a) To advise, assist and make recommendations to the  
23 superintendent with respect to the management and operation of  
24 the institution, and with respect to any plans or programs for  
25 its improvement.

26 (b) To keep under review all matters pertaining to the  
27 welfare and well-being of patients, and to make recommendations  
28 to the superintendent with respect thereto.

29 (c) To advise and make recommendations to the Secretary of  
30 Developmental Disabilities with regard to the selection and



1 appointment of a superintendent in case of a vacancy.

2 (d) To advise and make recommendations to the superintendent  
3 with regard to his selection of employes of the institution.

4 (e) To develop and further means and methods of establishing  
5 proper relations and understanding between the institution (and  
6 its program) and the community in which it is located, and  
7 generally to provide liaison between the institution and the  
8 community in order better to serve the interest and needs of  
9 both.

10 (f) To make recommendations to the Advisory Committee on  
11 Developmental Disabilities on matters of policy and program  
12 emerging from its intimate knowledge and experience of programs  
13 on developmental disabilities in operation.

14 (2) The provisions of this section shall be applicable to  
15 the boards of trustees in all of the State mental institutions  
16 within the Department of Developmental disabilities caring for  
17 mentally ill and mentally deficient.

18 Section 2307-A. Approval of Plans and Mortgages.--The  
19 Department of Developmental Disabilities shall have the power  
20 and its duty shall be:

21 (a) To approve or disapprove all plans for the erection or  
22 substantial alteration of any State or supervised mental  
23 institution receiving aid from the Commonwealth.

24 (b) To investigate and report to the Auditor General upon  
25 every application to the Auditor General made by any  
26 institution, corporation or unincorporated association caring  
27 for mentally ill or mentally deficient patients desiring to give  
28 a mortgage under the provisions of the act of April 29, 1915  
29 (P.L.201, No.112), entitled "An act making mortgages given by  
30 benevolent, charitable, philanthropic, educational and

eleemosynary institutions, corporations, or unincorporated associations for permanent improvements and refunding purposes, prior liens to the liens of the Commonwealth for the appropriation of moneys; providing a method for the giving of such mortgages, and fixing the duties of the Auditor General and Board of Public Charities in connection therewith."

Section 2308-A. State Mental Institutions.--With regard to State mental institutions, the department shall have the power and its duty shall be:

(a) To determine the capacity of such institutions.

(b) To determine and designate the type of persons to be received by such institutions, the proportion of each type to be received therein and the districts from which persons shall be received by such institutions.

(c) To issue requisitions upon the Auditor General for warrants to be drawn by the Auditor General upon the State Treasurer in favor of such institutions for the payment out of moneys specifically appropriated to the department for the purpose of the expenses of administering, operating and maintaining and developing such State mental institutions.

(d) To require the submission to the department of any contract for repairs, alterations or equipment which any such State institution desires to make, and to approve or disapprove such proposed contract. No such contract shall be valid without the approval of the department, as evidenced by the signature of the Secretary of Developmental Disabilities.

Section 2309-A. Stores at State Mental Institutions.--With regard to State mental institutions, the department shall have the power to authorize the construction of separate buildings or the addition to or improvement of existing buildings for the

1 purpose of operating and conducting therein a store or canteen  
2 for the convenience and benefit of the patients of such  
3 institutions out of moneys appropriated therefor by the General  
4 Assembly or from moneys derived from the operation of any such  
5 stores or from grants or gifts offered for such particular  
6 purpose.

7 Whenever any such construction, addition or improvement is  
8 made for such purpose, the same shall become the property of the  
9 Commonwealth, regardless of the source of the funds used in  
10 connection therewith.

11 Section 2310-A. Utility Services for State Mental  
12 Institutions.--For the purpose of providing utility services for  
13 State mental institutions, the department may execute such  
14 agreements and contracts as it may deem necessary therefor with  
15 any political subdivision or any authority to provide utility  
16 services, and for defraying the Commonwealth's share of the  
17 expenses and charges to be incurred in establishing and  
18 contracting with an authority or a political subdivision for the  
19 purpose of acquiring, holding, constructing, improving,  
20 maintaining and operating sewage systems, water supply systems,  
21 electric power, gas, steam or other utility systems.

22 Payment of the costs of such expenses, charges and services  
23 shall be made from appropriations to the department for such  
24 purposes in accordance with the agreement made by the  
25 department.

26 Section 2311-A. Powers; Harrisburg State Hospital Leases.--  
27 The Department of Developmental Disabilities shall have the  
28 power to lease for a period not to exceed ten years with the  
29 right to renewal for one further term not to exceed ten years on  
30 such terms as may be considered reasonable by the Secretary of

1 Developmental Disabilities, a portion of the lands of the  
2 Commonwealth at the Harrisburg State Hospital to any  
3 municipality or municipalities adjacent thereto for the use by  
4 the municipality or municipalities in common with the Harrisburg  
5 State Hospital for disposal of garbage, refuse and ashes by  
6 depositing them in compact layers of controlled depth and width  
7 in trenches or depressions and covering each layer promptly on  
8 all sides with a compact layer of clean earth or other inorganic  
9 material of sufficient thickness to exclude rodents and to  
10 prevent the escape of odors or outbreak of fires, such method of  
11 disposal being commonly known as sanitary land fill.

12 Section 2312-A. Charges for Care and Treatment to be Fixed  
13 for State Mental Institutions.--The Department of Developmental  
14 Disabilities shall have the power and its duty shall be to fix  
15 and establish charges for all services rendered by any State-  
16 owned mental institution.

