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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 770** Session of  
1993

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INTRODUCED BY CORNELL, PESCI, BELARDI AND E. Z. TAYLOR,  
MARCH 22, 1993

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REFERRED TO COMMITTEE ON AGING AND YOUTH, MARCH 22, 1993

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AN ACT

1 Providing for residential treatment services for children and  
2 youth with mental illness.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Children and  
7 Youth with Mental Illness Residential Treatment Services Act.

8 Section 2. Statement of policy.

9 It is the policy of this Commonwealth to seek to assure the  
10 provision of residential treatment services for children and  
11 youth with mental illness who no longer require acute care in a  
12 psychiatric hospital or care in State-operated mental hospitals  
13 or units.

14 Section 3. Definitions.

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

1 "Department." The Department of Public Welfare of the  
2 Commonwealth.

3 "Residential treatment facility for children and youth with  
4 mental illness." An inpatient psychiatric facility which  
5 provides active treatment under the direction of a physician for  
6 individuals who are under 21 years of age. A person who, during  
7 the course of treatment, attains 21 years of age may continue to  
8 receive services in a residential treatment facility for  
9 children and youth with mental illness until that person reaches  
10 22 years of age.

11 "Secretary." The Secretary of Public Welfare of the  
12 Commonwealth.

13 Section 4. Residential treatment facilities for children and  
14 youth with mental illness; establishment and  
15 operation.

16 (a) Authorization.--The department shall authorize the  
17 operation of residential treatment facilities for children and  
18 youth with mental illness. Authorized residential treatment  
19 facilities may be operated only by nonprofit organizations.

20 (b) Licensing.--The department shall establish standards and  
21 licensing requirements for residential treatment facilities for  
22 children and youth and shall be responsible for:

23 (1) Visitation, inspection and supervision of the  
24 facilities.

25 (2) Enforcement of the conditions for licensing the  
26 facilities by the department.

27 (3) Protection of the confidentiality of clinical  
28 information regarding patients at the residential treatment  
29 facilities.

30 (c) Facility information.--Operators of facilities licensed

1 by the department shall provide to the department such  
2 financial, statistical and program information as the department  
3 may determine to be necessary. The department shall have the  
4 power to conduct onsite audits of books and records of the  
5 facilities.

6 (d) Administration.--The Office of Mental Health within the  
7 department shall have primary responsibility for the  
8 administration of the provisions of this act, in consultation  
9 with the Office of Children, Youth and Families of the  
10 Department of Public Welfare and the Department of Education.  
11 Section 5. Preadmission certification committees.

12 (a) General rule.--All applications for voluntary or  
13 involuntary admission of patients to residential treatment  
14 facilities for children and youth or for transfer of patients to  
15 those facilities shall be reviewed by the preadmission  
16 certification committee serving the facility in accordance with  
17 this section. Any interested party may apply to the preadmission  
18 certification committee for admission to a residential treatment  
19 facility for children and youth with mental illness.

20 (b) Designation of preadmission certification committees.--  
21 The department shall designate preadmission certification  
22 committees for defined geographic areas to evaluate each person  
23 proposed for admission or transfer to a residential treatment  
24 facility for children and youth. When designating persons to  
25 serve on preadmission certification committees, the department  
26 shall assure that the interests of the people residing in the  
27 area to be served by each preadmission certification committee  
28 are represented. Each preadmission certification committee shall  
29 include a person designated by the Office of Mental Health, a  
30 person designated by the Office of Children, Youth and Families,

1 and a person designated by the Secretary of Education. The  
2 department shall consult with county mental health/mental  
3 retardation administrators and shall consult with county  
4 children and youth administrators in the area to be served by a  
5 preadmission certification committee prior to designating  
6 persons to serve on a preadmission certification committee.  
7 Membership of preadmission certification committees shall be  
8 limited to persons who are licensed to practice medicine,  
9 nursing or psychology or who have graduate degrees in social  
10 welfare. In the event the persons originally designated to a  
11 preadmission certification committee do not include a physician,  
12 the department shall designate a physician to serve as an  
13 additional member of the preadmission certification committee.

14 (c) Applications for admission.--Applications for admission  
15 shall include an assessment of the individual's psychiatric,  
16 medical and social needs prepared in accordance with a uniform  
17 assessment method specified by regulations of the department.  
18 The preadmission certification committee may, in its discretion,  
19 refer an applicant to a hospital or other appropriate facility  
20 for an additional assessment. In the event of an additional  
21 assessment of the individual's needs, the facility conducting  
22 the assessment shall attempt to receive all third-party  
23 insurance or Federal reimbursement available as payment for the  
24 assessment. The Commonwealth shall pay the balance of the fees  
25 which may be charged by the provider in accordance with  
26 applicable provisions of the act of October 20, 1966 (3rd  
27 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental  
28 Retardation Act of 1966. In addition, if necessary, the  
29 preadmission certification committee shall obtain an evaluation  
30 of the educational needs of the child from the school district

1 of residence.

2 (d) Review period.--The preadmission certification committee  
3 shall review all requests for evaluation and certification  
4 within 30 days of receipt of a complete application and any  
5 additional assessments it may require. Using a uniform  
6 assessment method specified by regulation of the department, the  
7 preadmission certification committee shall evaluate the  
8 psychiatric, medical and social needs of the applicant and shall  
9 certify each of the following:

10 (1) The individual's need for services in a residential  
11 treatment facility for children and youth with mental  
12 illness.

