

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1278

Session of  
1987

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INTRODUCED BY RICHARDSON, KUKOVICH, PISTELLA, DAWIDA, WIGGINS,  
HUGHES AND GLADECK, APRIL 29, 1987

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AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 23, 1987

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## AN ACT

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

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

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

1 December 30, 1984 (P.L.1299, No.245), is amended to read:

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

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

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

1 Welfare in section 202 of the act, amended July 9, 1986

2 (P.L.547, No.97), is amended to read:

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

9 \* \* \*

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

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

19 \* \* \*

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

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

26 \* \* \*

27 In the Department of [Public Welfare] Human Services,  
28 [State Board of [Public Welfare,] Human Services,  
29 Advisory Committee for the Blind,  
30 Advisory Committee for General and Special Hospitals,

<—

1           Advisory Committee for Children and Youth,  
2           Advisory Committee for Public Assistance,  
3           Advisory Committee for Mental Health and Mental  
4           Retardation;

5           \* \* \*

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

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

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

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

Secretary of [Public Welfare] Human Services, of the  
Department of [Public Welfare] Human Services;  
Secretary of Revenue, of the Department of Revenue;  
Secretary of Commerce, of the Department of Commerce;  
Secretary of Community Affairs, of the Department of  
Community Affairs;  
Secretary of Environmental Resources, of the Department of  
Environmental Resources;  
Secretary of General Services, of the Department of General  
Services;  
Secretary of Corrections, of the Department of Corrections.

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

Section 207.1. Gubernatorial Appointments.--\* \* \*

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

(1) The Secretary of Education, the Secretary of the  
Commonwealth, the Adjutant General, the Insurance Commissioner,  
the Secretary of Banking, the Secretary of Agriculture, the  
Secretary of Transportation, the Secretary of Health, the  
Commissioner of the State Police, the Secretary of Corrections,  
the Secretary of Labor and Industry, the Secretary of Aging, the  
Secretary of [Public Welfare] Human Services, the Secretary of  
General Services, the Secretary of Revenue, the Secretary of  
Commerce, the Secretary of Community Affairs and the Secretary  
of Environmental Resources.

1       \* \* \*

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

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

7 \* \* \*

8 SECTION 6. SECTION 448(K) OF THE ACT IS REPEALED. <—

9 ~~Section 6. Section 448(k) and (l) of the act, added or~~ <—  
10 ~~amended December 21, 1959 (P.L.1944, No.709),~~ 7. SECTION 448(L) <—  
11 OF THE ACT, AMENDED July 9, 1970 (P.L.470, No.161) and June 20,  
12 1978 (P.L.477, No.70), ~~are~~ IS amended AND THE SECTION IS AMENDED <—  
13 BY ADDING A SUBSECTION to read:

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

17 \* \* \*

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



~~section, and the first member of each advisory committee  
appointed by the Governor shall automatically become a member of  
the board. The term of office of each member of the board,  
except as herein otherwise provided, shall be six (6) years.~~

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

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

(K.1) THE STATE BOARD OF HUMAN SERVICES IS HEREBY CREATED.  
THE BOARD SHALL CONSIST OF THE SECRETARY OF HUMAN SERVICES, EX  
OFFICIO, AND SIXTEEN (16) MEMBERS APPOINTED BY THE GOVERNOR.  
FOUR (4) MEMBERS SHALL BE APPOINTED FROM AMONG THE MEMBERS OF

<—

1 THE GENERAL ASSEMBLY, TWO (2) FROM THE SENATE AND TWO (2) FROM  
2 THE HOUSE OF REPRESENTATIVES. THESE MEMBERS OF THE BOARD SHALL,  
3 WITH RESPECT TO EACH BRANCH OF THE GENERAL ASSEMBLY, BE FROM  
4 DIFFERENT POLITICAL PARTIES, AND THEY SHALL, IN NO EVENT, RETAIN  
5 MEMBERSHIP ON THE BOARD AFTER THEY CEASE TO BE MEMBERS OF THE  
6 BRANCH OF THE LEGISLATURE FROM WHICH THEY WERE APPOINTED. ONE  
7 (1) MEMBER SHALL BE APPOINTED BY THE GOVERNOR FROM EACH OF THE  
8 SIX (6) ADVISORY COMMITTEES CREATED BY CLAUSE (1) OF THIS  
9 SECTION, AND THE FIRST MEMBER OF EACH ADVISORY COMMITTEE  
10 APPOINTED BY THE GOVERNOR SHALL AUTOMATICALLY BECOME A MEMBER OF  
11 THE BOARD. THE TERM OF OFFICE OF EACH MEMBER OF THE BOARD,  
12 EXCEPT AS HEREIN OTHERWISE PROVIDED, SHALL BE SIX (6) YEARS.

