

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 942

Session of
1987

INTRODUCED BY BELFANTI, COLE, JOHNSON, McCALL, LUCYK, BROUJOS,
MRKONIC, WAMBACH, SEVENTY, COY, McHALE, BELARDI, SHOWERS,
ROBBINS AND BLACK, MARCH 17, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 24, 1987

AN ACT

1 Providing for the creation, operation and duties of the Vietnam
2 Veterans Health Initiative Commission as an advisory
3 commission to the Department of Health.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Vietnam
8 Veterans Health Initiative Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Commission." The Vietnam Veterans Health Initiative
14 Commission established pursuant to section 3.

15 "Department." The Department of Health of the Commonwealth.

16 "Veteran." A person who was a resident of this Commonwealth
17 at the time of his entry into the armed forces of the United

1 States or is a resident of this Commonwealth who served in the
2 armed forces during the years 1961-1975.

3 Section 3. Vietnam Veterans Health Initiative Commission.

4 (a) Establishment.--There is hereby created within the
5 department an advisory commission to be known as the Vietnam
6 Veterans Health Initiative Commission. This commission is to
7 obtain, study and disseminate information relating to health
8 issues pertinent to Vietnam veteran residents of this
9 Commonwealth.

10 (b) Membership.--The commission shall consist of ~~18~~ 20 <—
11 members. Members appointed by the Governor shall serve for an
12 initial term ending June 30, 1991. The Governor shall appoint
13 the Secretary of Health who shall serve as chairman, the
14 Secretary of Public Welfare and the Adjutant General who shall
15 serve as vice chairmen, the Chairman of the State Veterans'
16 Commission, the President of the Pennsylvania War Veterans
17 Council and 11 other members, of whom six shall be honorably
18 discharged veterans of the Vietnam conflict with at least one
19 veteran selected from each of the five geographical areas
20 covered by the Governor's Veterans Outreach and Assistance
21 Centers; at least one of these veterans shall be of the minority
22 race and one veteran shall be a female. Of the remaining members
23 to be appointed by the Governor, one shall be an epidemiologist,
24 one shall be a specialist in public health, one shall be a
25 clinical/medical specialist, one shall be a social service
26 specialist, and one shall be a mental health specialist. ~~and~~ <—
27 ~~all of these remaining members shall be selected from an~~
28 ~~academic institution in this Commonwealth.~~ The Speaker of the
29 House of Representatives and the President pro tempore of the
30 Senate shall each appoint ~~one member of his respective house~~ TWO <—

1 MEMBERS OF THEIR RESPECTIVE HOUSES, ONE FROM THE MAJORITY PARTY
2 AND ONE FROM THE MINORITY PARTY, to the commission who shall
3 serve during their respective terms of office.

4 (c) Vacancies.--Vacancies in membership of the commission
5 and its offices shall be filled for the unexpired term in the
6 same manner as the original appointment or election.

7 (d) Meetings.--The commission shall meet at least four times
8 a year at the call of the chairman. The initial meeting of the
9 commission shall be called by the chairman not later than August
10 1, 1987.

11 ~~(e) Sunset. The commission shall be established and~~ <—
12 ~~continue in existence until June 30, 1991.~~

13 ~~(f)~~ (E) Compensation and expenses.--The members of the <—
14 commission shall receive no compensation for their services but
15 shall be allowed their actual and necessary expenses incurred in
16 the performance of their duties under this act.

17 Section 4. Powers and duties of the commission.

18 The commission shall have the following powers and duties:

19 (1) Determine what medical, administrative and social
20 assistance is needed for veterans who may have suffered
21 adverse health effects as a result of their Vietnam service
22 and submit its findings and recommendations to the General
23 Assembly for its consideration.

24 (2) Conduct an extensive outreach program which would
25 coordinate and supplement the outreach efforts of the Federal
26 Government, the Department of Military Affairs, the State
27 Veterans' Commission, the Pennsylvania War Veterans Council,
28 county directors of veterans affairs, the Governor's Veterans
29 Outreach and Assistance Centers and all other organizations
30 to inform veterans who may have suffered adverse health

effects of any Federal or State assistance available to them.

(3) Assist the department in ~~its duties as the official~~ <—
~~agent of the Commonwealth for~~ disseminating information to
Vietnam veterans and their dependents relating to health
studies which are being conducted by the Federal or State
governments.

