

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 187 Session of
1991

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BATTISTO, ITKIN, VEON AND WILLIAMS, JANUARY 30, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JANUARY 30, 1991

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; and
22 making related substantive and editorial changes.

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

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

1 No.175), known as The Administrative Code of 1929, amended
2 December 30, 1984 (P.L.1299, No.245) and repealed in part May
3 26, 1988 (P.L.414, No.72), is amended to read:

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

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

1 Section 2. As much as relates to the Department of Public
2 Welfare in section 202 of the act, amended July 9, 1986
3 (P.L.547, No.97), is amended to read:

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

10 * * *

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

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

20 * * *

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

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

27 * * *

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

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

6 * * *

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

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

1 Secretary of Aging, of the Department of Aging;

2 Secretary of [Public Welfare] Human Services, of the

3 Department of [Public Welfare] Human Services;

4 Secretary of Revenue, of the Department of Revenue;

5 Secretary of Commerce, of the Department of Commerce;

6 Secretary of Community Affairs, of the Department of

7 Community Affairs;

8 Secretary of Environmental Resources, of the Department of

9 Environmental Resources;

10 Secretary of General Services, of the Department of General

11 Services;

12 Secretary of Corrections, of the Department of Corrections.

13 Section 5. Section 207.1(d)(1) and (4) of the act, amended

14 February 17, 1984 (P.L.75, No.14) and December 30, 1984

15 (P.L.1299, No.245), are amended to read:

16 Section 207.1. Gubernatorial Appointments.--* * *

17 (d) The Governor shall nominate in accordance with the
18 provisions of the Constitution of the Commonwealth of

19 Pennsylvania and, by and with the advice and consent of a

20 majority of the members elected to the Senate appoint persons to

21 fill the following positions:

22 (1) The Secretary of Education, the Secretary of the
23 Commonwealth, the Adjutant General, the Insurance Commissioner,

24 the Secretary of Banking, the Secretary of Agriculture, the

25 Secretary of Transportation, the Secretary of Health, the

26 Commissioner of the State Police, the Secretary of Corrections,

27 the Secretary of Labor and Industry, the Secretary of Aging, the

28 Secretary of [Public Welfare] Human Services, the Secretary of

29 General Services, the Secretary of Revenue, the Secretary of

30 Commerce, the Secretary of Community Affairs and the Secretary

1 of Environmental Resources.

2 * * *

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

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

8 * * *

9 Section 6. Section 448(k) and (l) of the act, amended or
10 added December 21, 1959 (P.L.1944, No.709), July 9, 1970
11 (P.L.470, No.161) and June 20, 1978 (P.L.477, No.70), are
12 amended to read:

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

16 * * *

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

1 appointed by the Governor shall automatically become a member of
2 the board. The term of office of each member of the board,
3 except as herein otherwise provided, shall be six (6) years.

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

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

26 (1) The following advisory committees are hereby created:
27 Advisory Committee for the Blind,
28 Advisory Committee for General and Special Hospitals,
29 Advisory Committee for Children and Youth,
30 Advisory Committee for Public Assistance,

1 Advisory Committee for Mental Health and Mental Retardation.

2 Each advisory committee shall consist of the Commissioner in
3 the Department of [Public Welfare] Human Services, directing the
4 program to which the advisory committee is attached, as an ex
5 officio member, and not less than three (3) nor more than nine
6 (9) members appointed by the Governor. In the case of the
7 Advisory Committee for Mental Health and Mental Retardation, the
8 committee shall include the Chairman of the Public Health and
9 Welfare Committee of the Senate, the Chairman of the Health and
10 Welfare Committee of the House of Representatives and the
11 President of the Pennsylvania State Association of County
12 Commissioners or his alternate. The exact number of members of
13 each advisory committee shall be determined by the Governor upon
14 recommendation of the State Board of [Public Welfare] Human
15 Services. The qualifications of the members of each advisory
16 committee shall also be determined by the Governor upon
17 recommendation of the State Board of [Public Welfare] Human
18 Services: Provided, That with respect to each advisory
19 committee, the Governor shall appoint members with due regard
20 for representation of the professional and lay groups concerned
21 with the fields of interest served by the program to which each
22 advisory committee is attached. The term of office of each
23 member of each advisory committee, except as herein otherwise
24 provided, shall be six (6) years.

