

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 671

Session of  
1981

INTRODUCED BY O'CONNELL, HELFRICK, CORMAN, MURRAY AND PRICE,  
APRIL 7, 1981

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 9, 1982

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," ~~transferring the State~~ <—  
21 ~~general hospitals to the Department of Health.~~ <—  
22 PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE STATE BOARD  
23 OF NURSE EXAMINERS.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 ~~Section 1. As much of section 202 as applies to the~~ <—  
27 ~~Departments of Health and Public Welfare, act of April 9, 1929~~

~~(P.L.177, No.175), known as "The Administrative Code of 1929,"~~  
~~amended July 20, 1974 (P.L.549, No.189) as to the Department of~~  
~~Health, and September 28, 1976 (P.L.1048, No.211) as to the~~  
~~Department of Public Welfare, is amended to read:~~

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

~~\* \* \*~~

~~In the Department of Health,~~

~~Board of Trustees of Ashland State General Hospital,~~

~~Board of Trustees of Coaldale State General Hospital,~~

~~Board of Trustees of Connellsville State General~~  
~~Hospital,~~

~~Board of Trustees of Hazleton State General Hospital,~~

~~Board of Trustees of Locust Mountain State General~~  
~~Hospital,~~

~~Board of Trustees of Nanticoke State General Hospital,~~

~~Board of Trustees of Philipsburg State General Hospital,~~

~~Board of Trustees of Scranton State General Hospital,~~

~~Board of Trustees of Shamokin State General Hospital,~~

~~\* \* \*~~

~~In the Department of Public Welfare,~~

~~Board of Trustees of The Western Youth Development~~  
~~Centers,~~

~~Board of Trustees of The Central Youth Development~~  
~~Centers,~~

~~Board of Trustees of The Eastern Youth Development~~

Centers,

~~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 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 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 Warren State Hospital,~~

~~Board of Trustees of Wernersville State Hospital,~~

~~Board of Trustees of Woodville State Hospital,~~

~~Board of Trustees of Torrance State Hospital,~~

~~Board of Trustees of Haverford State Hospital,~~

~~{Board of Trustees of Ashland State General Hospital,~~

~~Board of Trustees of Coaldale State General Hospital,~~

~~Board of Trustees of Connellsville State General~~

~~Hospital,}~~

~~Board of Trustees of Dixmont State Hospital,~~

~~{Board of Trustees of Hazleton State General Hospital,~~

~~Board of Trustees of Locust Mountain State General~~

~~Hospital,~~

~~Board of Trustees of Nanticoke State General Hospital,~~

~~Board of Trustees of Philipsburg State General Hospital,~~

~~Board of Trustees of Scranton State General Hospital,~~

~~Board of Trustees of Shamokin State General Hospital,}~~  
~~Board of Trustees of Cresson Center,~~  
~~Board of Trustees of Ebensburg Center,~~  
~~Board of Trustees of Eastern State School and Hospital,~~  
~~Board of Trustees of Laurelton Center,~~  
~~Board of Trustees of Pennhurst Center,~~  
~~Board of Trustees of Polk Center,~~  
~~Board of Trustees of Selinsgrove Center,~~  
~~Board of Trustees of Hamburg Center,~~  
~~Board of Trustees of Western Center,~~  
~~Board of Trustees of White Haven Center,~~  
~~Board of Trustees of Woodhaven Center,~~  
~~Board of Trustees of Western Restoration Center,~~  
~~Board of Trustees of South Mountain Restoration Center,~~

~~\* \* \*~~

~~Section 2. (a) All personnel, allocations, appropriations,~~  
~~equipment, files, records, contracts, agreements, obligations,~~  
~~and other material which are used, employed or expended in~~  
~~connection with the powers, duties or functions transferred by~~  
~~this act to the Department of Health are hereby transferred to~~  
~~the Department of Health with the same force and effect as if~~  
~~the appropriations had been made to and said items had been the~~  
~~property of the Department of Health in the first instance and~~  
~~as if said contracts, agreements and obligations had been~~  
~~incurred or entered into by said Department of Health.~~

~~(b) The personnel, appropriations, equipment and other items~~  
~~and material transferred by this section shall include an~~  
~~appropriate portion of the general administrative, overhead and~~  
~~supporting personnel, appropriations, equipment and other~~  
~~material of the agency and shall also include, where applicable,~~

1 ~~Federal grants and funds and other benefits from any Federal~~  
2 ~~program.~~

