

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 786

Session of
1987

INTRODUCED BY WILT, PETERSON, WILLIAMS, ROCKS, WENGER, SHAFFER,
GREENWOOD AND JONES, MAY 5, 1987

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 5, 1988

AN ACT

~~Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
act to consolidate, editorially revise, and codify the public
welfare laws of the Commonwealth," further providing for the
licensing and regulation of personal care facilities;
establishing the Personal Care Facility Advisory Council and
providing for its powers and duties; and further providing
for regulations by the department.~~

AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED
"AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE
EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
AND COMMISSIONS; AND PRESCRIBING THE MANNER IN WHICH THE
NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL OTHER
ASSISTANTS AND EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND
COMMISSIONS SHALL BE DETERMINED," CHANGING THE DEPARTMENT OF
PUBLIC WELFARE TO THE DEPARTMENT OF HUMAN SERVICES;
ESTABLISHING THE STATE BOARD OF HUMAN SERVICES; AND MAKING
RELATED EDITORIAL CHANGES.

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

~~Section 1. The heading and subsection (1) of section 211 of
the act of June 13, 1967 (P.L.31, No.21), known as the Public
Welfare Code, added July 10, 1980 (P.L.493, No.105), is amended
and the section is amended by adding subsections to read:~~

~~Section 211. State Plan for Regulating and Licensing
Personal Care [Boarding Homes] Facilities. * * *~~

~~(1) After initial approval, personal care [boarding homes
need not] facilities must be visited [or] and inspected
annually[; provided that the department shall schedule
inspections in accordance with a plan that provides for the
coverage of at least seventy five percent of the licensed
personal care boarding homes every two years and all homes shall
be inspected at least once every three years].~~

~~* * *~~

~~(n) In developing rules and regulations, the department
shall consider the rights of residents to be secure in their
residences and to be actively involved in matters affecting
them. To that end, the department shall:~~

~~(1) Provide each resident with a notice of any Class I
violations or Class II violations uncorrected after five (5)
days as defined under section 1090 of this act.~~

~~(2) Report within one hundred eighty (180) days after the
effective date of this section to the legislative committees
having jurisdiction over health and welfare services on:~~

~~(A) the feasibility of establishing a receivership program
whose purpose shall be to manage a personal care facility
whenever the department or a court of competent jurisdiction
determines that the present owner or operator of the personal~~

~~care facility is incapable of managing the facility in a safe and efficient manner; and~~

~~(B) an analysis of the feasibility of using funds under the Social Security Act (Public Law 74 271, 42 U.S.C. § 301 et seq.), including funds under the Medicaid section 2176 Waiver Program, to provide case management services as defined under section 214 of this act and personal care services to residents. This analysis shall include the number of residents in licensed personal care facilities; the number of such residents eligible for medical assistance benefits; and the number of such residents presently receiving case management services, including the types of agencies presently providing case management services to the residents.~~

~~(c) The department shall require each owner and operator of a personal care facility to disclose to each resident the actual rent and other charges for services provided by the personal care facility. As to those residents eligible for Supplemental Security Income (SSI) benefits and those residents in personal care facilities that do not have set fees, the department shall require that actual rent and other charges may not exceed the resident's actual currently monthly income reduced by a personal needs allowance for the resident in an amount to be determined by the department, but not less than twenty five dollars (\$25). No owner or operator of a personal care facility may seek or accept any payments from a resident who is a supplemental security income (SSI) recipient in excess of one half of any funds received by the resident under the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act," nor can such owner or operator of a personal care facility seek or accept from a resident eligible for~~

~~Supplemental Security Income (SSI) benefits, any payment from any funds received as lump sum awards, gifts or inheritances, gains from the sale of property, or retroactive government benefits; provided, however, that an owner or operator may seek and accept payments from funds received as retroactive awards of Social Security or Supplemental Security Income (SSI) benefits, but only to the extent that the retroactive awards cover periods of time during which the resident actually resided in the personal care facility of the owner or operator. The department shall require that each owner or operator provide the following services to each resident who is eligible for SSI benefits, at no additional charge to the resident:~~