17 Section 2313-A. Care of the Indigent.--The Department of  
18 Developmental Disabilities shall have the power and its duty  
19 shall be:

20 (a) Whenever the General Assembly shall have specifically  
21 appropriated money to the department for the purpose, to issue  
22 requisitions upon the State Treasurer for warrants to be drawn  
23 in favor of such hospitals, homes and institutions as shall  
24 conform to at least the minimum standards of plant equipment,  
25 service, administration and care and treatment necessary for the  
26 proper care and treatment of patients as required by the rules  
27 and regulations of the department or established by law in  
28 amounts computed upon the per diem rates of payment established  
29 by law for free service to indigent persons for (i) the care of  
30 mentally defective children in homes or institutions and (ii)

1 the care, treatment and removal of mentally ill persons in  
2 county hospitals for the mentally ill or private institutions  
3 licensed by the department.

4 (b) To approve requisitions issued by hospitals, homes or  
5 institutions to which the General Assembly shall have  
6 appropriated money for the care and treatment of indigent  
7 mentally ill persons, if such hospitals, homes or institutions  
8 shall conform to at least the minimum standards of plant  
9 equipment, service, administration, and care and treatment  
10 necessary for the proper care and treatment of patients, as  
11 required by the rules and regulations of the department or  
12 established by law, and if such requisitions are in the amounts  
13 to which such hospitals, homes or institutions are entitled  
14 according to law.

15 (c) To establish rules and regulations, not inconsistent  
16 with law, prescribing minimum standards of plant, equipment,  
17 service, administration, and care and treatment for State-aided  
18 mental institutions, and for determining the number of free days  
19 of care and treatment rendered to indigent persons by hospitals,  
20 homes or institutions.

21 Section 2314-A. Study Classification and Assignment.--The  
22 Department of Developmental Disabilities shall have the power  
23 and its duty shall be to establish and administer a program  
24 designed to assist public and private agencies on their request  
25 in the diagnosis and study of children with mental problems or  
26 emotionally disturbed children, and to recommend to them the  
27 most appropriate disposition for the rehabilitation and  
28 treatment of such children. This program shall be based on  
29 review of local studies of the children, but, when local studies  
30 indicate the need, or when it is requested, may include

1 residential study of the children in centers which the  
2 department is hereby authorized to establish and operate.

3 The three diagnostic and evaluation centers now operated and  
4 maintained by the Department of Public Welfare are hereby  
5 transferred to and shall hereafter be operated by the Department  
6 of Developmental Disabilities.

7 Section 2315-A. Purchase of Services.--The Department of  
8 Developmental Disabilities shall have the power:

9 (a) Whenever the General Assembly shall have appropriated  
10 money to the department for mental health purposes to purchase  
11 necessary services for individuals entitled to such services at  
12 rates not exceeding those charged the general public or actual  
13 cost such services may be purchased directly from agencies or  
14 institutions conforming to minimum standards established by the  
15 department or by law, or the department may reimburse local  
16 public agencies which purchase such services from such agencies  
17 or institutions.

18 (b) To establish rules and regulations not inconsistent with  
19 law prescribing minimum standards of plant, equipment, service,  
20 administration, and care and treatment for agencies and  
21 institutions furnishing service to individuals paid for in whole  
22 or in part by money appropriated to the department by the  
23 General Assembly, and when not otherwise established by law,  
24 fixing per diem or other rates for services furnished by such  
25 agencies or institutions.

26 Section 2316-A. Training Programs.--For the purpose of  
27 assuring the Department of Developmental Disabilities qualified  
28 employees in technical and professional fields requiring special  
29 training and experience, the department may, subject to the  
30 approval of the Governor, establish a program to train otherwise

qualified State employees, including the following: registered nurses in psychiatric nursing or nursing education and college graduates in clinical psychology, occupational therapy, physical therapy and social work. Such training shall be limited to those occupational fields in which recruitment experience indicates that a serious shortage of trained persons exists.

Such program may be carried out internally by the department in schools or through other outside agencies in conjunction therewith and the department may pay tuition fees, traveling expenses and salary or portion thereof as may be agreed on as part of such program and it may accept and use funds provided by the Federal Government to finance all or any part of such program. Regulations issued by the Executive Board shall provide for the judicious and properly controlled administration of such training program.

Before commencing a training program resulting in absence from regular duties for a period of thirty full working days or more within a twelve-month period, the employee receiving such training shall sign a valid and binding contract of employment with the Commonwealth of Pennsylvania through the department. Under such contract, approved as to form and legality by the Department of Justice, the employee shall promise to return to regular State employment, and perform those services for which he received training for the department for a period at least equal to the length of time spent in training: Provided, That at the election of the department, such equivalent service may be performed in the employ of a county or municipal agency under the supervision of the department. In no case shall the return to regular employment be for less than one year. Such employee shall be required to perform continuous service for or on behalf

of the Commonwealth during periods of the year when he is not enrolled for training. In consideration of these promises, the department in which such person is employed shall agree to provide for the training of such persons so long as such person's training is deemed necessary by the department, and valuable for the performance of the work of the department, and so long as the person maintains an academic standing satisfactory to the proper authorities of the department, the school or other agency conducting the training program.

Nothing in this act shall prevent the Commonwealth from recovering damages in a civil action for breach of any contract executed pursuant to this act.

No employe under the provisions of this act shall be disqualified by reason of his minority; and, for the purpose of contract for employment with the department, such person shall be deemed to have full legal capacity to act, and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto.

Nothing in this act shall be construed to affect the attendance at short term meetings and conferences.

Section 2317-A. Ex Officio Visitation.--The Governor, the judges of the several courts of the Commonwealth and the members of the Legislature shall have the right by virtue of their office to visit State institutions.