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

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

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

14 * * *

15 Section 7. Section 451 of the act, amended July 7, 1989
16 (P.L.241, No.42), is amended to read:

17 Section 451. State Planning Board.--(a) The State Planning
18 Board shall be an advisory board within the Governor's Office
19 with the same status under this act as that of advisory boards.

20 (b) (1) The State Planning Board shall consist of fifteen
21 members to be appointed by the Governor from among the citizens
22 of the State, who during their terms shall hold no other office
23 in the executive branch of State Government to which any salary
24 is attached. In addition to these members, there shall be six ex
25 officio members, the Secretary of Agriculture, the Secretary of
26 Commerce, the Secretary of Community Affairs, the Secretary of
27 Environmental Resources, the Secretary of [Public Welfare] Human
28 Services and the Secretary of Transportation. There shall also
29 be two members appointed by, and serve at the pleasure of, the
30 President pro tempore of the Senate, neither of whom shall be

1 members of the same political party, and two members appointed
2 by, and serve at the pleasure of, the Speaker of the House of
3 Representatives, neither of whom shall be members of the same
4 political party. The terms of office of those members appointed
5 by the Governor shall be for four years and until their
6 successors are appointed and have qualified. In case of a
7 vacancy, the Governor shall make an appointment for the
8 unexpired portion of the term. The Governor shall designate the
9 chairman and vice-chairman of the board from among the members
10 of the board, other than the ex officio and legislative members.

11 (2) Thirteen members of the board shall constitute a quorum.

12 (3) The members of the board shall serve without
13 compensation but shall be entitled to receive traveling and
14 other reasonable expenses incurred in the discharge of their
15 duties.

16 (4) The board may, with the approval of the Governor,
17 appoint and fix the compensation of an executive director who
18 shall be technically qualified for the duties of the office and
19 who shall act as secretary of the board and conduct the work of
20 the board under its supervision.

21 (c) The board shall have the following powers and duties:

22 (1) Conduct research and collect, compile and analyze data
23 bearing upon social, economic, physical, demographic and other
24 factors which may influence the present and future welfare of
25 the Commonwealth.

26 (2) Monitor national and State trends, identify issues of
27 potential interest and concern to the Commonwealth and prepare
28 for the Governor and the General Assembly on an annual basis, or
29 more often if necessary, reports detailing the findings of the
30 board.

1 (3) Develop strategic plans and programs to promote and
2 enhance the welfare of the Commonwealth and make such
3 recommendations thereon to the Governor as it may deem proper
4 and advisable.

5 (4) Solicit information and input from State and local
6 government officials and private citizens in Pennsylvania as
7 part of the process of developing strategic plans and programs.

8 (5) Submit annually to the Governor, the President pro
9 tempore of the Senate and the Speaker of the House of
10 Representatives a report on its program and activities.

11 Section 8. Section 1209(b) of the act, amended February 1,
12 1966 (1965 P.L.1849, No.582), is amended to read:

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

16 * * *

17 (b) To furnish to the corporate authorities of each county
18 (except counties of the first class), city of the third class,
19 borough, incorporated town, township suitable blank forms for
20 the making of annual reports of the financial condition of their
21 respective local governments to the department, which forms for
22 financial report purposes shall be placed by said corporate
23 authorities into the hands of the director, controller or
24 auditors who by law are required to make such financial reports
25 to the department. Such annual financial reports shall be
26 prepared in cooperation with aforesaid duly authorized
27 committees of local government officials and shall contain: (1)
28 a statement of the receipts of the unit of local government from
29 all sources and of all accounts and revenue which may be due and
30 uncollected at the close of the fiscal year; (2) a statement of

1 the disbursements for all the governmental activities of the
2 unit of local government during the fiscal year; (3) a detailed
3 statement of the indebtedness of the unit of local government at
4 the close of the fiscal year, the provisions made for the
5 payment thereof, together with the purposes for which it was
6 incurred; (4) a statement of the cost of ownership and operation
7 of each and every public service industry owned, maintained or
8 operated by the unit of local government; (5) such further or
9 more specific information in relation to the cost of any branch
10 of the local government and improvements therein as may be
11 required by the department.