~~(1) Necessary personal hygiene items. This requirement does not include cosmetic items.~~

~~(2) Laundry, including personal laundry.~~

~~(p) In developing rules and regulations, the department shall require that a personal care facility provide at least one staff person on duty for each shift who has certificates of successful completion of department approved courses in cardiopulmonary resuscitation (CPR) and first aid.~~

~~Section 2. The act is amended by adding sections to read:~~

~~Section 212. Personal Care Facility Advisory Council.~~

~~(a) There is hereby established an advisory council to be known as the Personal Care Facility Advisory Council.~~

~~(b) The council shall be composed of the following members:~~

~~(1) The Secretary of Public Welfare and the Secretary of Aging, or designees thereof.~~

~~(2) Three owners or operators of personal care facilities, one of whom shall be the owner or operator of a personal care facility with a capacity of less than 30 persons, appointed by~~

~~the Governor.~~

~~(3) Two members of the public to represent residents of personal care facilities, appointed by the Governor.~~

~~(4) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, or their designees.~~

~~(5) Two members of the Senate, appointed by the President pro tempore of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, or their designees.~~

~~(c) (1) The terms of the members appointed by the Governor shall be four years with the initial appointees to serve for two years and four years respectively as designated by the Governor.~~

~~(2) The Secretary of Public Welfare and the Secretary of Aging shall serve concurrent with their terms of office.~~

~~(3) Members of the General Assembly shall serve a term concurrent with their elected positions.~~

~~(d) Members shall be eligible for reappointment. Any vacancy shall be filled by the appointing power for the unexpired term of office.~~

~~(e) All members of the council shall only be entitled to reasonable expenses incurred in the performance of their duties as fixed by the Executive Board.~~

~~(f) The Secretary of Public Welfare shall serve as the chairperson. The council shall meet at least quarterly and at such other times as the chairperson deems necessary.~~

~~(g) Five members of the council shall constitute a quorum for conducting the business of the council.~~

~~(h) The council shall consult with the department and make~~

~~recommendations on regulations, licensure and any other responsibilities of the department relating to personal care facilities.~~

~~(i) In developing rules and regulations for licensure of personal care facilities, the department shall take into consideration the recommendations of the Personal Care Facility Advisory Council and shall by regulation establish standards for the mental and physical mobility of residents and for determining whether a personal care facility meets these standards. The advisory council shall, in the establishment of these standards, consider the emergency evacuation capabilities and staffing needs of the facility as it may deem appropriate for the resident population. Such standards shall include, but not be limited to, the following categories of personal care facilities:~~

~~(1) Level 1 facilities may have residents that are mobile and need only minimal personal care and supervision and shall be constructed in accordance with prompt evacuation capability requirements established in Chapter 21, Residential Board and Care occupancies of the Life Safety Code of 1985 of the National Fire Protection Association Incorporated as administered by the Department of Labor and Industry.~~

~~(2) Level 2 facilities may have residents that have functional limitations and rely on the facility for extensive assistance with personal activities of daily living and who do not require regular continuous 24 hour nursing care, although they may be nonambulatory and require the occasional services of an appropriate skilled health professional. These facilities shall be constructed in accordance with the slow capability requirements established in Chapter 21, Residential Board and~~

~~Care occupancies of the Life Safety Code of 1985 of the National Fire Protection Association Incorporated as administered by the Department of Labor and Industry. Enforcement for noncompliance under this subsection shall be effective January 1, 1989.~~

~~(j) A personal care facility may be licensed as a level 1 and/or a level 2 facility in accordance with the standards established by the department.~~

~~Section 213. Personal Care Facility Administrator. (a) After January 1, 1989, all personal care facilities shall identify and appoint a personal care facility administrator or administrators who meet the qualifications provided in this section.~~

