

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1568 Session of  
1996

INTRODUCED BY BRIGHTBILL, O'PAKE, AFFLERBACH, HELFRICK,  
PETERSON, MUSTO AND HUGHES, MAY 31, 1996

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 31, 1996

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,  
2 No.6), entitled "An act relating to mental health and mental  
3 retardation; authorizing county programs and amending,  
4 revising and changing the laws relating thereto and making an  
5 appropriation," further providing for powers of secretary to  
6 determine liability and establish criteria.

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

9 Section 1. Section 504 of the act of October 20, 1966 (3rd  
10 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental  
11 Retardation Act of 1966, is amended to read:

12 Section 504. Powers of Secretary to Determine Liability and  
13 Establish Criteria.--(a) Whenever any person receives a service  
14 or benefit at any facility under this act wholly or in part at  
15 public expense, the secretary is hereby authorized and shall  
16 have the power, subject to the approval of the Attorney General,  
17 to determine the extent of liability imposed under sections 501  
18 or 502, and to abate, modify, compromise or discharge the  
19 liability so imposed provided:

1       (1) He is satisfied that the imposition of such liability  
2 would: (i) result in the loss of financial payments or other  
3 benefits from any public or private source which a mentally  
4 disabled person would receive, would be eligible to receive or  
5 which would be expended on his behalf except for such liability,  
6 or (ii) result in a substantial hardship upon the mentally  
7 disabled person, a person owing a legal duty to support such  
8 person or the family of either, or (iii) result in a greater  
9 financial burden upon the people of the Commonwealth, or (iv)  
10 create such a financial burden upon such mentally disabled  
11 person as to nullify the results of care, treatment, service or  
12 other benefits afforded to such person under any provision of  
13 this act.

14       (2) Proceedings to recover such costs or discharge such  
15 liability including legal fees would not be in the best interest  
16 of the Commonwealth.

17       (b) If the secretary exercises the power conferred in  
18 sections 501 or 504(a) with reference to any person upon whom  
19 liability is imposed by sections 501 or 502, the department  
20 shall reimburse the county to the extent such person is relieved  
21 of any obligation to pay the county for services or benefits  
22 received by him under this act and paid for by the county on his  
23 behalf.

24       (c) The liability of a mentally disabled person or of anyone  
25 legally responsible for his support shall be the amount fixed or  
26 charged by the secretary and the payment of the amount so fixed  
27 or so charged shall relieve such person of all further liability  
28 for payment of the maintenance of the mentally disabled person.

29       (d) In exercising the powers herein conferred, the secretary  
30 by regulation, approved by the Governor, shall establish

1 criteria by which the extent of such liability shall be  
2 determined except that [wherever]:

3 (1) Wherever possible any real estate which constitutes the  
4 home residence of the mentally disabled person or his spouse, or  
5 a person owing a legal duty to support shall not be considered.

6 (2) Any regulation of working client income shall allow at  
7 least one hundred dollars (\$100) per month of income to be free  
8 of assessment.

9 (e) The secretary may call upon the Secretary of Revenue for  
10 assistance in establishing said criteria, and in determining the  
11 financial ability of any person to discharge liability imposed  
12 upon him under this act.

13 (f) The secretary and the Secretary of Revenue shall jointly  
14 promulgate regulations, subject to the approval of the Attorney  
15 General, as to the duties of revenue agents and other personnel  
16 of each department with reference to the investigation and  
17 determination of any person's financial ability as aforesaid.

18 Section 2. 55 Pa. Code § 4310.9 is void insofar as it is  
19 inconsistent with this act.

20 Section 3. This act shall take effect in 60 days.