12 In the case of blank forms for financial reports by townships
13 of the second class and counties, the same shall be so arranged
14 that corresponding data and information, required to be reported
15 by said units of local government to the Department of
16 [Highways] Transportation or the Department of [Public Welfare]
17 Human Services, may be used for the information required to be
18 furnished to the Department of Community Affairs under this
19 section.

20 * * *

21 Section 9. Sections 2203-A(11), (17.2), (24) and (26) of the
22 act, amended December 15, 1988 (P.L.1244, No.153), are amended
23 to read:

24 Section 2203-A. Powers and Duties in General.--(a) The
25 Department of Aging hereinafter referred to in this article as
26 the department shall, subject to any inconsistent provisions in
27 this act contained, have the power and its duty shall be to:

28 * * *

29 (11) Promote and support programs, studies and policies, in
30 cooperation with the Departments of Labor and Industry,

1 Education, Commerce, [Public Welfare] Human Services and other
2 agencies, which will enhance the opportunity for continued work,
3 education and training for older persons and for preretirement
4 assistance where appropriate.

5 * * *

6 (17.2) In cooperation with the Department of Health and the
7 Department of [Public Welfare] Human Services:

8 (i) Develop and administer a system of preadmission
9 assessment for persons who are at risk of needing institutional
10 care, if the Governor finds such a system cost effective.

11 (ii) Develop and administer a system of managed community-
12 based long-term care for persons who are assessed as being
13 clinically eligible for nursing home care and who can be cared
14 for within cost-of-care guidelines established by the
15 department, if the Governor finds such a system cost effective.

16 * * *

17 (24) Conduct, in cooperation with the Department of Health
18 and the Department of [Public Welfare] Human Services, periodic
19 studies and evaluations pertaining to the quality of care and
20 related services for consumers of long-term care services and
21 report such findings to the General Assembly.

22 * * *

23 (26) Review and comment on all rules, regulations,
24 eligibility or payment standards issued by the Departments of
25 [Public Welfare] Human Services, Environmental Resources, Health
26 or Labor and Industry relating to the licensure and regulation
27 of nursing homes, hospitals, and other health facilities;
28 medical assistance, supplemental security income; homemaking and
29 home-health care or residential care facilities for older
30 adults. Said rules, regulations and standards shall not take

1 effect until they have been submitted to the department for
2 comment.

3 * * *

4 Section 10. The heading of Article XXIII, section 2301 and
5 the introductory paragraph of section 2313 of the act, amended
6 July 13, 1957 (P.L.852, No.390), are amended to read:

7 ARTICLE XXIII
8 POWERS AND DUTIES OF THE DEPARTMENT OF
9 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL
10 ADMINISTRATIVE AND ADVISORY BOARDS
11 AND COMMISSIONS

12 Section 2301. Powers and Duties in General.--The Department
13 of [Public Welfare] Human Services shall, subject to any
14 inconsistent provisions in this act contained, continue to
15 exercise the powers and perform the duties by law vested in and
16 imposed upon the said department, the Secretary of [Public
17 Welfare] Human Services, and the former Department of Public
18 Welfare, [and] Commissioner of Public Welfare, Secretary of
19 Public Welfare and the former Department of Welfare.

20 Section 2313. Mental Health.--The Department of [Public
21 Welfare] Human Services shall have the power and its duty shall
22 be:

23 * * *

24 Section 11. Section 2313.4 of the act, added December 11,
25 1986 (P.L.1485, No.153), is amended to read:

26 Section 2313.4. Operation of Eastern Pennsylvania
27 Psychiatric Institute.--The Department of [Public Welfare] Human
28 Services is hereby authorized to relinquish the entire
29 government, management, operation and control of the Eastern
30 Pennsylvania Psychiatric Institute to The Medical College of

1 Pennsylvania upon the effective date of a lease entered pursuant
2 to section 2418.

3 (1) Upon the execution of the lease permitted pursuant to
4 section 2418, the Eastern Pennsylvania Psychiatric Institute
5 shall be operated under the management of the Board of
6 Corporators of The Medical College of Pennsylvania, which shall
7 be responsible for the management and operation of the
8 institute.