~~(b) A personal care facility administrator shall:~~

~~(1) be at least 21 years of age, have a high school diploma or a General Educational Development Diploma and be of good moral character, provided that an administrator of a licensed personal care facility on the effective date of this act shall be exempt from the provision that requires an administrator to have a high school diploma or General Educational Development Diploma; and~~

~~(2) have knowledge, education and training in:~~

~~(i) fire prevention and emergency planning;~~

~~(ii) first aid, monitoring of medications, medical terminology and personal hygiene;~~

~~(iii) nutrition;~~

~~(iv) recreation;~~

~~(v) mental illness and gerontology;~~

~~(vi) community resources and social services; and~~

~~(vii) staff supervision and training.~~

~~(c) By January 1988, the department shall by regulation~~

~~develop such standards for knowledge, education or training to meet the standards of this section.~~

~~(d) If not otherwise available, the department shall schedule and offer at cost, training and educational programs for a person to meet the knowledge, educational and training requirements established by this act.~~

~~Section 214. Relocation of Residents of Personal Care Facilities. (a) The department may not seek to relocate any resident from a personal care facility unless it has first brought an action for an injunction requiring the owner to correct any outstanding violations pursuant to section 1053 of this act: Provided, however, That the department may seek to relocate residents if the department, in conjunction with the appropriate local agencies, certifies that the work necessary to correct the outstanding violations can only be performed if the premises are vacated or if failure to vacate the premises would pose a substantial probability that death or serious mental or physical harm will result.~~

~~(b) The department, in conjunction with appropriate local authorities, shall relocate residents from a personal care facility, subject to the limitations of subsection (a), if any of the following conditions exist:~~

~~(1) One or more Class I violations remain uncorrected twenty four hours after the personal care facility has been cited for such violation.~~

~~(2) The facility is operating without a license.~~

~~(3) The licensee is voluntarily closing a facility and relocation is necessary for the health and welfare of the resident or residents.~~

~~(c) The department shall offer relocation assistance to~~

1 ~~residents relocated under this section. Except in an emergency,~~
2 ~~the resident shall be involved in planning his transfer to~~
3 ~~another placement and shall have the right to choose among the~~
4 ~~available alternative placements. The department may make~~
5 ~~temporary placement until final placement can be arranged.~~
6 ~~Residents shall be provided with an opportunity to visit~~
7 ~~alternative placement before relocation or following temporary~~
8 ~~emergency relocation. Residents shall choose their final~~
9 ~~placement and shall be given assistance in transferring to such~~
10 ~~place. The department shall adopt regulations to establish the~~
11 ~~amounts of relocation assistance available under subsection (h)~~
12 ~~of section 1092 of this act and the procedures for paying such~~
13 ~~assistance.~~

14 ~~Section 215. Case Management. (a) The department shall~~
15 ~~make grants to county governments for the purpose of providing~~
16 ~~case management services to residents of personal care facility.~~
17 ~~These case management services shall be provided by county~~
18 ~~agencies and/or private non profit agencies under contract with~~
19 ~~county government, as determined by county commissioners.~~
20 ~~Priority for receiving case management services shall be given~~
21 ~~to Supplemental Security Income (SSI) recipients who are~~
22 ~~residing in personal care facility, which result in the~~
23 ~~Commonwealth's eligibility for matching Federal funds to assist~~
24 ~~in financing these services. The department shall be responsible~~
25 ~~for making application for Federal funds available to the~~
26 ~~Commonwealth for their services, within the amount of State~~
27 ~~matching funds appropriated by the General Assembly.~~

28 ~~(b) In consultation with and the approval of each personal~~
29 ~~care facility resident receiving case management services, case~~
30 ~~managers will assist such residents in the development and~~

~~implementation of an individualized plan for the set of activities and services both within and outside of the personal care facility. Such activities and services shall include, but not be limited to:~~

~~(1) Needed visits for medical care including visits for dental, physician, optical or medical equipment services.~~