#### (b) Licensing Provisions

Section 2331-A. Operation and Maintenance Without License Prohibited.--No person shall maintain, operate or conduct any mental health institution, as defined herein, without having a license therefor issued by the department. "Mental health institution" means any premises or part thereof, private or



1 public, for the care of individuals who require care because of  
2 mental illness, mental retardation or inebriety but shall not be  
3 deemed to include the private home of a person who is rendering  
4 such care to a relative.

5 Section 2332-A. Application for License.--Any person  
6 desiring to secure a license for maintaining, operating and  
7 conducting a mental health institution shall submit an  
8 application therefor to the department upon forms prepared and  
9 furnished by the department, together with such other  
10 information as the department shall require. Application for  
11 annual renewal of license shall be made in the same manner as  
12 application for original licensure.

13 Section 2333-A. Fees.--Annual licenses shall be issued when  
14 the proper fee, if required, is received by the department and  
15 all the other conditions prescribed by this act are met. The  
16 annual license fee shall be fifty dollars (\$50).

17 Section 2334-A. Issuance of License.--When, after  
18 investigation, the department is satisfied that the applicant or  
19 applicants for a license are responsible persons, that the place  
20 to be used as a facility is suitable for the purpose, is  
21 appropriately equipped and that the applicant or applicants and  
22 the place to be used as a facility meet all the requirements of  
23 this act and of the applicable statutes, ordinances and  
24 regulations, it shall issue a license and shall keep a record  
25 thereof and of the application.

26 Section 2335-A. Provisional License.--When there has been  
27 substantial but not complete compliance with all the applicable  
28 statutes, ordinances and regulations and when the applicant has  
29 taken appropriate steps to correct deficiencies, the department  
30 shall issue a provisional license for a specified period of not

1 more than six months which may be renewed three times. Upon full  
2 compliance, a regular license shall be issued immediately.

3 Section 2336-A. Term and Content of License.--All licenses  
4 issued by the department under this act shall expire one year  
5 next following the day on which issued, shall be on a form  
6 prescribed by the department, shall not be transferable, shall  
7 be issued only to the person for the premises and for the  
8 facility named in the application and shall specify the maximum  
9 number of individuals who may be cared for in the facility at  
10 any one time. The license shall at all times be posted in a  
11 conspicuous place on the applicant's premises.

12 Section 2337-A. Right to Enter and Inspect.--For the purpose  
13 of determining the suitability of the applicants and of the  
14 premises or the continuing conformity of the licensees to this  
15 act and to the applicable regulations of the department, any  
16 authorized agent of the department shall have the right to  
17 enter, visit and inspect any facility licensed or requiring a  
18 license under this act and shall have full and free access to  
19 the records of the facility and to the individuals therein and  
20 full opportunity to interview, inspect or examine such  
21 individuals.

22 An authorized agent of the department shall also confer with  
23 the operators of facilities regarding the minimum standards of  
24 the department, encourage the adoption of higher standards and  
25 recommend methods of improving care and services.

26 Section 2338-A. Records.--Every person licensed under this  
27 act to maintain, operate and conduct a facility shall keep such  
28 records and make such reports as are required by the department.

29 Section 2339-A. Regulations.--The department is hereby  
30 authorized and empowered to adopt regulations establishing

minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses.

Section 2340-A. Refusal to Issue License; Revocation; Notice.--(a) Whenever the department, upon inspection or investigation, shall learn of violation of this act or of regulations adopted by the department pursuant to this act, it shall give written notice thereof to the offending person. Such notice shall require the offending person to take action to bring the facility into compliance with this act or with the relevant regulations within a specified time.

(b) The department shall refuse to issue a license or shall revoke a license for any of the following reasons:

(1) Violation of or non-compliance with the provisions of this act or of regulations pursuant thereto;

(2) Fraud or deceit in obtaining or attempting to obtain a license;

(3) Lending, borrowing or using the license of another, or in any way knowingly aiding or abetting the improper granting of a license;

(4) Gross incompetence, negligence or misconduct in operating the facility;

(5) Mistreating or abusing individuals cared for in the facility.

(c) Whenever the department revokes or refuses to issue a license, it shall give written notice thereof by certified mail. Such notice shall specify the reason for the refusal or revocation.

Section 2341-A. Violation; Penalty.--Any person operating a mental health institution within this Commonwealth without a license required by this act, shall upon conviction thereof in a

1 summary proceeding be sentenced to pay a fine of not less than  
2 twenty-five dollars (\$25) nor more than three hundred dollars  
3 (\$300), and costs of prosecution, and in default of the payment  
4 thereof to undergo imprisonment for not less than ten days nor  
5 more than thirty days. Each day of operating a mental health  
6 institution without a license required by this act shall  
7 constitute a separate offense.

8 (c) Injunctions Against Unlicensed Activities; Procedures

9 Section 2350-A. Definitions.--As used in this subarticle--

10 "Private institution" means any of the following facilities  
11 by whatever term known and irrespective of the age group served:  
12 Mental hospital, institution for the mentally defective, day  
13 care center, family day care home, nursing home, hospital,  
14 boarding home, personal care home, and other similar institution  
15 which is operated for profit and which requires a license issued  
16 by the department.

17 Section 2351-A. Actions Against Unlicensed Institutions.--

18 Whenever a license is required by law for the establishment,  
19 operation or conduct of a private institution, the department,  
20 upon advice of the Attorney General, may maintain an action in  
21 the name of the Commonwealth for an injunction or other process  
22 restraining or prohibiting any person from establishing,  
23 conducting or operating any private institution during any  
24 period after a license to engage in such activity has been  
25 refused, has not been renewed or has been revoked by the  
26 department.