9 (2) The Medical College of Pennsylvania shall conduct
10 research into the causes, prevention, treatment and cure of
11 mental, neurological and related disorders and shall provide
12 consultation, education, training and treatment at the Eastern
13 Pennsylvania Psychiatric Institute responsive to the mental
14 health needs of the public. Provision of these services and the
15 conduct of research shall be limited only by funds available for
16 these purposes. In addition to requesting appropriations from
17 the General Assembly to fund these functions, the Board of
18 Corporators of The Medical College of Pennsylvania shall make
19 good faith efforts to obtain funding from third party sources.

20 (3) The Medical College of Pennsylvania shall utilize all
21 space in the buildings known as the Eastern Pennsylvania
22 Psychiatric Institute consistent with the functions described in
23 this section. If The Medical College of Pennsylvania uses space
24 in the Eastern Pennsylvania Psychiatric Institute for functions
25 other than those described, it shall provide the Department of
26 [Public Welfare] Human Services with written documentation that
27 an equivalent amount of space is used in other facilities of The
28 Medical College of Pennsylvania for those functions.

29 (4) The Medical College of Pennsylvania may construct
30 buildings on vacant land of the leased premises if the buildings

1 are consistent with the academic health mission of The Medical
2 College of Pennsylvania.

3 Section 12. Section 2327 of the act, added December 21, 1959
4 (P.L.1944, No.709), is amended to read:

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

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

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

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

20 Section 13. Section 2328 of the act, amended June 20, 1978
21 (P.L.477, No.70), is amended to read:

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

30 (a) To advise the appropriate major program unit of the

1 Department of [Public Welfare] Human Services. This advice shall
2 include, but shall not be limited to, such matters as standards
3 of eligibility, nature and extent of service, amounts of
4 payments to individuals, standards of approval, certification
5 and licensure of institutions and agencies, ways and means of
6 coordinating public and private [welfare] human services
7 activities, and such other matters as may, by law, require
8 citizen review or may be referred to the committees by the
9 departmental units advised by them; and the Advisory Committee
10 for Mental Health and Mental Retardation shall also have the
11 power and duty to advise the Governor and the Secretary of
12 [Public Welfare] Human Services with regard to the appointment
13 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] Human Services on matters referred to the committees
20 for consideration and advice, or as may be required to promote
21 the effectiveness of the programs, of the departmental units
22 advised by them.

23 Section 14. Section 2333 of the act, added March 30, 1988
24 (P.L.329, No.44), is amended to read:

25 Section 2333. Domestic Violence and Rape Victims Services.--

26 (a) The General Assembly finds that the public health and
27 safety is threatened by increasing incidences of domestic
28 violence and rape. Domestic violence programs and rape crisis
29 programs provide needed support services for victims and assist
30 in prevention through community education. Therefore, the

1 General Assembly finds that it is in the public interest for the
2 Commonwealth to establish a mechanism to provide financial
3 assistance to domestic violence centers and rape crisis centers
4 for the operation of domestic violence and rape crisis programs.

5 (b) Where any person after the effective date of this
6 section pleads guilty or nolo contendere to or is convicted of
7 any crime as herein defined, there shall be imposed, in addition
8 to all other costs, an additional cost in the sum of ten dollars
9 (\$10) for the purpose of funding the services as described in
10 this section. Such sum shall be paid over to the State Treasurer
11 to be deposited in the General Fund. Under no condition shall a
12 political subdivision be liable for the payment of the ten
13 dollars (\$10) in additional costs.