~~(2) Providing opportunities to participate in programs available in the community based human services system, including outpatient mental health treatment, partial hospitalization programs, adult day care programs and senior citizen center programs.~~

~~(3) Oversight to assure that residents have nutritious meals and sanitary conditions as specified in State licensing regulations, working closely with State licensing enforcement officials and ombudsman.~~

~~(4) Providing aid in obtaining and taking medication as prescribed by a physician.~~

~~(5) Management and expenditure of any personal funds available to each resident.~~

~~(6) Providing aid in obtaining appropriate clothing, including donations from private charities.~~

~~(7) Aid in attendance at religious services, if requested.~~

~~(8) Monitoring the care provided to each resident.~~

~~(c) Case managers hired under the provisions of this act shall have reasonable access to personal care facilities and to the residents of the facilities in the furtherance of their duties as defined in this act.~~

~~(d) Personal care facility administrators shall be responsible for informing the resident of the availability of case management services within forty eight hours of the~~

~~admission of any resident to a personal care facility. If case management services are requested by the resident the facility administrator shall notify the case management agency.~~

~~Section 3. Section 1001 of the act, amended July 10, 1980 (P.L.493, No.105), is amended to read:~~

~~Section 1001. Definitions. As used in this article—~~

~~"Adult day care" means care given for part of the twenty four hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.~~

~~"Adult day care center" means any premises operated for profit, in which adult day care is simultaneously provided for four or more adults who are not relatives of the operator.~~

~~"Boarding home for children" means any premises operated for profit in which care is provided for a period exceeding twenty-four hours for any child or children under sixteen years of age, who are not relatives of the operator and who are not accompanied by parent, individual standing in loco parentis or legal guardian. The term shall not be construed to include any such premises selected for care of such child or children by a parent, individual standing in loco parentis or legal guardian for a period of thirty days or less, nor any such premises conducted under social service auspices.~~

~~"Child day care" means care in lieu of parental care given for part of the twenty four hour day to children under sixteen years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services.~~

~~"Child day care center" means any premises operated for~~

~~profit in which child day care is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices.~~

~~"Evacuation capability" means the ability of the occupants, residents and staff as a group to either evacuate the building or relocate from the point of occupancy to a point of safety.~~

~~The two types of evacuation capabilities are:~~

~~(1) Prompt Evacuation capability equivalent to the capability of the general population. Evacuation capability shall be presumed to be prompt if, after conducting timed fire drills pursuant to standards adopted by the Department of Public Welfare, evacuation is accomplished within three minutes or less.~~

~~(2) Slow Evacuation capability of the group to move to a point of safety in a timely manner, with some of the residents requiring assistance from staff. Evacuation capability shall be presumed to be slow if, after conducting timed fire drills pursuant to standards adopted by the department, evacuation is accomplished in more than three but less than thirteen minutes.~~

~~"Facility" means an adult day care center, child day care center, family day care home, boarding home for children, mental health establishment, personal care [home for adults] facility, nursing home, hospital or maternity home, as defined herein, and shall not include those operated by the State or Federal governments or those supervised by the department.~~

~~"Hospital" means any premises, other than a mental health establishment as defined herein, operated for profit, having an organized medical staff and providing equipment and services primarily for inpatient care for two or more individuals who require definitive diagnosis and/or treatment for illness,~~

1 ~~injury or other disability or during or after pregnancy, and~~
2 ~~which also regularly makes available at least clinical~~
3 ~~laboratory services, diagnostic X ray services and definitive~~
4 ~~clinical treatment services. The term shall include such~~
5 ~~premises providing either diagnosis or treatment, or both, for~~
6 ~~specific illnesses or conditions.~~

7 ~~"Maternity home" means any premises operated for profit in~~
8 ~~which, within a period of six months, any person receives more~~
9 ~~than one woman or girl, not a relative of the operator, for care~~
10 ~~during pregnancy or immediately after delivery.~~