3 ~~(c) All personnel transferred pursuant to this act shall~~  
4 ~~retain any civil service employment status assigned to said~~  
5 ~~personnel.~~

6 ~~Section 3. All rules, regulations and other actions of the~~  
7 ~~Department of Public Welfare relating to the State hospitals~~  
8 ~~shall remain in full force and effect until modified, repealed,~~  
9 ~~suspended, superseded or otherwise changed by appropriate action~~  
10 ~~of the Department of Health.~~

11 ~~Section 4. The act of June 13, 1967 (P.L.31, No.21), known~~  
12 ~~as the "Public Welfare Code," is repealed insofar as it is~~  
13 ~~inconsistent herewith.~~

14 ~~Section 5. This act shall take effect in 60 days.~~

15 SECTION 1. SECTION 418, ACT OF APRIL 9, 1929 (P.L.177,  
16 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," AMENDED  
17 NOVEMBER 26, 1978 (P.L.1223, NO.292), IS AMENDED TO READ:

18 SECTION 418. STATE BOARD OF NURSE EXAMINERS.--THE STATE  
19 BOARD OF NURSE EXAMINERS SHALL CONSIST OF THE COMMISSIONER OF  
20 PROFESSIONAL AND OCCUPATIONAL AFFAIRS, TWO MEMBERS WHO SHALL BE  
21 PERSONS REPRESENTING THE PUBLIC AT LARGE, AND SEVEN MEMBERS,  
22 FIVE OF WHOM SHALL BE REGISTERED NURSES, GRADUATED FROM SCHOOLS  
23 OF NURSING WHERE PRACTICAL AND THEORETICAL INSTRUCTION IS GIVEN  
24 IN GENERAL SURGICAL AND MEDICAL NURSING, AND TWO OF WHOM SHALL  
25 BE LICENSED PRACTICAL NURSES, AND WHO SHALL HAVE BEEN ENGAGED IN  
26 NURSING IN THE COMMONWEALTH OF PENNSYLVANIA FOR AT LEAST FIVE  
27 YEARS SINCE REGISTRATION.

28 THE GOVERNOR SHALL, UPON THE EXPIRATION OF THE TERM OF OFFICE  
29 OF ANY PROFESSIONAL MEMBER, APPOINT A PERSON, WITH THE ABOVE  
30 SPECIFIED QUALIFICATIONS, [FROM TWO LISTS, EACH CONTAINING NOT

1 LESS THAN TEN NAMES, ONE LIST SUBMITTED TO HIM BY THE BOARD OF  
2 DIRECTORS OF THE PENNSYLVANIA STATE NURSES' ASSOCIATION AND THE  
3 OTHER LIST SUBMITTED TO HIM BY THE NORTHEASTERN PENNSYLVANIA  
4 LEAGUE OF LICENSED PRACTICAL NURSES,] FOR A TERM OF SIX YEARS,  
5 AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED BUT IN NO EVENT  
6 LONGER THAN SIX MONTHS BEYOND THE SIX-YEAR TERM. VACANCIES SHALL  
7 BE FILLED IN LIKE MANNER.

8 FOUR MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM, AND THE  
9 BOARD SHALL SELECT, FROM AMONG ITS MEMBERS, A CHAIRMAN, AND  
10 SHALL ELECT A SECRETARY WHO NEED NOT BE A MEMBER OF THE BOARD.

11 THE BOARD, WITH THE APPROVAL OF THE COMMISSIONER OF  
12 PROFESSIONAL AND OCCUPATIONAL AFFAIRS, SHALL ALSO APPOINT AND  
13 FIX THE COMPENSATION OF ONE OR MORE STATE EDUCATIONAL ADVISORS  
14 OF SCHOOLS OF NURSING, WHO SHALL HAVE THE SAME QUALIFICATIONS AS  
15 THE MEMBERS OF THE BOARD.

16 THE MEMBERS OF THE BOARD, OTHER THAN THE COMMISSIONER OF  
17 PROFESSIONAL AND OCCUPATIONAL AFFAIRS, SHALL RECEIVE THIRTY  
18 DOLLARS PER DIEM, WHEN ACTUALLY ENGAGED IN THE TRANSACTION OF  
19 OFFICIAL BUSINESS, AND THE SECRETARY SHALL RECEIVE SUCH  
20 REASONABLE COMPENSATION AS SHALL BE DETERMINED BY THE BOARD,  
21 WITH THE APPROVAL OF THE COMMISSIONER OF PROFESSIONAL AND  
22 OCCUPATIONAL AFFAIRS.

23 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.