

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 216 Session of
1995

INTRODUCED BY E. Z. TAYLOR, VANCE, FLEAGLE, CLARK, GEIST,
PHILLIPS, SCHULER, WOZNIAK, D. W. SNYDER, HERSHEY, STERN,
J. TAYLOR, BARLEY, MELIO, MUNDY, BOYES, COY, EGOLF,
D. R. WRIGHT, LAWLESS, TRELLO, COLAFELLA, ARMSTRONG, JOSEPHS,
BROWNE, DRUCE, PETTIT, FAIRCHILD, KAISER, L. I. COHEN, OLASZ,
RUBLEY, BAKER, LEH, STETLER, CIVERA, MILLER, SCHRODER,
MIHALICH, DeLUCA, FICHTER, TRUE, KUKOVICH, TULLI, WOGAN,
DEMPSEY, MARSICO, MCGILL, READSHAW, B. SMITH, FLICK, MERRY
AND HALUSKA, JANUARY 24, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 20, 1996

AN ACT

1 Establishing the Office of Physician General; providing for the
2 appointment, term of office and powers and duties of the
3 Physician General and, for the Secretary of Health; ~~making an~~ <—
4 ~~appropriation~~, FOR A PUBLIC HEALTH DENTIST WITHIN THE <—
5 DEPARTMENT OF HEALTH, FOR CONTINUED OPERATION OF STATE HEALTH
6 CARE CENTERS AND FOR A STATE PUBLIC HEALTH LABORATORY; and
7 making repeals.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Office of
12 Physician General Act.

13 Section 2. Declaration of policy.

14 The General Assembly finds and declares as follows:

15 (1) Many geographic areas and populations of this
16 Commonwealth are inadequately served by health care services.

1 (2) The population of this Commonwealth should be
2 encouraged to engage in healthful habits and practices that
3 promote wellness to allow this Commonwealth's citizens to
4 lead fuller and more enriching lives and to reduce the
5 increasing costs of health care services and the loss of
6 workdays that negatively affect this Commonwealth's economy.

7 (3) Health care in this Commonwealth can best be served
8 by creating an office to promote coordination and cooperation
9 among Federal and State departments and entities providing
10 health care services, to promote healthful habits and
11 practices which reduce the need for the provision of health
12 care services, to keep the public informed on health care
13 matters and the prevention of illness and disease, to advise
14 and report to the General Assembly on health matters and the
15 delivery of health care services mandated by Federal and
16 State legislation and to attract public and private funding
17 for the advancement of healthful lifestyles and practices and
18 the provision of health care services.

19 Section 3. Office of Physician General.

20 (a) Establishment.--There is hereby created the cabinet
21 position of Office of Physician General of the Commonwealth
22 which shall be under the control and direction of the Physician
23 General. There shall be in the Office of Physician General a
24 Physician General of the Commonwealth, who shall exercise the
25 powers and perform the duties set forth in this act.

26 (b) Appointment.--The Governor shall appoint a Commonwealth-
27 licensed physician who shall maintain a clinical practice to the
28 position of Physician General with the advice and consent of a
29 majority of the members of the Senate.

30 (c) Personnel.--

1 (1) The Physician General shall appoint and fix the
2 compensation of employees as are required to assist in
3 carrying out the duties of the Physician General.

4 (2) The Physician General may appoint advisory task
5 forces as the Physician General deems necessary to carry out
6 the duties and responsibilities of the Physician General
7 under this act. The Physician General or the Physician
8 General's designee shall serve as chairman of each task
9 force. When actually engaged in official meetings or
10 otherwise in the performance of the member's official duties
11 as directed by the Physician General, each member of a task
12 force shall receive reimbursement for expenses incurred.

13 (d) Compensation.--The compensation of the Physician General
14 shall be the equivalent of a salary of \$100,000 a year if the
15 position were full-time.

16 (e) Ethics law.--The Physician General shall be subject to
17 the act of October 4, 1978 (P.L.883, No.170), referred to as the
18 Public Official and Employee Ethics Law.

19 Section 4. Powers and duties of Physician General.

20 (a) Generally.--The Physician General shall:

21 (1) Advise the Governor on health care services provided
22 or regulated by the departments, including provision of
23 benefits, prevention, early intervention and wellness.

24 (2) Advise the Governor on better coordination of health
25 care services provided or regulated by the departments.

26 (3) Implement appropriate health care initiatives as
27 requested by the Governor, the General Assembly or the
28 departments.