13 IN THE ORIGINAL APPOINTMENT OF THE MEMBERS OF THE BOARD, SIX  
14 (6) MEMBERS SHALL BE APPOINTED FOR THE TERM OF SIX (6) YEARS,  
15 FIVE (5) MEMBERS FOR THE TERM OF FOUR (4) YEARS, AND FIVE (5)  
16 MEMBERS FOR THE TERM OF TWO (2) YEARS. ANY VACANCY OCCURRING IN  
17 THE MEMBERSHIP OF THE BOARD SHALL BE FILLED BY THE GOVERNOR ONLY  
18 FOR THE UNEXPIRED TERM. THE GOVERNOR MAY REMOVE ANY MEMBER OF  
19 THE BOARD AT ANY TIME. NO MEMBER OF THE BOARD SHALL SERVE MORE  
20 THAN TWO (2) CONSECUTIVE TERMS NOT INCLUDING A VACANCY  
21 APPOINTMENT, NOR SHALL ANY MEMBER HOLD OFFICE IN ANY POLITICAL  
22 PARTY.

23 NINE (9) MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM. A  
24 CHAIRMAN WHO SHALL NOT BE A MEMBER OF AN ADVISORY COMMITTEE  
25 SHALL BE ELECTED BY THE BOARD, ANNUALLY, FROM AMONG ITS MEMBERS.  
26 MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION OTHER THAN  
27 REIMBURSEMENT OF TRAVEL AND OTHER ACTUAL EXPENSES INCURRED IN  
28 THE PERFORMANCE OF THEIR DUTIES. THE BOARD SHALL MEET AT LEAST  
29 SIX (6) TIMES A YEAR. SPECIAL MEETINGS OF THE BOARD SHALL BE  
30 HELD ON CALL OF THE CHAIRMAN OR THE SECRETARY OF HUMAN SERVICES,

1 AND IT SHALL BE THE DUTY OF THE CHAIRMAN TO CALL A SPECIAL  
2 MEETING UPON THE WRITTEN REQUEST OF ONE-THIRD (1/3) OR MORE  
3 MEMBERS, NOT INCLUDING VACANCIES, OF THE BOARD.

4 (1) The following advisory committees are hereby created:  
5 Advisory Committee for the Blind,  
6 Advisory Committee for General and Special Hospitals,  
7 Advisory Committee for Children and Youth,  
8 Advisory Committee for Public Assistance,  
9 Advisory Committee for Mental Health and Mental Retardation.

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

1 member of each advisory committee, except as herein otherwise  
2 provided, shall be six (6) years.

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

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

17 [The provisions of clause (k) of this section with respect to <—  
18 filling of vacancies, removal of members, length of service,  
19 political party office and compensation shall be applicable to  
20 advisory committee members, and are incorporated herein by  
21 reference.] ANY VACANCY OCCURRING IN THE MEMBERSHIP OF AN <—  
22 ADVISORY COMMITTEE SHALL BE FILLED BY THE GOVERNOR ONLY FOR THE  
23 UNEXPIRED TERM. THE GOVERNOR MAY REMOVE ANY MEMBER OF AN  
24 ADVISORY COMMITTEE AT ANY TIME. NO MEMBER OF AN ADVISORY  
25 COMMITTEE SHALL SERVE MORE THAN TWO (2) CONSECUTIVE TERMS NOT  
26 INCLUDING A VACANCY APPOINTMENT, NOR SHALL ANY MEMBER HOLD  
27 OFFICE IN ANY POLITICAL PARTY.

28 \* \* \*

29 Section 7 8. Section 1209(b) of the act, amended February 1, <—  
30 1966 (1965 P.L.1849, No.582), is amended to read:

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

4 \* \* \*

5 (b) To furnish to the corporate authorities of each county  
6 (except counties of the first class), city of the third class,  
7 borough, incorporated town, township suitable blank forms for  
8 the making of annual reports of the financial condition of their  
9 respective local governments to the department, which forms for  
10 financial report purposes shall be placed by said corporate  
11 authorities into the hands of the director, controller or  
12 auditors who by law are required to make such financial reports  
13 to the department. Such annual financial reports shall be  
14 prepared in cooperation with aforesaid duly authorized  
15 committees of local government officials and shall contain: (1)  
16 a statement of the receipts of the unit of local government from  
17 all sources and of all accounts and revenue which may be due and  
18 uncollected at the close of the fiscal year; (2) a statement of  
19 the disbursements for all the governmental activities of the  
20 unit of local government during the fiscal year; (3) a detailed  
21 statement of the indebtedness of the unit of local government at  
22 the close of the fiscal year, the provisions made for the  
23 payment thereof, together with the purposes for which it was  
24 incurred; (4) a statement of the cost of ownership and operation  
25 of each and every public service industry owned, maintained or  
26 operated by the unit of local government; (5) such further or  
27 more specific information in relation to the cost of any branch  
28 of the local government and improvements therein as may be  
29 required by the department.