27 Section 2352-A. Actions Against Violations of Law and Rules

28 and Regulations.--Whenever any person, regardless of whether  
29 such person is a licensee, has violated the laws of this  
30 Commonwealth pertaining to the licensing of a private

1 institution or the rules and regulations adopted pursuant to  
2 such laws by the department, the department, upon the advice of  
3 the Attorney General, may maintain an action in the name of the  
4 Commonwealth for an injunction or other process restraining or  
5 prohibiting such person from engaging in such activity.

6 Section 2353-A. Venue.--An action authorized under the  
7 provisions of this subarticle shall be instituted in the court  
8 of common pleas in the county where the alleged unauthorized  
9 activity is committed.

10 Section 2354-A. Injunction or Restraining Order When Appeal  
11 is Pending.--Whenever the department shall have refused to grant  
12 or renew a license, or shall have revoked a license required by  
13 law to operate or conduct a private institution, or shall have  
14 ordered the person to refrain from conduct violating the rules  
15 and regulations of the department and the person deeming himself  
16 aggrieved by such refusal or revocation or order shall have  
17 appealed the action of the department, the court may, during  
18 pendency of such appeal, issue a restraining order or injunction  
19 upon proof that the operation of the private institution or its  
20 failure to comply with the order of the department adversely  
21 affects the well-being and safety of the patients or inmates in  
22 the private institution.

23 Section 2355-A. Injunction or Restraining Order When No  
24 Appeal is Pending.--Should a person, who is refused a license or  
25 the renewal of a license to operate or conduct a private  
26 institution, or whose license to operate or conduct a private  
27 institution is revoked, or who has been ordered to refrain from  
28 conduct or activity which violates the rules and regulations of  
29 the department, fail to appeal or should such appeal be decided  
30 finally favorably to the department, then the court shall issue

1 a permanent injunction upon proof that the person is operating  
2 or conducting a private institution without a license as  
3 required by law, or has continued to violate the rules and  
4 regulations of the department.

5 Section 2356-A. Appeals.--Appeals from any final decision of  
6 a court of common pleas to the Superior or Supreme Court shall  
7 be as in similar cases.

8 Section 2357-A. Bonds and Costs.--No bond shall be required  
9 of and no costs shall be taxed against the department on account  
10 of any such action.

11 Section 2358-A. Law Supplementary.--The provisions of this  
12 subarticle shall be construed as supplementary to all other  
13 provisions dealing with the same subject matter. No action  
14 brought under the provisions of this subarticle shall prevent  
15 the prosecution or institution of any civil or criminal action  
16 otherwise provided by law for violation of any law providing for  
17 licensing or departmental rules or regulations promulgated  
18 thereunder.

19 (d) Interstate Compact on Mental Health

20 Section 2360-A. Authorization; Compact Provisions.--The  
21 Governor is hereby authorized and directed to execute a compact  
22 on behalf of the Commonwealth of Pennsylvania with any other  
23 state or states legally joining therein in form substantially as  
24 follows:

25 INTERSTATE COMPACT ON MENTAL HEALTH

26 The contracting states solemnly agree that:

27 ARTICLE I

28 The party states find that the proper and expeditious  
29 treatment of the mentally ill and mentally deficient can be  
30 facilitated by cooperative action to the benefit of the

1 patients, their families and society as a whole. Further the  
2 party states find that the necessity of and desirability for  
3 furnishing such care and treatment bears no primary relation to  
4 the residence or citizenship of the patient but that on the  
5 contrary the controlling factors of community safety and  
6 humanitarianism require that facilities and services be made  
7 available for all who are in need of them. Consequently, it is  
8 the purpose of this compact and of the party states to provide  
9 the necessary legal basis for the institutionalization or other  
10 appropriate care and treatment of the mentally ill and mentally  
11 deficient under a system that recognizes the paramount  
12 importance of patient welfare and to establish the  
13 responsibilities of the party states in terms of such welfare.

14 ARTICLE II

15 As used in this compact:

16 (1) "Sending states" shall mean a party state from which a  
17 patient is transported pursuant to the provisions of the compact  
18 or from which it is contemplated that a patient may be so sent.

19 (2) "Receiving state" shall mean a party state to which a  
20 patient is transported pursuant to the provisions of the compact  
21 or to which it is contemplated that a patient may be so sent.

22 (3) "Institution" shall mean any hospital or other facility  
23 maintained by a party state or political subdivision thereof for  
24 the care and treatment of mental illness or mental deficiency.

25 (4) "Patient" shall mean any person subject to or eligible  
26 as determined by the laws of the sending state for  
27 institutionalization or other care, treatment or supervision  
28 pursuant to the provisions of this compact.

29 (5) "After-care" shall mean care, treatment and services  
30 provided a patient as defined herein on convalescent status or

1 conditional release.

2 (6) "Mental illness" shall mean mental disease to such  
3 extent that a person so afflicted requires care and treatment  
4 for his own welfare or the welfare of others or of the  
5 community.

6 (7) "Mental deficiency" shall mean mental deficiency as  
7 defined by appropriate clinical authorities to such extent that  
8 a person so afflicted is incapable of managing himself and his  
9 affairs but shall not include mental illness as defined herein.

10 (8) "State" shall mean any state, territory or possession of  
11 the United States, the District of Columbia and the Commonwealth  
12 of Puerto Rico.

13 (9) "Court" shall mean the court of common pleas or other  
14 court of record having jurisdiction or law judge thereof of the  
15 county in which the patient is or resides.