11 ~~"Mental health establishment" means any premises or part~~
12 ~~thereof, private or public, for the care of individuals who~~
13 ~~require care because of mental illness, mental retardation or~~
14 ~~inebriety but shall not be deemed to include the private home of~~
15 ~~a person who is rendering such care to a relative.~~

16 ~~"Mobile" and "ambulatory" means an individual who is~~
17 ~~physically and mentally able to understand and carry out~~
18 ~~instructions without the assistance of others; capable of moving~~
19 ~~about independently and to exit from the building; able to~~
20 ~~ascend or descend stairs; able to independently operate a device~~
21 ~~such as a wheelchair, prosthesis, walker or cane.~~

22 ~~"Nonmobile" and "nonambulatory" means an individual who is~~
23 ~~physically and/or mentally unable to move from one location to~~
24 ~~another without the continued full assistance of other persons.~~
25 ~~Full assistance means the individual needs to be led, carried or~~
26 ~~wheeled from one location to another.~~

27 ~~"Nursing home" means any premises operated for profit in~~
28 ~~which nursing care and related medical or other health services~~
29 ~~are provided, for a period exceeding twenty four hours, for two~~
30 ~~or more individuals, who are not relatives of the operator, who~~

~~are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.~~

~~"Person" means any individual, partnership, association or corporation operating a facility.~~

~~"Personal care [home for adults] facility" means any premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty four hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, mobility, diet or medication prescribed for self administration and including tasks of daily living and obtaining medical and other health care or social services such as the occasional services of an appropriate skilled health professional and financial management. The department or its designee shall have the power to determine whether a premises is a personal care facility for which a license to operate must be obtained under this act.~~

~~"Personal care facility administrator" means any individual who is charged with the general administration of a personal care facility, whether or not such individual has an ownership interest in such facility and whether or not his functions and duties are shared with one or more individuals.~~

~~"Personal care facility resident" means any occupant, other than facility personnel, of a personal care facility, whether or not he or she needs personal assistance or supervision.~~

~~"Relative" means parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.~~

~~"Social service auspices" means any nonprofit agency~~

1 ~~regularly engaged in the affording of child or adult care.~~

2 ~~Section 4. Sections 1006 and 1053 of the act are amended to~~
3 ~~read:~~

4 ~~Section 1006. Fees. Annual licenses shall be issued when~~
5 ~~the proper fee, if required, is received by the department and~~
6 ~~all the other conditions prescribed by this act are met. The~~
7 ~~fees shall be:~~

8 ~~— Facility ————— Annual License Fee~~

9 ~~Adult day care center ————— \$ 15~~

10 ~~Mental health establishment ————— 50~~

11 ~~Personal care [home] ————— [10]~~

12 ~~facility ————— 15~~

13 ~~Hospital ————— 100~~

14 ~~Nursing home under 30 beds ————— 15~~

15 ~~————— over 30 but under 50 beds ————— 25~~

16 ~~————— 50 but under 100 beds ————— 50~~

17 ~~————— 100 or more beds ————— 75~~

18 ~~Maternity home ————— 15~~

19 ~~No fee shall be required for the annual license in the case~~
20 ~~of day care centers, family day care homes, boarding homes for~~
21 ~~children or for public or nonprofit mental institutions.~~

22 ~~Section 1053. Actions Against Violations of Law and Rules~~
23 ~~and Regulations. Whenever any person, regardless of whether~~
24 ~~such person is a licensee, has violated the laws of this~~
25 ~~Commonwealth pertaining to the licensing of a private~~
26 ~~institution or the rules and regulations adopted pursuant to~~
27 ~~such laws by the department, the department, upon the advice of~~
28 ~~the Attorney General, may maintain an action in the name of the~~
29 ~~Commonwealth for an injunction or other process restraining or~~
30 ~~prohibiting such person from engaging in such activity or~~