30 In the case of blank forms for financial reports by townships

1 of the second class and counties, the same shall be so arranged  
2 that corresponding data and information, required to be reported  
3 by said units of local government to the Department of  
4 [Highways] Transportation or the Department of [Public Welfare]  
5 Human Services, may be used for the information required to be  
6 furnished to the Department of Community Affairs under this  
7 section.

8 \* \* \*

9 Section & 9. Sections 2203-A(11) and (26) and 2210-A(d) of <—  
10 the act, added June 20, 1978 (P.L.477, No.70), are amended to  
11 read:

12 Section 2203-A. Powers and Duties in General.--The  
13 Department of Aging hereinafter referred to in this article as  
14 the department shall, subject to any inconsistent provisions in  
15 this act contained, have the power and its duty shall be to:

16 \* \* \*

17 (11) Promote and support programs, studies and policies, in  
18 cooperation with the Departments of Labor and Industry,  
19 Education, Commerce, [Public Welfare] Human Services and other  
20 agencies, which will enhance the opportunity for continued work,  
21 education and training for older persons and for preretirement  
22 assistance where appropriate.

23 \* \* \*

24 (26) Review and comment on all rules, regulations,  
25 eligibility or payment standards issued by the Departments of  
26 [Public Welfare] Human Services, Environmental Resources, Health  
27 or Labor and Industry relating to the licensure and regulation  
28 of nursing homes, hospitals, and other health facilities;  
29 medical assistance, supplemental security income; homemaking and  
30 home-health care or residential care facilities for older

1 adults. Said rules, regulations and standards shall not take  
2 effect until they have been submitted to the department for  
3 comment.

4 \* \* \*

5 Section 2210-A. Allocation of Resources.--\* \* \*

6 (d) The Department of [Public Welfare] Human Services shall  
7 transfer, for three State fiscal years immediately subsequent to  
8 the effective date of this act, to the Department of Aging a  
9 proportion of the State allotment under Title XX of the Social  
10 Security Act at least equal to the proportion of such funds,  
11 including training and administrative funds, allocated to the  
12 office for the aging in relation to the State's total allotment  
13 in the same fiscal year as the effective date of this act.

14 Section 9 10. The heading of Article XXIII, section 2301 and <—  
15 the introductory paragraph of section 2313 of the act, amended  
16 July 13, 1957 (P.L.852, No.390), are amended to read:

17 ARTICLE XXIII

18 POWERS AND DUTIES OF THE DEPARTMENT OF

19 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

20 ADMINISTRATIVE AND ADVISORY BOARDS

21 AND COMMISSIONS

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

30 Section 2313. Mental Health.--The Department of [Public

1 Welfare] Human Services shall have the power and its duty shall  
2 be:

3 \* \* \*

4 Section ~~10~~ 11. Section 2313.4 of the act, added December 11, <—  
5 1986 (P.L.1485, No.153), is amended to read:

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

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

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

30 (3) The Medical College of Pennsylvania shall utilize all



space in the buildings known as the Eastern Pennsylvania Psychiatric Institute consistent with the functions described in this section. If The Medical College of Pennsylvania uses space in the Eastern Pennsylvania Psychiatric Institute for functions other than those described, it shall provide the Department of [Public Welfare] Human Services with written documentation that an equivalent amount of space is used in other facilities of The Medical College of Pennsylvania for those functions.

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

~~Section 11. Section 2327 of the act, added December 21, 1959 (P.L.1944, No.709), is amended to read:~~ <—

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

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

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

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

SECTION 12. SECTION 2327 OF THE ACT IS REPEALED. <—

1 SECTION 13. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

2 SECTION 2327.1. POWERS AND DUTIES OF THE STATE BOARD OF  
3 HUMAN SERVICES.--THE STATE BOARD OF HUMAN SERVICES SHALL BE AN  
4 ADVISORY BODY TO, AND A CONSULTATIVE BODY OF THE DEPARTMENT OF  
5 HUMAN SERVICES WITH NO POWER TO APPROVE OR DISAPPROVE RULES OR  
6 REGULATIONS, AND SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

7 (A) TO PARTICIPATE IN THE DEVELOPMENT OF BROAD OUTLINES, OF  
8 POLICY AND IN THE FORMULATION OF LONG-RANGE PROGRAMS AND  
9 OBJECTIVES OF THE DEPARTMENT OF HUMAN SERVICES.

10 (B) TO INTERPRET SUCH PROGRAMS AND OBJECTIVES TO THE PUBLIC,  
11 AND

12 (C) TO ADVISE THE SECRETARY OF HUMAN SERVICES, THE GOVERNOR  
13 AND THE GENERAL ASSEMBLY, WITH RESPECT TO THE POLICIES,  
14 PROGRAMS, OBJECTIVES AND FUNCTIONING OF THE DEPARTMENT OF HUMAN  
15 SERVICES.