29 (4) Sponsor and administer programs for the development
30 of health care resources and identify Federal and private

1 funding sources, grants and other resources for health care
2 services and programs.

3 (b) Boards, commissions and councils.--

4 (1) If the Secretary of Health is not a physician, the
5 Physician General or the Physician General's designee shall
6 be a voting member of the State Board of Medicine and the
7 State Board of Osteopathic Medicine. At all other times the
8 Physician General shall serve as an ex-officio member without
9 a vote.

10 (2) The Physician General or the Physician General's
11 designee shall attend such meetings of other boards,
12 commissions and councils considering matters affecting health
13 care as the Physician General deems appropriate.

14 Section 5. Secretary of Health.

15 The Secretary of Health must be an individual with
16 professional experience in the field of public health, health
17 services delivery or education and training of health service
18 professionals. The secretary shall not be required to be a
19 graduate of a medical college ~~but must hold at least a graduate~~ <—
20 ~~degree in public health.~~

21 SECTION 6. STATE HEALTH CARE CENTERS. <—

22 THE DEPARTMENT OF HEALTH SHALL OPERATE A SYSTEM OF STATE
23 HEALTH CARE CENTERS WHICH SHALL PROVIDE, AT THE MINIMUM, THOSE
24 PUBLIC HEALTH SERVICES IN EFFECT AS OF JULY 1, 1995. THE
25 DEPARTMENT SHALL NOT ENTER INTO CONTRACTS WITH PRIVATE PROVIDERS
26 THAT WOULD RESULT IN THE ELIMINATION OF THESE CENTERS, NOR
27 REDUCE THE SCOPE OF SERVICES CURRENTLY PROVIDED, NOR REDUCE THE
28 NUMBER OF CENTERS UNLESS SPECIFICALLY AUTHORIZED AND APPROVED BY
29 THE GENERAL ASSEMBLY.

30 SECTION 7. PUBLIC HEALTH LABORATORIES.

1 THE DEPARTMENT OF HEALTH SHALL MAINTAIN AND OPERATE A STATE
2 PUBLIC HEALTH LABORATORY THAT SHALL ASSURE THE AVAILABILITY OF
3 RELIABLE, CLINICAL LABORATORY SERVICES AND LABORATORY-BASED
4 INFORMATION THAT ARE NEEDED BY CLINICIANS AND OTHER HEALTH
5 PROVIDERS FOR PROPER DIAGNOSIS AND TREATMENT, THE PREVENTION OF
6 DISEASE, AND PROMOTION OF THE HEALTH OF THE CITIZENS OF THIS
7 COMMONWEALTH. THE STATE PUBLIC HEALTH LABORATORY SHALL ARRANGE
8 FOR AND PERFORM CLINICAL TESTS TO IDENTIFY DISEASES AND PROVIDE
9 EPIDEMIOLOGICAL AND SURVEILLANCE SUPPORT. HOWEVER, IT SHALL NOT
10 CONTRACT WITH OUTSIDE LABORATORIES TO PERFORM TESTING IN RABIES,
11 MEASLES, RUBELLA, LYME DISEASE, INFLUENZA AND TUBERCULOSIS
12 IDENTIFICATION. IN ADDITION, THE PUBLIC HEALTH LABORATORY SHALL
13 BE ADMINISTERED AND MAINTAINED IN A MANNER IN EFFECT AS OF JULY
14 1, 1995.

15 SECTION 8. DENTAL HEALTH DISTRICTS AND OFFICERS.

16 THE DEPARTMENT OF HEALTH SHALL APPORTION THE COMMONWEALTH
17 INTO DENTAL HEALTH DISTRICTS, ADMINISTERED BY A PUBLIC HEALTH
18 DENTIST WITHIN THE DEPARTMENT OF HEALTH, WHO SHALL IMPLEMENT
19 DENTAL HEALTH POLICIES AND PROGRAMS FOR THE VARIOUS COUNTIES AND
20 POLITICAL SUBDIVISIONS WITHIN THIS COMMONWEALTH.

21 Section ~~6~~ 9. Repeals.

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22 (a) Absolute.--The third sentence of section 1 of the act of
23 April 27, 1905 (P.L.312, No.218), entitled "An act creating a
24 Department of Health, and defining its powers and duties," is
25 repealed.

26 (b) General.--All other acts and parts of acts are repealed
27 insofar as they are inconsistent with this act.

28 Section ~~7~~ 10. Effective date.

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29 This act shall take effect July 1, 1996.