14 (c) The Department of [Public Welfare] Human Services shall
15 make grants to domestic violence centers and rape crisis centers
16 for the operation of domestic violence programs and rape crisis
17 programs consistent with this section. In awarding grants, the
18 Department of [Public Welfare] Human Services shall consider the
19 population to be served, the geographical area to be serviced,
20 the scope of the services, the need for services and the amount
21 of funds provided from other sources.

22 (d) The Department of [Public Welfare] Human Services shall
23 make available at cost to the public copies of applications that
24 have been submitted or approved for funding and reports on any
25 fiscal or programmatic reviews of funded programs.

26 (e) As used in this section, the following words and phrases
27 shall have the meanings given to them in this subsection:

28 "Crime" means an act committed in Pennsylvania which, if
29 committed by a mentally competent, criminally responsible adult,
30 who had no legal exemption or defense, would constitute a crime

1 as defined in and proscribed by Title 18 of the Pennsylvania
2 Consolidated Statutes (relating to crimes and offenses) or
3 enumerated in the act of April 14, 1972 (P.L.233, No.64), known
4 as "The Controlled Substance, Drug, Device and Cosmetic Act."
5 However, no act involving the operation of a motor vehicle which
6 results in injury shall constitute a crime for the purpose of
7 this section unless such injury was intentionally inflicted
8 through the use of a motor vehicle.

9 "Domestic violence" means the occurrence of one or more of
10 the following acts between family or household members:

11 (1) Intentionally, knowingly or recklessly causing or
12 attempting to cause bodily injury.

13 (2) Placing, by physical menace, another in fear of imminent
14 serious bodily injury.

15 "Domestic violence center" means an organization, or the
16 coordinating body of an organization, which has as its primary
17 purpose the operation of domestic violence programs.

18 "Domestic violence program" means a program which has as its
19 primary purpose the provision of direct services to victims of
20 domestic violence and their children, including, but not limited
21 to, victim advocacy, counseling, shelter, information and
22 referral, victim-witness, accompaniment, community education and
23 prevention.

24 "Rape crisis center" means an organization, or the
25 coordinating body of an organization, which has as its primary
26 purpose the operation of rape crisis programs.

27 "Rape crisis program" means a program which has as its
28 primary purpose the provision of direct services to victims of
29 sexual assault, including, but not limited to, crisis
30 intervention, counseling, victim advocacy, information and

1 referral, victim-witness and assistance, accompaniment through
2 the medical, police and judicial systems as well as providing
3 education and prevention programs on rape and sexual assaults.

4 "Sexual assault" means any conduct which is a crime under 18
5 Pa.C.S. Ch. 31 (relating to sexual offenses).

6 Section 15. Section 2334 of the act, added December 15, 1988
7 (P.L.1239, No.152), is amended to read:

8 Section 2334. Medical Assistance Payments.--(a) It is the
9 general purpose of this section to provide for a continuum of
10 alcohol and drug detoxification and rehabilitation services to
11 persons eligible for medical assistance. Facilities serving as
12 appropriate treatment settings include hospital and nonhospital
13 drug detoxification and rehabilitation facilities, hospital and
14 nonhospital alcohol detoxification and rehabilitation
15 facilities, and hospital and nonhospital drug and alcohol
16 detoxification and rehabilitation facilities and outpatient
17 services licensed by the Office of Drug and Alcohol Programs of
18 the Department of Health. The General Assembly recognizes that
19 the fluctuating nature of alcohol and drug dependency, in
20 combination with the associated physical complications often
21 arising from long-term use of alcohol and drugs, necessitates
22 that a variety of treatment modalities and settings be made
23 available to persons eligible for medical assistance. The
24 availability of a new service in this area is in no way intended
25 to limit access to or funding of services available currently.

26 (b) Consistent with section 2301, the Department of [Public
27 Welfare] Human Services shall:

28 (1) Provide, on behalf of persons eligible for medical
29 assistance, medical assistance coverage for detoxification,
30 treatment and care in a nonhospital alcohol detoxification

1 facility, nonhospital drug detoxification facility, nonhospital
2 alcohol and drug detoxification facility, or a nonhospital
3 treatment facility which can provide services for either drug or
4 alcohol detoxification or treatment or for both, provided that
5 the facility is licensed by the Office of Drug and Alcohol
6 Programs in the Department of Health.

