

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 201 Session of
2005

INTRODUCED BY NAILOR, BUXTON, McNAUGHTON, MARSICO, GRELL,
FLEAGLE, ARGALL, BEBKO-JONES, CALTAGIRONE, CAPPELLI, CLYMER,
CRAHALLA, DALEY, DeLUCA, FAIRCHILD, FICHTER, GEORGE, GERGELY,
GINGRICH, GOOD, GOODMAN, HARRIS, HESS, HICKERNELL,
HUTCHINSON, KAUFFMAN, M. KELLER, MACKERETH, MARKOSEK,
R. MILLER, NICKOL, PALLONE, PAYNE, READSHAW, ROHRER, RUBLEY,
SATHER, SAYLOR, SCAVELLO, B. SMITH, STABACK, STERN,
E. Z. TAYLOR, THOMAS, TIGUE, WALKO, YOUNGBLOOD, YUDICHAK,
ZUG, CIVERA, PETRARCA, DERMODY, JAMES, MAITLAND AND BALDWIN,
FEBRUARY 8, 2005

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, MARCH 15, 2005

AN ACT

1 Imposing a moratorium on the closure of ~~State mental health~~ OR <—
2 REDUCTION OF STATE MENTAL HEALTH AND MENTAL RETARDATION
3 facilities ~~and to require~~; REQUIRING the Legislative Budget <—
4 and Finance Committee to study the issue of closure OR <—
5 REDUCTION of State mental health facilities ~~and report to the~~ <—
6 ~~General Assembly~~. HEALTH AND MENTAL RETARDATION FACILITIES <—
7 AND ISSUE A REPORT.

8 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

9 (1) FAMILIES, RESIDENTS AND COMMUNITIES ARE EXTREMELY
10 CONCERNED ABOUT THE CLOSURE OF STATE-OPERATED MENTAL HEALTH
11 AND MENTAL RETARDATION FACILITIES.

12 (2) COUNTIES MUST HAVE APPROPRIATE SERVICES AND
13 CAREGIVERS AVAILABLE TO MEET THE NEEDS OF RESIDENTS BEING
14 TRANSFERRED INTO THE COMMUNITY.

15 (3) ANY COMMUNITY AND RESIDENTIAL PLACEMENTS OR
16 ALTERNATIVE INSTITUTIONAL SETTINGS MUST OFFER A HIGH STANDARD

1 OF CARE.

2 (4) A STUDY IS NEEDED TO ASSESS THE ABILITY OF THE
3 DEPARTMENT OF PUBLIC WELFARE AND THE COUNTIES TO MEET THE
4 CONTINUING NEEDS OF THIS VULNERABLE POPULATION.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Mental Health
9 ~~Facility Closure~~ AND MENTAL RETARDATION FACILITY CLOSURE OR <—
10 REDUCTION Moratorium Act.

11 Section 2. Definitions.

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

15 "Closure." As defined in section 2 of the act of April 28,
16 1999 (P.L.24, No.3), known as the Mental Health or Mental
17 Retardation Facility Closure Act.

18 "Facility." As defined in section 2 of the act of April 28,
19 1999 (P.L.24, No.3), known as the Mental Health or Mental
20 Retardation Facility Closure Act.

21 "Reduction." As defined in section 2 of the act of April 28,
22 1999 (P.L.24, No.3), known as the Mental Health or Mental
23 Retardation Facility Closure Act.

24 Section 3. Moratorium.

25 Notwithstanding any other provision of law, pending
26 submission ~~to the General Assembly~~ of the study required by <—
27 section 4 (relating to study of closure or reduction), a
28 moratorium is hereby established during which no facility shall
29 undergo closure or reduction.

30 Section 4. Study of closure or reduction.

1 The Legislative Budget and Finance Committee shall study each
2 instance of the issue of the closure or reduction of a facility.
3 In conducting each study, the Legislative Budget and Finance
4 Committee shall consider and make recommendations with respect
5 to:

6 (1) Estimated time lines for the implementation of the
7 closure ~~and~~ OR reduction. <—

8 (2) Adequacy and availability of community and
9 residential services in the counties affected by the closure
10 and reduction.

11 (3) The current waiting lists for community and
12 residential services in the affected county area and any
13 effect the closure or reduction may have on them.

14 (4) The current infrastructure and the effects the
15 closing or reduction may have on the continuum of care.

16 (5) Adequacy and sustainability of funding.

17 (6) Effect of the closure or reduction on residents and
18 their families.

19 (7) OPTIONS FOR COMMUNITY AND RESIDENTIAL PLACEMENT AND <—
20 THE ABILITY OF FAMILIES AND RESIDENTS TO CHOOSE OR REJECT A
21 PARTICULAR PLACEMENT.

22 (8) OTHER ISSUES THE LEGISLATIVE BUDGET AND FINANCE
23 COMMITTEE DEEMS APPROPRIATE.

24 The committee shall submit a final report for each instance of
25 closure or reduction with recommendations to the ~~General~~ <—

26 ~~Assembly~~ PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND <—
27 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF

28 REPRESENTATIVES no later than December 31, 2006, or within a
29 month of the announcement of the closure or reduction, whichever
30 is later, and shall publish notice of each final report in the

1 Pennsylvania Bulletin within 30 days of the submission of the
2 final report.

3 Section 5. Applicability.

4 (a) Closures and reductions.--This act shall apply to
5 closures or reductions made after December 31, 2004, and before
6 January 1, 2006.

7 (b) Residents.--Nothing in this act shall prevent or
8 obstruct a resident/patient from exercising his or her lawful
9 ability to enter or leave a facility at any time.

10 Section 6. Effective date.

11 This act shall take effect immediately.