13 (2) The immediacy of that need, giving consideration to  
14 the availability of the services in the area and the needs of  
15 other children who have been evaluated by the preadmission  
16 certification committee and certified as eligible for  
17 admission to a residential treatment facility for children  
18 and youth with mental illness and who have not yet been  
19 admitted to such a facility.

20 (e) Essential findings.--A preadmission certification  
21 committee shall not certify an individual for admission unless  
22 it finds that:

23 (1) Available ambulatory care resources and other  
24 residential placements do not meet the treatment needs of the  
25 individual.

26 (2) Proper treatment of the individual's psychiatric  
27 condition requires inpatient care and treatment under the  
28 direction of a physician.

29 (3) Care and treatment in a residential treatment  
30 facility for children and youth with mental illness can

1 reasonably be expected to improve the individual's condition  
2 or prevent further regression so that services will no longer  
3 be needed, provided that a poor prognosis shall not in itself  
4 constitute grounds for a denial of certification if treatment  
5 can be expected to effect a change in prognosis.

6 (4) Sufficient funds are available to pay for the  
7 services.

8 (f) Determinations to be unanimous.--All decisions of the  
9 preadmission certification committee to recommend admission or  
10 priority of admission shall be based on the unanimous vote of  
11 those present. The decision of the preadmission certification  
12 committee shall be reported to the applicant. In the event a  
13 preadmission certification committee evaluates a child who is  
14 the subject of a proceeding currently pending in juvenile court,  
15 the preadmission certification committee shall report its  
16 decision to the court.

17 (g) Review of clinical records.--Notwithstanding any other  
18 provision of law, preadmission certification committees shall be  
19 entitled to review clinical records maintained by any person or  
20 entity which pertain to an individual on whose behalf an  
21 application is made for admission to a residential treatment  
22 facility for children and youth. Any clinical record received by  
23 a preadmission certification committee and all assessments  
24 submitted to the preadmission certification committee shall be  
25 kept confidential.

26 (h) Supplemental Security Income determination.--The  
27 preadmission certification committee shall have the authority  
28 and responsibility for making determinations of eligibility for  
29 Supplemental Security Income for applicants for admission to  
30 residential treatment facilities in accordance with the

1 provisions of a cooperative agreement between the Department of  
2 Public Welfare and the Department of Labor and Industry  
3 delegating the authority to the preadmission certification  
4 committees, consistent with applicable Federal and State law and  
5 regulation.

6 Section 6. Admissions.

7 (a) General rule.--Subject to the requirements of section 5,  
8 the director of any residential treatment facility shall receive  
9 for care and treatment:

10 (1) Any suitable person in need of care and treatment,  
11 whether admitted voluntarily or involuntarily, as provided  
12 for under Article II or III of the act of July 9, 1976  
13 (P.L.817, No.143), known as the Mental Health Procedures Act.

14 (2) Any person who has been certified as needing care  
15 and treatment by the preadmission certification committee  
16 serving the facility, in accordance with priorities for  
17 admission established by the preadmission certification  
18 committee.

19 (b) Restriction.--No residential treatment facility for  
20 children and youth shall admit a person who has not been  
21 certified as suitable for admission by the appropriate  
22 preadmission certification committee. Residential treatment  
23 facilities shall admit children in accordance with priorities  
24 for admission of children most immediately in need of those  
25 services established by the preadmission certification committee  
26 serving the facility, in accordance with standards established  
27 by the department.

28 Section 7. Discharge.

29 (a) General rule.--Whenever the commissioner or the director  
30 of a residential treatment facility for children and youth with

1 mental illness finds that care and treatment of a child is no  
2 longer suitable in a residential treatment facility for children  
3 and youth with mental illness, the commissioner or director  
4 shall certify and discharge the child to the custody of the  
5 child himself or herself, the child's parents, the child's legal  
6 guardian, the child's county children and youth agency, or  
7 juvenile court, as appropriate, except that, so long as there is  
8 a valid order of the juvenile court placing the child with the  
9 court or the children and youth agency, the child shall be  
10 returned to the care and custody pursuant to the court order.

11 (b) Discharge plan.--No child shall be discharged without an  
12 appropriate discharge plan that provides for at least the  
13 following:

14 (1) Aftercare mental health services for the child and  
15 the child's family.

16 (2) An appropriate educational or vocational plan.

17 (3) A coordinated plan with other county agencies  
18 responsible for the child, including identification of  
19 financial responsibility where appropriate.

20 Section 8. Rules and regulations.

21 The department shall adopt rules and regulations to  
22 effectuate the provisions of this act. The rules and regulations  
23 shall include, but not be limited to, provisions relating to:

24 (1) The establishment of a uniform Statewide system of  
25 reports and audits relating to the quality of care provided.

26 (2) Facility utilization.

27 (3) Costs of providing services.

28 (4) Licensing standards consistent with those developed  
29 by the Joint Commission on Accreditation of Hospitals for  
30 residential treatment facilities for children and youth with



1        mental illness.

2            (5) Operation of residential treatment facilities for  
3        children and youth with mental illness shall at least  
4        require, as a condition of issuance or retention of an  
5        operating certificate, that admission of children into these  
6        facilities be in accordance with priorities for admission of  
7        children most immediately in need of services as established  
8        by the preadmission certification committee serving the  
9        facility.

10           (6) The department, in consultation with the Secretary  
11        of Education, shall adopt rules and regulations governing the  
12        operation of the preadmission certification committees  
13        required under section 5.

14        Section 9. Effective date.

15        This act shall take effect January 1, 1994.