16 ARTICLE III

17 (a) Whenever a person physically present in any party state  
18 shall be in need of institutionalization by reason of mental  
19 illness or mental deficiency, he shall be eligible for care and  
20 treatment in an institution in that state, irrespective of his  
21 residence, settlement or citizenship qualifications.

22 (b) The provisions of paragraph (a) of this article to the  
23 contrary notwithstanding, any patient may be transferred to an  
24 institution in another state whenever there are factors based  
25 upon clinical determinations indicating that the care and  
26 treatment of said patient would be facilitated or improved  
27 thereby. Any such institutionalization may be for the entire  
28 period of care and treatment or for any portion or portions  
29 thereof. The factors referred to in this paragraph shall include  
30 the patient's full record with due regard for the location of



1 the patient's family, character of the illness and probable  
2 duration thereof and such other factors as shall be considered  
3 appropriate.

4 (c) No state shall be obliged to receive any patient  
5 pursuant to the provisions of paragraph (b) of this article  
6 unless the sending state has given advance notice of its  
7 intention to send the patient, furnished all available medical  
8 and other pertinent records concerning the patient, giving the  
9 qualified medical or other appropriate clinical authorities of  
10 the receiving state an opportunity to examine the patient, if  
11 said authorities so wish and unless the receiving state shall  
12 agree to accept the patient.

13 (d) In the event that the laws of the receiving state  
14 establish a system of priorities for the admission of patients,  
15 an interstate patient under this compact shall receive the same  
16 priority as a local patient and shall be taken in the same order  
17 and at the same time that he would be taken if he were a local  
18 patient.

19 (e) Pursuant to this compact, the determination as to the  
20 suitable place of institutionalization for a patient may be  
21 reviewed at any time and such further transfer of the patient  
22 may be made as seems likely to be in the best interest of the  
23 patient.

#### 24 ARTICLE IV

25 (a) Whenever pursuant to the laws of the state in which a  
26 patient is physically present, it shall be determined that the  
27 patient should receive after-care or supervision, such care or  
28 supervision may be provided in a receiving state. If the medical  
29 or other appropriate clinical authorities having responsibility  
30 for the care and treatment of the patient in the sending state

1 shall have reason to believe that after-care in another state  
2 would be in the best interest of the patient and would not  
3 jeopardize the public safety, they shall request the appropriate  
4 authorities in the receiving state to investigate the  
5 desirability of affording the patient such after-care in said  
6 receiving state and such investigation shall be made with all  
7 reasonable speed. The request for investigation shall be  
8 accompanied by complete information concerning the patient's  
9 intended place of residence and the identity of the person in  
10 whose charge it is proposed to place the patient, the complete  
11 medical history of the patient and such other documents as may  
12 be pertinent.

13 (b) If the medical or other appropriate clinical authorities  
14 having responsibility for the care and treatment of the patient  
15 in the sending state and the appropriate authorities in the  
16 receiving state find that the best interest of the patient would  
17 be served thereby and if the public safety would not be  
18 jeopardized thereby, the patient may receive after-care or  
19 supervision in the receiving state.

20 (c) In supervising, treating or caring for a patient on  
21 after-care pursuant to the terms of this article, a receiving  
22 state shall employ the same standards of visitation,  
23 examination, care and treatment that it employs for similar  
24 local patients.

#### 25 ARTICLE V

26 Whenever a dangerous or potentially dangerous patient escapes  
27 from an institution in any party state, that state shall  
28 promptly notify all appropriate authorities within and without  
29 the jurisdiction of the escape in a manner reasonably calculated  
30 to facilitate the speedy apprehension of the escapee.

1 Immediately upon the apprehension and identification of any such  
2 dangerous or potentially dangerous patient, he shall be detained  
3 in the state where found, pending disposition in accordance with  
4 law.

5 ARTICLE VI

6 The duly accredited officers of any state party to this  
7 compact, upon the establishment of their authority and the  
8 identity of the patient, shall be permitted to transport any  
9 patient being moved pursuant to this compact through any and all  
10 states party to this compact without interference.

11 ARTICLE VII

12 (a) No person shall be deemed a patient of more than one  
13 institution at any given time. Completion of transfer of any  
14 patient to an institution in a receiving state shall have the  
15 effect of making the person a patient of the institution in the  
16 receiving state.

17 (b) The sending state shall pay all costs of and incidental  
18 to the transportation of any patient pursuant to this compact  
19 but any two or more party states may, by making a specific  
20 agreement for that purpose, arrange for a different allocation  
21 of costs as among themselves.

22 (c) No provision of this compact shall be construed to alter  
23 or affect any internal relationships among the departments,  
24 agencies and officers of and in the government of a party state  
25 or between a party state and its subdivisions as to the payment  
26 of costs or responsibilities therefor.

27 (d) Nothing in this compact, shall be construed to prevent  
28 any party state or subdivision thereof from asserting any right  
29 against any person, agency or other entity in regard to costs  
30 for which such party state or subdivision thereto may be

1 responsible pursuant to any provision of this compact.

2 (e) Nothing in this compact shall be construed to invalidate  
3 any reciprocal agreement between a party state and a nonparty  
4 state relating to institutionalization, care or treatment of the  
5 mentally ill or mentally deficient or any statutory authority  
6 pursuant to which such agreements may be made.

