

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 373**      Session of  
2005

---

INTRODUCED BY ORIE, KITCHEN, RAFFERTY, WOZNIAK, MADIGAN, COSTA  
AND TARTAGLIONE, MARCH 10, 2005

---

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 10, 2005

---

AN ACT

1 Establishing a minimum annual wage for certain full-time direct  
2 care employees of publicly funded mental health and mental  
3 retardation programs; and making an appropriation.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Mental Health  
8 and Mental Retardation Direct Care Workers' Minimum Salary Act.

9 Section 2. Legislative findings.

10 The General Assembly finds as follows:

11 (1) The average salary levels for many direct care  
12 workers in publicly funded mental health and mental  
13 retardation programs are less than the poverty level for a  
14 family of four, which is \$15,854 per year.

15 (2) Low salaries in these programs have contributed to  
16 an unacceptably high turnover rate of staff.

17 (3) Staff turnover in mental health and mental  
18 retardation programs has resulted in an inefficient use of

1 funding for recruiting, training and supervising new  
2 employees.

3 (4) Staff turnover in mental health and mental  
4 retardation programs is destructive to the quality of care by  
5 causing interruption in the consumer's progress in therapy or  
6 habilitation.

7 Section 3. Definitions.

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

11 "Consumer." An individual diagnosed as having mental illness  
12 or mental retardation who receives services from publicly funded  
13 mental health or mental retardation programs.

14 "Direct care worker." An employee who is paid for services  
15 and provides direct personal contact with and supervision of  
16 persons diagnosed as having mental illness or mental  
17 retardation.

18 "Publicly funded program." A federally funded, State-funded  
19 or county-funded program serving, in a residential or  
20 nonresidential setting, individuals who are diagnosed as having  
21 mental illness or mental retardation and who are referred by a  
22 base service unit.

23 Section 4. Exclusions.

24 This act does not apply to direct care workers who are  
25 employed by the Commonwealth and work at State-operated  
26 hospitals and centers.

27 Section 5. Limitations for public funding.

28 As a condition for receipt of public funds, publicly funded  
29 programs or agencies shall certify that all direct care workers  
30 are paid based on a minimum entry-level annual wage of \$18,000

1 or \$8.65 per hour.

2 Section 6. Annual appropriation.

3 A percentage increase for the wages of direct care workers to  
4 raise the annual wage based on an entry-level wage of \$18,000  
5 per year or \$8.65 per hour shall be funded from the annual  
6 appropriation to the Department of Public Welfare to fund  
7 community services for persons diagnosed as having mental  
8 illness and mental retardation. The increases for direct care  
9 workers shall be in addition to any increases that are  
10 attributable to other factors, including general cost-of-living  
11 increases for community services. The department shall receive  
12 certification from the provider agency that any increase under  
13 this section shall be utilized in its entirety to provide wage  
14 increases to direct care workers.

15 Section 7. Effective date.

16 This act shall take effect in 60 days.