~~requiring such person to correct the violation.~~

~~Section 5. The act is amended by adding sections to read:~~

~~Section 1060. Personal Care Facilities Resident Rights. All personal care facility residents shall be entitled to all protections provided by this act and all residents shall be entitled to the protections provided by regulations promulgated thereunder except those regulations relative to supervision and personal care.~~

~~Section 1061. Admissions to Personal Care Facilities. Prior to admission or within thirty days of admission to a personal care facility, an assessment shall be done of the potential resident or residents by the department or its designee to determine whether or not the potential resident or resident requires personal assistance or supervision. A physician's certificate completed by the physician of the resident's choice may be substituted for this assessment.~~

~~Section 6. Article X of the act is amended by adding a subarticle to read:~~

~~ARTICLE X~~

~~DEPARTMENTAL POWERS AND DUTIES AS TO LICENSING~~

~~* * *~~

~~(d) Personal Care Facility~~

~~Section 1090. Classification of Violations. The department shall classify each violation of its regulations on personal care facilities or any violation of the rules and regulations of any other State agency or local ordinance or regulation into one of the following categories:~~

~~(1) Class I. A violation which indicates a substantial probability that death or serious mental or physical harm to any resident may result.~~

~~(2) Class II. A violation which has an adverse effect upon the health, safety, or well being of any resident.~~

~~(3) Class III. A minor violation which has no adverse effect upon the health, safety or well being of any resident.~~

~~Section 1091. Penalties. (a) The department shall assess a penalty for each violation of this subarticle or regulations of the department. Penalties shall be assessed on a daily basis from the date on which citation was issued until the date such violation is corrected except in the case of Class II~~

~~violations. In the case of Class II violations, assessment of a penalty shall be suspended for a period of five days from the date of citation provided that, except for good cause, the provider has corrected the violation. If the violation has not been corrected within the five day period the fine shall be retroactive to the date of citation.~~

~~(b) The department shall assess a penalty of twenty dollars (\$20) per resident per day for each Class I violation.~~

~~(c) The department shall assess a minimum penalty of five dollars (\$5) per resident per day up to a maximum of fifteen dollars (\$15) per resident per day for each Class II violation.~~

~~(d) There shall be no monetary penalty for Class III violations.~~

~~(e) A personal care facility found to be operating without a license shall be assessed a penalty of five hundred dollars (\$500). If, after thirty days, an operator of a personal care facility cited for operating without a license fails to file an application for a license, the department shall assess an additional twenty dollars (\$20) for each resident for each day in which the home fails to make such application.~~

~~(f) The Commonwealth Court shall have original jurisdiction~~

~~over all matters arising under this subarticle.~~

~~(g) Any person charged with violation of this act shall have thirty days to pay the assessed penalty in full, or if the person wishes to contest either the amount of the penalty or the fact of the violation, the party shall forward the proposed amount to the Secretary of Public Welfare for placement in an escrow account with the State Treasurer. If through administrative hearing or judicial review of the proposed penalty it is determined that no violation occurred or that the amount of the penalty shall be reduced, the secretary shall within thirty days remit the appropriate amount to the person with any interest accumulated by the escrow deposit. Failure to forward the payment to the secretary within thirty days shall result in a waiver of rights to contest the fact of the violation or the amount of the penalty. The amount assessed after administrative hearing or a waiver of the administrative hearing shall be payable to the Commonwealth of Pennsylvania and shall be collectible in any manner provided by law for the collection of debts. If any person liable to pay such penalty neglects or refuses to pay the same after demand, such failure to pay shall constitute a judgment in favor of the Commonwealth in the amount of the penalty, together with the interest and any costs that may accrue.~~

~~(h) Money collected by the department under this section shall be placed in a special restricted receipt account and shall be first used to defray the expenses incurred by residents relocated under this act. Any moneys remaining in this account shall annually be remitted to the department for enforcing the provisions of this subarticle.~~

~~(i) The department shall promulgate regulations necessary~~

~~for the implementation of this section in order to ensure
uniformity and consistency in the application of penalties.~~