7 ARTICLE VIII

8 (a) Nothing in this compact shall be construed to abridge,  
9 diminish or in any way impair the rights, duties and  
10 responsibilities of any patient's guardian on his own behalf or  
11 in respect of any patient for whom he may serve, except that  
12 where the transfer of any patient to another jurisdiction makes  
13 advisable the appointment of a supplemental or substitute  
14 guardian, any court of competent jurisdiction in the receiving  
15 state may make such supplemental or substitute appointment and  
16 the court which appointed the previous guardian shall, upon  
17 being duly advised of the new appointment and upon the  
18 satisfactory completion of such accounting and other acts as  
19 such court may by law require, relieve the previous guardian of  
20 power and responsibility to whatever extent shall be appropriate  
21 in the circumstances: Provided, however, That in the case of any  
22 patient having settlement in the sending state, the court of  
23 competent jurisdiction in the sending state shall have the sole  
24 discretion to relieve a guardian appointed by it or continue his  
25 power and responsibility, whichever it shall deem advisable. The  
26 court in the receiving state may, in its discretion, confirm or  
27 reappoint the person or persons previously serving as guardian  
28 in the sending state in lieu of making a supplemental or  
29 substitute appointment. No mentally ill or mentally deficient  
30 patient shall be transferred between party states until consent

1 has been obtained from the person legally responsible for the  
2 patient's maintenance.

3 (b) The term "guardian" as used in paragraph (a) of this  
4 article shall include any guardian, trustee, legal committee,  
5 conservator or other person or agency however denominated who is  
6 charged by law with power to act for or responsibility for the  
7 person or property of a patient.

#### 8 ARTICLE IX

9 (a) No provision of this compact, except Article V, shall  
10 apply to any person institutionalized while under sentence in a  
11 penal or correctional institution or while subject to trial on a  
12 criminal charge or whose institutionalization is due to the  
13 commission of an offense for which, in the absence of mental  
14 illness or mental deficiency, said person would be subject to  
15 incarceration in a penal or correctional institution.

16 (b) To every extent possible, it shall be the policy of  
17 states party to this compact that no patient shall be placed or  
18 detained in any prison, jail or lockup but such patient shall,  
19 with all expedition, be taken to a suitable institutional  
20 facility for mental illness or mental deficiency.

#### 21 ARTICLE X

22 (a) Each party state shall appoint a "compact administrator"  
23 who on behalf of his state shall act as general coordinator of  
24 activities under the compact in his state and who shall receive  
25 copies of all reports, correspondence and other documents  
26 relating to any patient processed under the compact by his  
27 state, either in the capacity of sending or receiving state. The  
28 compact administrator or his duly designated representative  
29 shall be the official with whom other party states shall deal in  
30 any matter relating to the compact or any patient processed

1 thereunder.

2 (b) The compact administrators of the respective party  
3 states shall have power to promulgate reasonable rules and  
4 regulations to carry out more effectively the terms and  
5 provisions of this compact.

6 ARTICLE XI

7 The duly constituted administrative authorities of any two or  
8 more party states may enter into supplementary agreements for  
9 the provision of any service or facility or for the maintenance  
10 of any institution on a joint or cooperative basis whenever the  
11 state concerned shall find that such agreements will improve  
12 services, facilities or institutional care and treatment in the  
13 fields of mental illness or mental deficiency. No such  
14 supplementary agreement shall be construed so as to relieve any  
15 party state of any obligation which it otherwise would have  
16 under other provisions of this compact.

17 ARTICLE XII

18 This compact shall enter into full force and effect as to any  
19 state when enacted by it into law and such state shall  
20 thereafter be a party thereto with any and all states legally  
21 joining therein.

22 ARTICLE XIII

23 (a) A state party to this compact may withdraw therefrom by  
24 enacting a statute repealing the same. Such withdrawal shall  
25 take effect one year after notice thereof has been communicated  
26 officially and in writing to the governors and compact  
27 administrators of all other party states. However, the  
28 withdrawal of any state shall not change the status of any  
29 patient who has been sent to said state or sent out of said  
30 state pursuant to the provisions of the compact.

1     (b) Withdrawal from any agreement permitted by Article VII  
2     (b) as to costs, or from any supplementary agreement made  
3     pursuant to Article XI, shall be in accordance with the terms of  
4     such agreement.

5                     ARTICLE XIV

6     This compact shall be liberally construed so as to effectuate  
7     the purposes thereof. The provisions of this compact shall be  
8     severable and if any phrase, clause, sentence or provision of  
9     this compact is declared to be contrary to the constitution of  
10    any party state or of the United States or the applicability  
11    thereof to any government agency, person or circumstance is held  
12    invalid, the validity of the remainder of this compact and the  
13    applicability thereof to any government agency, person or  
14    circumstance shall not be affected thereby. If this compact  
15    shall be held contrary to the constitution of any state party  
16    thereto, the compact shall remain in full force and effect as to  
17    the remaining states and in full force and effect as to the  
18    state affected as to all severable matters.

19    Section 2361-A. Compact Administrator.--Pursuant to said  
20    compact, the Governor is hereby authorized and empowered to  
21    designate an officer who shall be the compact administrator and  
22    who, acting jointly with like officers of other party states,  
23    shall have power to promulgate rules and regulations to carry  
24    out more effectively the terms of the compact. Said compact  
25    administrator shall serve subject to the pleasure of the  
26    Governor. The compact administrator is hereby authorized,  
27    empowered and directed to cooperate with all departments,  
28    agencies and officers of and in the government of this State and  
29    its subdivisions in facilitating the proper administration of  
30    the compact or of any supplementary agreement or agreements

1 entered into by this State thereunder.

2 Section 2362-A. Supplementary Agreements.--The compact  
3 administrator is hereby authorized and empowered to enter into  
4 supplementary agreements with appropriate officials of other  
5 states pursuant to Articles VII and XI of the compact. In the  
6 event that such supplementary agreement shall require or  
7 contemplate the use of any institution or facility of this State  
8 or require or contemplate provision of any service by this  
9 State, no such agreement shall have force or effect until  
10 approved by the head of the department or agency under whose  
11 jurisdiction said institution or facility is operated or whose  
12 department or agency will be charged with the rendering of such  
13 service.