7 (2) Use criteria developed by the Office of Drug and Alcohol
8 Programs for governing the type, level and length of care or
9 treatment, including hospital detoxification, as a basis for the
10 development of standards for services provided under clause (1).

11 (3) Notwithstanding clause (1), provide by regulation for
12 gradual implementation of medical assistance coverage under this
13 subsection to client populations which shall be identified in
14 cooperation with the Department of Health. The regulations shall
15 provide for full implementation of clause (1) to all medical
16 assistance eligibles in phases over a period of time not to
17 exceed five years from the effective date of the regulations.
18 The program phases shall be structured so as to allow for
19 independent evaluation of each phase on an ongoing basis.
20 Initial regulations adopted pursuant to this subsection shall
21 not be subject to review pursuant to the act of June 25, 1982
22 (P.L.633, No.181), known as the "Regulatory Review Act," except
23 that the regulations may be reviewed under section 5(h) of that
24 act.

25 (c) The Department of [Public Welfare] Human Services, the
26 Department of Health and the Office of Drug and Alcohol Programs
27 shall jointly provide for an independent evaluation of the
28 program authorized by this section in accordance with specific
29 evaluation criteria, which shall include, but not be limited to:
30 (i) comparison of medical costs before and after program

1 implementation; (ii) employment history; and (iii) involvement
2 with other programs of the Department of Health, the Department
3 of [Public Welfare] Human Services, the Department of
4 Corrections and any other appropriate agencies. The evaluation
5 shall be conducted in compliance with all applicable Federal and
6 State confidentiality requirements.

7 Section 16. Section 2409.1(b) of the act, amended July 1,
8 1981 (P.L.143, No.48), is amended to read:

9 Section 2409.1. Handicapped-Made Products and Services.--* *

10 *

11 (b) The Secretary of General Services shall have the power,
12 and it shall be his duty, to determine the fair market price on
13 any product or service, the practice of which is not licensed
14 under the laws of this Commonwealth, which handicapped persons
15 can manufacture or perform and which has been offered for sale
16 to the Commonwealth or any of its agencies by any charitable
17 nonprofit-making agency for the handicapped, incorporated under
18 the laws of this Commonwealth, and manufacturing merchandise
19 within this Commonwealth and providing services within this
20 Commonwealth, and approved for such purpose by the Department of
21 General Services, to revise such prices from time to time, in
22 accordance with changing market conditions, and to make such
23 rules and regulations regarding specifications, time of delivery
24 and other relevant matters as are necessary to carry out the
25 provisions of this section. At the request of the Secretary of
26 General Services and with the approval of the Secretary of
27 [Public Welfare] Human Services, the Department of [Public
28 Welfare] Human Services or other nonprofit-making agency shall
29 facilitate the distribution of orders and services among
30 agencies for the handicapped.

1 * * *

2 Section 17. Section 2418 of the act, added December 11, 1986
3 (P.L.1485, No.153), is amended to read:

4 Section 2418. Lease of Eastern Pennsylvania Psychiatric
5 Institute.--The Department of General Services, with the
6 approval of the Governor and the Department of [Public Welfare]
7 Human Services, is authorized to lease or sublease, for the
8 rental of one dollar (\$1) per annum, all of the land and
9 buildings in the city and county of Philadelphia known as the
10 Eastern Pennsylvania Psychiatric Institute, and all
11 improvements, fixtures, equipment and furnishings located there,
12 to The Medical College of Pennsylvania upon such terms and
13 conditions as The Medical College of Pennsylvania and the
14 Department of [Public Welfare] Human Services shall agree. The
15 provisions of section 2402(i) shall not apply to a lease entered
16 into pursuant to this section.

17 Section 18. Whenever in any law, reference is made to the
18 Department of Public Welfare or the Secretary of Public Welfare,
19 such reference shall be deemed to refer to and include the
20 Department of Human Services or the Secretary of Human Services.

21 Section 19. This act shall take effect immediately.