

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 679 Session of  
1997

INTRODUCED BY VANCE, KENNEY, TRUE, BUXTON, NAILOR, NICKOL,  
OLIVER, YOUNGBLOOD, MILLER, HENNESSEY, MARKOSEK, FLEAGLE,  
SATHER, DEMPSEY, WAUGH, FARGO, LEDERER, BELARDI, GORDNER,  
STURLA, COY, KAISER, BROWN, L. I. COHEN, BARLEY, HALUSKA,  
MASLAND, TULLI, BATTISTO, MARSICO, RUBLEY, EGOLF,  
D. W. SNYDER, PLATTS, MELIO, LAUGHLIN, McCALL, LYNCH, THOMAS,  
BARD, STEELMAN, TRELLO, BROWNE, MAITLAND, ROEBUCK, JAROLIN,  
B. SMITH, McNAUGHTON, STABACK, TIGUE, CORNELL, RAYMOND,  
SCRIMENTI, E. Z. TAYLOR, BAKER, BEBKO-JONES, SURRA, GANNON,  
J. TAYLOR, SCHRODER, DeLUCA, FEESE, HUTCHINSON, CIVERA,  
BOSCOLA, BENNINGHOFF, SAYLOR, BELFANTI, ROBERTS, ROSS,  
DiGIROLAMO, SEYFERT, JAMES, GEIST, C. WILLIAMS, STETLER AND  
GLADECK, MARCH 6, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
MARCH 6, 1997

AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,  
2 as amended, "An act establishing the Pennsylvania Advisory  
3 Council on Drug and Alcohol Abuse; imposing duties on the  
4 Department of Health to develop and coordinate the  
5 implementation of a comprehensive health, education and  
6 rehabilitation program for the prevention and treatment of  
7 drug and alcohol abuse and drug and alcohol dependence;  
8 providing for emergency medical treatment; providing for  
9 treatment and rehabilitation alternatives to the criminal  
10 process for drug and alcohol dependence; and making repeals,"  
11 adding a definition; providing for commitment of minors; and  
12 further providing for financial obligation.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 2(b) of the act of April 14, 1972  
16 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol  
17 Abuse Control Act, is amended by adding a definition to read:

Section 2. Definitions:

\* \* \*

(b) As used in this act:

\* \* \*

"Minor" means any person eighteen years of age or younger.

\* \* \*

Section 2. Sections 5 and 12 of the act are amended to read:

Section 5. Admissions and Commitments.--[Admissions] Except  
as provided in section 12.1 of this act, admissions and

commitments to treatment facilities may be made according to the  
procedural admission and commitment provisions of the act of  
[October 20, 1966 (P.L.96), known as the "Mental Health and  
Mental Retardation Act of 1966."] July 9, 1976 (P.L.817,  
No.143), known as the "Mental Health Procedures Act."

Section 12. [Consent of Minor] Parental Notification of  
Diagnosis, Treatment or Counseling of Minor.--Notwithstanding  
any other provisions of law, a minor who suffers from the use of  
a controlled or harmful substance may give consent to furnishing  
of medical care or counseling related to diagnosis or treatment.  
The consent of the parents or legal guardian of the minor shall  
not be necessary to authorize medical care or counseling related  
to such diagnosis or treatment. [The consent of the minor shall  
be valid and binding as if the minor had achieved his majority.  
Such consent shall not be voidable nor subject to later  
disaffirmance because of minority. Any physician or any agency  
or organization operating a drug abuse program, who provides  
counseling to a minor who uses any controlled or harmful  
substance may, but shall not be obligated to inform the parents  
or legal guardian of any such minor as to the treatment given or  
needed.] Any physician, agency or organization operating a drug

abuse program that provides counseling or furnishes medical care to a minor who uses any controlled or harmful substance shall be obligated to inform the single county authority of the county in which the physician, agency or organization operating a drug abuse program provides the minor with counseling or medical care. The single county authority shall be responsible for informing the parent or legal guardian of any such minor as to the treatment given or needed. Exemptions to this section shall be granted by the single county authority if the minor can present evidence that the parent or legal guardian of the minor:

(1) will refuse to allow the minor to live in the same residence if disclosure is made regarding counseling or medical care received from a physician, agency or organization operating a drug abuse program;

(2) has emotionally or physically abused the minor or poses an emotional or physical threat to the minor if disclosure is made regarding counseling or medical care received from a physician, agency or organization operating a drug abuse program; or

(3) has exhibited neglect of the minor.

Section 3. The act is amended by adding a section to read:

Section 12.1. Commitment of Minors.--(a) A parent or legal guardian who has legal or physical custody of a minor may petition the court of common pleas of the judicial district where the minor is domiciled for commitment of the minor to involuntary drug and alcohol treatment services, including inpatient services if the minor is incapable of accepting or unwilling to accept voluntary treatment.

(b) Upon petition pursuant to subsection (a), the court shall appoint counsel for the minor. A minor who is alleged to

have a dependency on drugs or alcohol shall be ordered to undergo a drug and alcohol assessment performed by a psychiatrist, a licensed psychologist with specific training in drug and alcohol assessment and treatment, a certified addiction counselor or an individual certified by the Commonwealth to perform drug and alcohol assessment. The court shall hear the testimony of the persons under this subsection at the hearing on the petition for involuntary commitment.

(c) The court may order the minor committed to involuntary drug and alcohol treatment, including inpatient services for up to ninety days if all of the following apply:

(1) The court finds, beyond a reasonable doubt, that: (i) the minor is a drug-dependent person; and (ii) the minor is incapable of accepting or unwilling to accept voluntary treatment services.

(2) The court finds that the minor will benefit from involuntary treatment services.

(d) A minor ordered to undergo inpatient treatment due to a determination pursuant to subsection (c) shall remain under the treatment designated by the court for a period of ninety days unless sooner discharged. At the end of the ninety-day period, the court shall conduct a review hearing for the purpose of determining whether further treatment is necessary. If the court determines that further treatment is needed, the court may order the minor recommitted to inpatient services for an additional period of treatment not to exceed ninety days unless sooner discharged. The court may continue the minor in treatment for successive ninety-day periods pursuant to determinations that the minor will benefit from inpatient services for an additional ninety days.

Section 4. Section 13 of the act is amended to read:

Section 13. Financial Obligations.--(a) Except for minors, all persons receiving treatment under this act shall be subject to the provisions of Article V of the act of October 20, 1966 (P.L.96), known as the "Mental Health and Mental Retardation Act of 1966," in so far as it relates to liabilities and payments for services rendered by the Commonwealth.

(b) In the case of proceedings under section 12.1 of this act, unless the court finds that the parent or legal guardian is without financial resources, the parent or legal guardian shall be obligated for all of the following:

(1) Court costs.

(2) Counsel fees for the minor.

(3) The cost of assessment and treatment services.

Section 5. Nothing in this act shall relieve, restrict or expand the obligations of any insurer, health maintenance organization, third-party administrators, hospital plan corporation or health services plan corporation doing business in this Commonwealth with respect to the coverage of drug and alcohol benefits, as set forth in Article VI-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, section 2334 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, or 40 Pa.C.S. Chs. 61 (relating to hospital plan corporations) and 63 (relating to professional health services plan corporations).

Section 6. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. This act shall take effect in 60 days.