14 Section 2363-A. Financial Obligations.--The compact  
15 administrator, subject to the approval of the Auditor General,  
16 may make or arrange for any payments necessary to discharge any  
17 financial obligations imposed upon this State by the compact or  
18 by any supplementary agreement entered into thereunder.

19 Section 2364-A. Consultation with Families of Transferees.--  
20 The compact administrator is hereby directed to consult with the  
21 immediate family of any proposed transferee.

22 Section 2365-A. Limitation of Compact Applicability.--This  
23 compact shall apply only to patients who either are in  
24 institutions maintained by the Commonwealth of Pennsylvania,  
25 having been duly and properly committed or admitted pursuant to  
26 laws of the Commonwealth of Pennsylvania or whose admission to  
27 an institution maintained by the Commonwealth is being sought by  
28 a sending state pursuant to this compact, and shall not in any  
29 case apply to any patient of a private licensed institution.

30 (e) Reciprocal Agreements with Other States



1     Section 2371-A. Agreements Authorized.--The department,  
2     subject to the approval of the Attorney General, is hereby  
3     authorized to enter into reciprocal agreements with  
4     corresponding state agencies of other states regarding the  
5     interstate transportation or transfer of persons with mental  
6     illness or defect and to arrange with the proper officials in  
7     this State for the acceptance, transfer, and support of persons  
8     who are residents of this State but who are temporarily detained  
9     or who are receiving psychiatric or mental care in public  
10    institutions of other states in accordance with the terms of  
11    such agreements.

12         (f) Commonwealth Mental Health Research Foundation

13     Section 2381-A. Creation--There is hereby created a body  
14     corporate and politic constituting a public corporation and  
15     governmental instrumentality known as the "Commonwealth Mental  
16     Health Research Foundation," referred to in this subarticle as  
17     the foundation. The foundation shall be administered exclusively  
18     in accordance with the provisions of this subarticle. The  
19     foundation is hereby constituted an instrumentality of the  
20     Commonwealth and the exercise by the foundation of powers and  
21     duties conferred upon it by this act shall be deemed and held to  
22     be an essential governmental function of the Commonwealth.

23     Section 2382-A. Purpose.--It shall be the purpose of the  
24     foundation to support, encourage and finance research of every  
25     nature and description in the field of mental health including  
26     all aspects thereof or related thereto and to train men in the  
27     field of mental health including all aspects thereof or related  
28     thereto.

29     Section 2383-A. Powers and Duties.--The foundation shall  
30     have the following powers and duties:

1     (1) It shall maintain a principal office at such place as  
2     shall be designated by the secretary.

3     (2) It may contract and be contracted within its own name.

4     (3) It may sue and be sued in its own name, and plead and be  
5     impleaded. Any and all actions at law or in equity against it  
6     shall be brought only in Dauphin County.

7     (4) It shall have an official seal.

8     (5) It shall make necessary bylaws, rules and regulations  
9     for the management and regulation of its affairs.

10    (6) It shall have the power and authority to acquire, own,  
11    use, hire, lease, operate and dispose of personal property, real  
12    property and interests in real property.

13    (7) It may make and enter into all contracts and agreements  
14    necessary or incidental to the performance of its duties and the  
15    execution of its powers under this act.

16    (8) It may employ such employes as may, in the judgment of  
17    the board of trustees, be necessary and to fix their  
18    compensation.

19    (9) It shall not be required to pay any taxes or assessments  
20    on any property acquired or used by it.

21    Section 2384-A. Board of Trustees.--(a) The foundation shall  
22    be administered by a board of fifteen trustees consisting of the  
23    Governor, the Secretary of Developmental Disabilities and  
24    thirteen trustees appointed by the Governor for terms of three  
25    years each and until their respective successors shall be duly  
26    appointed and qualified. Any trustee may be reappointed. Any  
27    person appointed to fill a vacancy shall serve for the unexpired  
28    term.

29    (b) The members of the board shall not be entitled to any  
30    compensation for their services as members.

1     (c) Eight members of the board shall constitute a quorum and  
2 any action taken by a majority of a quorum present at a duly  
3 convened meeting of the board shall be the legal action of the  
4 board.

5     (d) The secretary shall be the chairman of the board and the  
6 foundation shall have such other officers as the board deems  
7 necessary.

8     (e) The board shall meet regularly at least three times each  
9 year and specially upon the call of the chairman.

10     Section 2385-A. Research Advisory Committee.--The secretary  
11 who shall be chairman and eight members appointed by the  
12 secretary shall constitute the Research Advisory Committee. In  
13 appointing such committee, the secretary shall select one  
14 representative from each of the following six medical schools,  
15 colleges or mental institutions having an active research  
16 department: The School of Medicine of Temple University, the  
17 School of Medicine of the University of Pennsylvania, the  
18 Pennsylvania State University, the School of Medicine of the  
19 University of Pittsburgh, the Eastern Pennsylvania Psychiatric  
20 Institute and Carnegie Institute of Technology. The Research  
21 Advisory Committee, subject to approval of the board, shall  
22 choose and supervise the projects to be undertaken by the  
23 foundation. The members of the Research Advisory Committee shall  
24 not be entitled to any compensation for their services as  
25 members but shall be entitled to reimbursement for all necessary  
26 expenses incurred in connection with the performance of their  
27 duties as members. The programs of research and of training men  
28 in the field of mental health shall be carried out only in  
29 Commonwealth institutions under the jurisdiction of the  
30 department. This section shall not be construed to prevent

ancillary research or training outside of these institutions so long as the primary program in connection with which the ancillary research or training is undertaken is conducted within a Commonwealth institution.