Section 5. Cooperation with other agencies.

To the maximum extent feasible, the commission shall be
entitled to request and receive and shall utilize and be
provided with such facilities, resources and data of any court,
department, division, board, bureau, commission or agency of the
Commonwealth or any political subdivision thereof as it may
reasonably request to carry out properly its powers and duties
under this act. The release of otherwise confidential
information to the commission pursuant to this act shall be
deemed an official purpose of the Commonwealth and an exception
to laws providing for nondisclosure.

Section 6. Information to be confidential.

The commission shall not disclose information received
pursuant to this act so as to divulge the identities of the
persons to whom it relates except as is necessary to carry out
the purposes of this act.

Section 7. Duties of department.

The department shall, in coordination with the Department of
Public Welfare:

(1) Maintain a central data bank within the department
for information collected on the health effects of exposure
to Vietnam herbicides and for the cataloging of existing
scientific and medical effects of the exposure.

(2) Establish a reporting process for veterans who have

1 indicated they have suffered adverse health, medical and
2 mental effects as a result of their Vietnam service.

3 (3) Establish a continuing education program for all
4 health professionals to assist them in understanding the
5 potential risks and state-of-the-art knowledge with regard to
6 detection, diagnosis and treatment of acute and chronic
7 symptoms associated with Vietnam service.

8 (4) At the request of the commission, initiate studies
9 on the health effects of Vietnam service.

10 ~~(5) Act as the official agent of the Commonwealth for~~ <—
11 ~~disseminating information to Vietnam veterans and their~~
12 ~~dependents relating to health studies which are being~~
13 ~~conducted by the Federal or State Government.~~

14 Section 8. Reports to the Department of Health and the
15 Department of Public Welfare.

16 (a) Voluntary reports.--A physician or mental health
17 specialist who has primary responsibility for treating or
18 assisting a veteran who may have suffered adverse health effects
19 as a result of Vietnam service shall, at the request of the
20 veteran, submit a report to the department on a form provided by
21 the department. If there is no physician or mental health
22 specialist having primary responsibility for treating the
23 veteran, the hospital or facility providing treatment shall, at
24 the request of the veteran, submit the report.

25 (b) Additional information.--The department may require the
26 veteran to provide such other information as determined by the
27 secretary of the department.

28 Section 9. Cooperation with commission.

29 The commission may request and shall receive from any
30 department, division, board, bureau, commission or agency of the

1 Commonwealth or of any political subdivision thereof such
2 assistance and data as will enable it to properly carry out the
3 activities and effectuate the purposes of this act. The
4 commission may also enter into any contract for services as it
5 deems necessary with a private agency or concern, or any
6 academic institution, upon said terms and conditions as it deems
7 appropriate. Information concerning patient and medical data
8 provided to the commission pursuant to this section shall be
9 kept confidential according to these provisions. Statistical
10 information collected under this act is public information.

11 Section 10. Immunity from liability.

12 A physician, mental health specialist or hospital subject to
13 this act who complies with this act may not be held civilly or
14 criminally liable for providing the information required by this
15 act.

16 Section 11. Report by commission.

17 The commission shall make an annual report to the General
18 Assembly on the health status of Pennsylvania Vietnam veterans
19 with recommendations concerning the effectiveness, impact and
20 benefits derived from the special policies as provided for in
21 this act. THIS REPORT SHALL INCLUDE COMPLETE INFORMATION ON THE <—
22 OPERATION OF THE COMMISSION. The report shall be delivered on or
23 before September 1 and shall contain evaluations of the policies
24 and any legislation deemed necessary and proper to the House
25 Federal-State Relations and Military and Veterans Affairs
26 Committees and the Senate Military and Veterans Affairs
27 Committee.

28 Section 12. Transfer of records.

29 All records of the Vietnam Herbicides Information Commission
30 shall be transferred to the Vietnam Veterans Health Initiative

1 Commission.

2 Section 13. Repeal.

3 The act of April 29, 1982 (P.L.355, No.99), known as the
4 Vietnam Herbicides Information Act, is repealed.

5 SECTION 14. EXPIRATION OF ACT.

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6 THIS ACT SHALL EXPIRE THREE YEARS FROM THE EFFECTIVE DATE OF
7 THIS ACT.

8 Section ~~14~~ 15. Effective date.

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9 This act shall take effect July 1, 1987, or immediately,
10 whichever is later.