

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1837 Session of
1989

INTRODUCED BY BELFANTI, McCALL, CAWLEY, STUBAN, KOSINSKI,
HALUSKA, GIGLIOTTI, ROBINSON, J. L. WRIGHT, PESCI, MELIO,
PHILLIPS, BELARDI, ARGALL, TANGRETTI, PRESSMANN, McHALE,
TIGUE, BUNT, MICHLOVIC, PETRARCA AND BISHOP, JUNE 30, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JUNE 30, 1989

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 responsibility
21 for the operation and administration of the State General
22 Hospitals to the Department of Health.

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

25 Section 1. As much as relates to the Department of Health
26 and the Department of Public Welfare in section 202 of the act
27 of April 9, 1929 (P.L.177, No.175), known as The Administrative

1 Code of 1929, amended July 20, 1974 (P.L.549, No.189) and July
2 9, 1986 (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 Health,

11 Board of Trustees of Ashland State General Hospital,
12 Board of Trustees of Coaldale State General Hospital,
13 Board of Trustees of Nanticoke State General Hospital,
14 Board of Trustees of Philipsburg State General Hospital,
15 Board of Trustees of Scranton State General Hospital,
16 Board of Trustees of Shamokin State General Hospital.

17 * * *

18 In the Department of Public Welfare,

19 Board of Trustees of The Western Youth Development
20 Centers,
21 Board of Trustees of The Central Youth Development
22 Centers,
23 Board of Trustees of The Eastern Youth Development
24 Centers,
25 Board of Trustees of Allentown State Hospital,
26 Board of Trustees of Clarks Summit State Hospital,
27 Board of Trustees of Danville State Hospital,
28 Board of Trustees of Embreeville Center,
29 Board of Trustees of Farview State Hospital,
30 Board of Trustees of Harrisburg State Hospital,

1 Board of Trustees of Mayview State Hospital,
2 Board of Trustees of Norristown State Hospital,
3 Board of Trustees of Philadelphia State Hospital,
4 Board of Trustees of Somerset State Hospital,
5 Board of Trustees of Warren State Hospital,
6 Board of Trustees of Wernersville State Hospital,
7 Board of Trustees of Woodville State Hospital,
8 Board of Trustees of Torrance State Hospital,
9 Board of Trustees of Haverford State Hospital,
10 [Board of Trustees of Ashland State General Hospital,
11 Board of Trustees of Coaldale 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 Ebensburg Center,
17 Board of Trustees of Eastern State School and Hospital,
18 Board of Trustees of Laurelton Center,
19 Board of Trustees of Pennhurst Center,
20 Board of Trustees of Polk Center,
21 Board of Trustees of Selinsgrove Center,
22 Board of Trustees of Hamburg Center,
23 Board of Trustees of Western Center,
24 Board of Trustees of White Haven Center,
25 Board of Trustees of Woodhaven Center,
26 Board of Trustees of South Mountain Restoration Center.

27 * * *

28 Section 2. Section 203 of the act, amended December 3, 1970
29 (P.L.834, No.275), July 22, 1975 (P.L.75, No.45), June 20, 1978
30 (P.L.477, No.70), December 6, 1982 (P.L.774, No.223), April 29,

1 1988 (P.L.381, No.60) and June 30, 1988 (P.L.475, No.80), is
2 amended to read:

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

6 In the Department of Military Affairs,

7 State Military Reservation Commission,

8 In the Department of Environmental Resources,

9 Citizens Advisory Council;

10 In the Department of Health,

11 Advisory Health Board[;]_

12 Advisory Committee for General Hospitals,

13 In the Department of Labor and Industry,

14 Advisory Council on Affairs of the Handicapped,

15 Advisory Board on Problems of Older Workers,

16 Policy, Planning and Evaluation Advisory Committee;

17 In the Department of Public Welfare,

18 State Board of Public Welfare,

19 Advisory Committee for the Blind,

20 Advisory Committee for [General and] Special Hospitals,

21 Advisory Committee for Children and Youth,

22 Advisory Committee for Public Assistance,

23 Advisory Committee for Mental Health and Mental

24 Retardation;

25 In the Department of Commerce,

26 Board of the Ben Franklin Partnership Fund.

27 Section 3. The first paragraph of section 448(1) of the act,
28 amended June 20, 1978 (P.L.477, No.70), is amended and the
29 section is amended by adding a clause to read:

30 Section 448. Advisory Boards and Commissions.--The advisory

1 boards and commissions, within the several administrative
2 departments, shall be constituted as follows:

3 * * *

4 (f.1) The Advisory Committee for General Hospitals shall
5 consist of the Secretary of Health or his designee and not less
6 than three (3) nor more than nine (9) members appointed by the
7 Governor. The exact number of members of each advisory committee
8 shall be determined by the Governor upon recommendation of the
9 Secretary of Health. The qualifications of the members shall
10 also be determined by the Governor upon recommendation of the
11 Secretary of Health: Provided, That the Governor shall appoint
12 members with due regard for representation of the professional
13 and lay groups concerned with the fields of interest served by
14 the program to which the advisory committee is attached. The
15 term of office of each member of the advisory committee, except
16 as herein otherwise provided, shall be six (6) years.

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

23 A majority of the members of the advisory committee shall
24 constitute a quorum. The advisory committee shall elect a
25 chairman from among its members. The advisory committee shall
26 meet at least four (4) times a year. Special meetings of the
27 advisory committee shall be held on call of the chairman, and it
28 shall be the duty of the chairman to call a special meeting upon
29 the written request of one-third (1/3) or more of the members
30 not including vacancies of the advisory committee.

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

* * *

(1) The following advisory committees are hereby created:

Advisory Committee for the Blind,

Advisory Committee for [General and] Special Hospitals,

Advisory Committee for Children and Youth,

Advisory Committee for Public Assistance,

Advisory Committee for Mental Health and Mental Retardation.

* * *

Section 4. Section 2102 of the act is amended by adding a clause to read:

Section 2102. General Health Administration.--The Department of Health shall have the power, and its duty shall be:

* * *

(n) To operate, administer and maintain the State General Hospitals.

Section 5. The act is amended by adding a section to read:

Section 2122. State General Hospitals.--(a) The State General Hospitals are declared to be hospitals for the care and treatment of the ill, without any restrictions other than those now or hereafter imposed by law upon all general hospitals, and except as each individual institution is restricted by the limitations of its facilities and equipment.

(b) The department shall have the power and its duty shall be, subject to the approval of the proper board of trustees, to fix and establish charges for all services rendered by any State

1 General Hospital.

2 (c) (1) Gifts or donations to State General Hospitals shall
3 be used only for the purpose specified by the donor or, if no
4 purpose is specified, such gifts or donations may be used for
5 such hospital for such purposes as the board of trustees of such
6 hospital may determine.

7 (2) The department shall not withhold any moneys allocated
8 or fail to allocate any money to any State General Hospital for
9 the reason that such hospital has received a gift or donation
10 from another source.

11 (d) The board of trustees of each of the State General
12 Hospitals shall have general direction and control of the
13 property and management of such institution. It shall have the
14 power, and its duty shall be:

15 (1) Subject to the approval of the Governor, to elect a
16 superintendent of the hospital, who shall, subject to the
17 authority of the board, administer the institution in all its
18 departments;

19 (2) On nomination by the superintendent from time to time,
20 to appoint such officers and employes as may be necessary;

21 (3) To fix the salaries of its employes in conformity with
22 the standards established by the Executive Board;

23 (4) Subject to the approval of the secretary, to make such
24 bylaws, rules and regulations for the management of the
25 institution as it may deem wise.

26 (5) When only a part of a hospital is used as a geriatric
27 center, the responsibilities of the board of trustees of such
28 hospital shall continue to extend to the entire institution.

29 Section 6. Sections 316, 321, 322 and 323 of the act of June
30 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are

1 repealed.

2 Section 7. All personnel, records, property and
3 appropriations of the Department of Public Welfare relating to
4 the State General Hospitals are hereby transferred to the
5 Department of Health.

6 Section 8. This act shall take effect July 1, 1989, or
7 immediately, whichever is later.