

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 97

Session of
1985

INTRODUCED BY SCHULER, AFFLERBACH, BRANDT, JACKSON, BOOK,
HONAMAN, SCHEETZ, BARLEY, MILLER, KOSINSKI, BATTISTO,
HERSHEY, PITTS, CAWLEY, BELARDI, SEMMEL, GRUPPO, B. SMITH,
ARTY, DURHAM AND DORR, JANUARY 28, 1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JANUARY 28, 1985

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," requiring all services to be provided on an
6 equal basis to all qualified individuals.

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

9 Section 1. Sections 201(1) and 301 of the act of October 20,
10 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health
11 and Mental Retardation Act of 1966, are amended to read:

12 Section 201. General Powers and Duties of the Department.--

13 The department shall have power, and its duty shall be:

14 (1) To assure within the State the availability and
15 equitable provision of adequate mental health and mental
16 retardation services for all persons who need them, regardless
17 of religion, race, color, national origin, settlement,
18 residence, or economic or social status. The department shall
19 not in any rule, regulation or approval require former residents

of State institutions or facilities to receive any priority or preference in obtaining services or treatments.

* * *

Section 301. General Powers and Duties of Local Authorities; Mental Health and Mental Retardation Program and Services.--(a) The local authorities of each county separately or in concert with another county or counties, as the secretary may approve, shall establish a county mental health and mental retardation program for the prevention of mental disability, and for the diagnosis, care, treatment, rehabilitation and detention of the mentally disabled and shall have power to make appropriations for such purposes. Approval shall not be conditioned on or require any priority or preference to be given to former residents of State institutions or facilities. Such program shall conform with regulations of the department promulgated under section [202 (2)] 201 (2).

(b) To insure the operation of a county mental health and mental retardation program in each county, the secretary subject to the provisions of section 201 (3) shall have the power to direct the local authorities of any county to join with the local authorities of any other county to establish such program or become a part of a program existing in such other county or counties.

(c) To operate such county mental health and mental retardation program, the local authorities shall employ such personnel as are necessary. The selection, appointment and retention of such employes, and the termination of their employment shall be on the basis of a merit system which shall conform to minimum standards established by the department with the advice of the Advisory Committee for Mental Health and

1 Mental Retardation. Such minimum standards shall not become
2 effective until the department shall have given the local
3 authorities thirty days' written notice of the proposed
4 standards and afforded the local authorities the opportunity for
5 a hearing before the department on the proposed minimum
6 standards.

7 (d) Subject to the provisions of sections 508 and 509 (5) it
8 shall be the duty of local authorities in cooperation with the
9 department to insure that the following mental health and mental
10 retardation services are available:

11 (1) Short term inpatient services other than those provided
12 by the State.

13 (2) Outpatient services.

14 (3) Partial hospitalization services.

15 (4) Emergency services twenty-four hours per day which shall
16 be provided by, or available within at least one of the types of
17 services specified heretofore in this paragraph.

18 (5) Consultation and education services to professional
19 personnel and community agencies.

20 (6) Aftercare services for persons released from State and
21 County facilities.

22 (7) Specialized rehabilitative and training services
23 including sheltered workshops.

24 (8) Interim care of mentally retarded persons who have been
25 removed from their homes and who having been accepted, are
26 awaiting admission to a State operated facility.

27 (9) Unified procedures for intake for all county services
28 and a central place providing referral services and information.
29 These services shall be available on an equal basis to adults
30 who have recently graduated from a special education program who

1 have not been institutionalized in a State-run mental health or
2 mental retardation facility.

3 (e) Such local authorities shall also have the power to
4 establish the following additional services or programs for the
5 mentally disabled:

6 (1) Training of personnel.

7 (2) Research.

8 (3) Any other service or program designed to prevent mental
9 disability or the necessity of admitting or committing the
10 mentally disabled to a facility.

11 (f) Services herein required or authorized may be provided
12 either directly or by purchase of such services, except that the
13 services required in section 301 (d) (9) shall be provided
14 directly through the county administrator.

15 (g) To establish local mental health and mental retardation
16 boards in accordance with provisions of section 302.

17 Section 2. Section 509 of the act, amended May 17, 1972
18 (P.L.300, No.78), is amended to read:

19 Section 509. State and County Grants and Payments.--The
20 department, subject to the provisions of section 503, shall have
21 the power, and its duty shall be:

22 (1) From State and Federal funds, to make annual grants to
23 counties to defray part of the cost of county programs
24 authorized by this act and approved by the department, in the
25 amount of ninety percent of the excess of all such approved
26 expenditures for such programs over the amount paid for the same
27 purpose from any public or private source directly to
28 participating counties, facilities or individuals.

29 (2) To prescribe the time at which the counties shall
30 submit to the department annual plans and annual estimates of

1 expenditures, and revisions thereof, to carry out mental health
2 and mental retardation programs. Such plans and estimates shall
3 contain such information as the secretary by regulation shall
4 prescribe.

5 (3) Upon approval of an annual plan and the estimated
6 expenditures for a mental health and mental retardation program,
7 to compute an annual grant in accordance with the formula
8 established in clause (1) of this section.

9 (4) To pay the annual grant in four quarterly installments.
10 The moneys received in any quarter may be used at any time
11 during the year. The first installment shall be for the quarter
12 beginning July 1 and ending September 30; the second installment
13 shall be for the quarter beginning October 1 and ending December
14 31; the third installment shall be for the quarter beginning
15 January 1 and ending March 31; and the fourth installment shall
16 be for the quarter beginning April 1 and ending June 30. Each
17 installment shall be paid at the beginning of the quarter only
18 if the department is satisfied that the county is complying with
19 the regulations of the department prescribing minimum mental
20 health and mental retardation services, minimum standards of
21 performance of mental health and mental retardation services and
22 minimum standards of mental health and mental retardation
23 personnel administration on a merit basis.

24 (5) In the event that sufficient funds to pay the full
25 amount of the grants to which the counties may be entitled under
26 the provisions of this section have not been appropriated, to
27 distribute State funds among the counties by a formula
28 reasonably designed to achieve the objectives of this act,
29 provided however, that in such event the counties' financial
30 obligations under this act shall be reduced in accordance with

1 the same formula and the counties shall be required to provide
2 only those services for which sufficient funds are available.

3 (6) To review grants against actual expenditures at any time
4 and to make appropriate adjustments in subsequent grants. If a
5 grant overpayment cannot be recovered through such an adjustment
6 for any reason, the department shall effect a refund of such
7 overpayment from the county.

8 (7) For the purpose of this act, the contribution with
9 respect to services, equivalent to the employer's tax
10 established by the Federal Social Security Act shall be the
11 first obligation against any State funds received by the
12 counties for their use or authorized under this act and shall
13 first be paid therefrom.

14 No grant or payment made pursuant to this act shall be
15 conditioned on the provision of a preference or priority for
16 services or treatment to former residents of State institutions
17 or facilities.

18 Section 3. This act shall take effect immediately.