Section 2386-A. Administration.--(a) The board of trustees shall have sole and exclusive jurisdiction to administer the foundation and no other department, board or officer of the Commonwealth shall have any jurisdiction whatsoever in connection therewith except as set forth in this subarticle. No appropriation made to the foundation shall be available unless and until it shall have complied with section 604 of The Administrative Code of 1929 in the same manner as if it were an administrative department, board or commission.

(b) All moneys belonging to the foundation shall be invested in securities or deposited with depositories subject to the same restrictions as are imposed by law upon the investment or deposit of Commonwealth funds, except that any donor of money or other property may specify that such donation shall be held in the form in which acquired by the board or that such donation shall be invested in or converted into some other specific property or class of investment. So long as the board complies with the instructions of the donor in this regard, it shall be relieved of all liability which may result from the imprudent investment of such moneys.

(c) The board of trustees shall have general supervisory powers and responsibility for the propriety of all expenditures by the foundation. All payments for the general cost of administration of the foundation in excess of three hundred dollars (\$300) shall be made only with the prior approval of the board. All payments for research and training made by the

foundation in excess of three hundred dollars (\$300) shall be made only with the prior approval of the board which shall not approve any such expenditure until it has first been approved by the Research Advisory Committee. The board shall have the right to approve a future series of payments at one time so long as the specific purpose therefor is known at the time of approval.

(d) The board shall set up a system for the payment of all sums less than three hundred dollars (\$300) upon the approval of a responsible executive officer of the foundation. Such system shall contain adequate checks so as to insure that no moneys are improperly diverted from the foundation.

(e) There shall be maintained by the foundation an adequate set of financial books and records in accordance with generally accepted accounting theory and practice.

(f) The financial books and records of the foundation shall be audited at least once each year by a certified public accountant or firm of certified public accountants who shall report to the board. Such report shall be a public record and a copy thereof shall be furnished to each trustee, the Governor, the secretary, the Attorney General and to such other persons who request copies from the foundation, for which other copies a charge adequate to cover printing and other related costs may be made.

(g) The fiscal year of the foundation shall commence on July 1, and end on the following June 30.

(h) The Attorney General and the secretary shall each have the right to examine all phases of the operations of the foundation, including all of its books and records, at such time and in such manner as they or either of them shall deem necessary.

1     Section 2387-A. Gifts and Grants.--The foundation is hereby  
2 authorized to accept gifts or grants of money or property of any  
3 nature from any source whatsoever. Such gifts and grants may be  
4 accepted for the general purposes of the foundation, for  
5 specific purposes within the general purposes of the foundation  
6 or to be held in trust for the benefit of the foundation with  
7 the income to be used for a specific purpose within the general  
8 purposes of the foundation or for the general purposes of the  
9 foundation.

10    Section 2388-A. Patents.--All discoveries and patentable  
11 inventions resulting from the work of the foundation, or of any  
12 employee or person granted financial aid by the foundation, shall  
13 become the property of the foundation by assignment or other  
14 transfer from the discoverers or inventor. Each employee of the  
15 foundation or other person granted financial aid by the  
16 foundation shall be required to sign an agreement agreeing to  
17 assign and transfer to the foundation all of his right, title  
18 and interest in any development or patent acquired as a result  
19 of such employment or receipt of financial aid before being  
20 employed or granted such aid. All royalties or other income  
21 received from the use of any such patents or discoveries shall  
22 be paid to the foundation to be used for its general purposes.

23    Section 8.--(a) All of the State mental institutions now  
24 operated by the Department of Public Welfare are hereby  
25 transferred to and shall hereafter be operated by the Department  
26 of Developmental Disabilities; and, all personnel of such  
27 institutions and all appropriations, contracts, agreements,  
28 equipment, files and obligations of the Department of Public  
29 Welfare respecting such institutions are hereby transferred to  
30 the Department of Developmental Disabilities with the same force

1 and effect as if said contracts, agreements and obligations of  
2 the Department of Public Welfare had been incurred or entered  
3 into by the Department of Developmental Disabilities; and, the  
4 balances remaining in any such appropriations are hereby  
5 appropriated to the Department of Developmental Disabilities for  
6 the same purpose as expressed in the act making them.

7 All personnel, equipment, files, obligations and records of  
8 the Department of Public Welfare employed in the performance of  
9 the powers and duties transferred by this act are hereby  
10 transferred to the Department of Developmental Disabilities;  
11 and, the balances of any appropriations for the payment of  
12 salaries and other expenses in connection therewith are hereby  
13 appropriated to the Department of Developmental Disabilities for  
14 the same purpose as expressed in the act making them.

15 (b) All personnel transferred pursuant to this act shall  
16 retain any civil service employment status assigned to said  
17 personnel.

18 (c) All orders, permits, regulations, decisions and other  
19 actions of the Department of Public Welfare or any agency whose  
20 functions have been transferred by this act shall remain in full  
21 force and effect until modified, repealed, suspended, superseded  
22 or otherwise changed by appropriate action of the Department of  
23 Developmental Disabilities.

24 Section 9. All interstate compacts on medical health entered  
25 into pursuant to Article XI of the Public Welfare Code repealed  
26 by this act shall continue to be in full force and effect.

27 Section 10. The trustees of the Commonwealth Mental Health  
28 Research Foundation appointed by the Governor and in office on  
29 the effective date of this act shall continue in office for the  
30 duration of their terms.

1       Section 11.   This act shall take effect January 1, 1974.