16 Section ~~12~~ 14. Section 2328 of the act, amended June 20, <—  
17 1978 (P.L.477, No.70), is amended to read:

18 Section 2328. Powers and Duties of Advisory Committees.--The  
19 Advisory Committee for the Blind, the Advisory Committee for  
20 General and Special Hospitals, the Advisory Committee for  
21 Children and Youth, the Advisory Committee for Public Assistance  
22 and the Advisory Committee for Mental Health and Mental  
23 Retardation, shall, concerning matters within their respective  
24 special fields of interest, have the power and their duty shall  
25 be:

26 (a) To advise the appropriate major program unit of the  
27 Department of [Public Welfare] Human Services. This advice shall  
28 include, but shall not be limited to, such matters as standards  
29 of eligibility, nature and extent of service, amounts of  
30 payments to individuals, standards of approval, certification

1 and licensure of institutions and agencies, ways and means of  
2 coordinating public and private [welfare] human services  
3 activities, and such other matters as may, by law, require  
4 citizen review or may be referred to the committees by the  
5 departmental units advised by them; and the Advisory Committee  
6 for Mental Health and Mental Retardation shall also have the  
7 power and duty to advise the Governor and the Secretary of  
8 [Public Welfare] Human Services with regard to the appointment  
9 of the Commissioner of Mental Health.

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

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

14 (d) To make recommendations to the [State Board of {Public <—  
15 Welfare] DEPARTMENT OF Human Services on matters referred to the <—  
16 committees for consideration and advice, or as may be required  
17 to promote the effectiveness of the programs, of the  
18 departmental units advised by them.

19 Section ~~13~~ 15. Section 2409.1(b) of the act, amended July 1, <—  
20 1981 (P.L.143, No.48), is amended to read:

21 Section 2409.1. Handicapped-Made Products and Services.--\* \*

22 \*

23 (b) The Secretary of General Services shall have the power,  
24 and it shall be his duty, to determine the fair market price on  
25 any product or service, the practice of which is not licensed  
26 under the laws of this Commonwealth, which handicapped persons  
27 can manufacture or perform and which has been offered for sale  
28 to the Commonwealth or any of its agencies by any charitable  
29 nonprofit-making agency for the handicapped, incorporated under  
30 the laws of this Commonwealth, and manufacturing merchandise

1 within this Commonwealth and providing services within this  
2 Commonwealth, and approved for such purpose by the Department of  
3 General Services, to revise such prices from time to time, in  
4 accordance with changing market conditions, and to make such  
5 rules and regulations regarding specifications, time of delivery  
6 and other relevant matters as are necessary to carry out the  
7 provisions of this section. At the request of the Secretary of  
8 General Services and with the approval of the Secretary of  
9 [Public Welfare] Human Services, the Department of [Public  
10 Welfare] Human Services or other nonprofit-making agency shall  
11 facilitate the distribution of orders and services among  
12 agencies for the handicapped.

13 \* \* \*

14 Section ~~14~~ 16. Section 2418 of the act, added December 11, <—  
15 1986 (P.L.1485, No.153), is amended to read:

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

29 Section ~~15~~ 17. Whenever in any law OR REGULATION reference <—  
30 is made to the Department of Public Welfare or the Secretary of

1 Public Welfare, such reference shall be deemed to refer to and  
2 include the Department of Human Services or the Secretary of  
3 Human Services.

4 SECTION 18. THE POWERS AND DUTIES FORMERLY EXERCISED BY THE <—  
5 STATE BOARD OF PUBLIC WELFARE PURSUANT TO ANY STATUTE SHALL  
6 HEREINAFTER BE EXERCISED BY THE STATE BOARD OF HUMAN SERVICES.  
7 ANY REFERENCE IN ANY STATUTE TO THE STATE BOARD OF PUBLIC  
8 WELFARE SHALL HEREAFTER BE DEEMED TO BE A REFERENCE TO THE STATE  
9 BOARD OF HUMAN SERVICES.

10 Section ~~16~~ 19. All personnel, appropriations, allocations, <—  
11 contracts, agreements, equipment, files, obligations and other  
12 material which relate to the administration and enforcement of  
13 the laws of this Commonwealth as they relate to the Department  
14 of Public Welfare are hereby transferred to the Department of  
15 Human Services with the same force and effect as if the  
16 appropriations had been made to the Department of Human Services  
17 in the first instance, and said contracts, agreements and  
18 obligations of the Department of Public Welfare had been  
19 incurred or entered into by said Department of Human Services.

20 Section ~~17~~ 20. This act shall take effect immediately. <—