~~Section 1092. Revocation or Nonrenewal of License. (a) (1)~~

~~The department shall temporarily revoke the license of a
personal care facility if without good cause one or more Class I
violations remain uncorrected twenty four hours after the
personal care facility has been cited for such violation or if
without good cause one or more Class II violations remain
uncorrected fifteen days after being cited for such violation.~~

~~(2) Upon the revocation of a license pursuant to this
subsection, all residents shall be relocated.~~

~~(3) The revocation shall terminate upon the department's
determination that its violation is corrected.~~

~~(4) If after three months, the violations remain uncorrected
the license of the personal care facility shall be permanently
revoked.~~

~~(b) The department shall revoke or refuse to renew the
license of a personal care facility if during any two year
period, the facility, without good cause, on two or more
separate occasions, has been found to have violated a regulation
of the department which has been categorized as Class I.~~

~~(c) The power of the department to revoke or refuse to renew
or issue a license pursuant to this section is in addition to
the powers and duties of the department pursuant to section
1026.~~

~~(d) Any licenses revoked or not renewed pursuant to this
section shall be for a minimum period of five years.~~

~~(e) No provider of a personal care facility who has had a
license revoked or not renewed pursuant to this section shall be
allowed to operate or staff or hold an interest in a facility~~

1 ~~that applies for a license for a period of five years after such~~
2 ~~revocation or nonrenewal.~~

3 ~~Section 7. This act shall take effect July 1, 1987, or~~
4 ~~immediately, whichever is later.~~

5 SECTION 1. SECTION 201 OF THE ACT OF APRIL 9, 1929 (P.L.177, <—
6 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, AMENDED
7 DECEMBER 30, 1984 (P.L.1299, NO.245), IS AMENDED TO READ:

8 SECTION 201. EXECUTIVE OFFICERS, ADMINISTRATIVE DEPARTMENTS
9 AND INDEPENDENT ADMINISTRATIVE BOARDS AND COMMISSIONS.--THE
10 EXECUTIVE AND ADMINISTRATIVE WORK OF THIS COMMONWEALTH SHALL BE
11 PERFORMED BY THE EXECUTIVE DEPARTMENT, CONSISTING OF THE
12 GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF THE COMMONWEALTH,
13 ATTORNEY GENERAL, AUDITOR GENERAL, STATE TREASURER, AND
14 SECRETARY OF EDUCATION; BY THE EXECUTIVE BOARD, AND THE
15 PENNSYLVANIA STATE POLICE; BY THE FOLLOWING ADMINISTRATIVE
16 DEPARTMENTS: DEPARTMENT OF STATE, OFFICE OF ATTORNEY GENERAL,
17 DEPARTMENT OF CORRECTIONS, DEPARTMENT OF THE AUDITOR GENERAL,
18 TREASURY DEPARTMENT, DEPARTMENT OF EDUCATION, DEPARTMENT OF
19 MILITARY AFFAIRS, INSURANCE DEPARTMENT, DEPARTMENT OF BANKING,
20 DEPARTMENT OF AGRICULTURE, DEPARTMENT OF TRANSPORTATION,
21 DEPARTMENT OF HEALTH, DEPARTMENT OF LABOR AND INDUSTRY,
22 DEPARTMENT OF AGING, DEPARTMENT OF [PUBLIC WELFARE] HUMAN
23 SERVICES, DEPARTMENT OF GENERAL SERVICES, DEPARTMENT OF REVENUE,
24 DEPARTMENT OF COMMERCE, DEPARTMENT OF COMMUNITY AFFAIRS AND
25 DEPARTMENT OF ENVIRONMENTAL RESOURCES; AND BY THE FOLLOWING
26 INDEPENDENT ADMINISTRATIVE BOARDS AND COMMISSIONS: PENNSYLVANIA
27 GAME COMMISSION, PENNSYLVANIA FISH COMMISSION, STATE CIVIL
28 SERVICE COMMISSION, PENNSYLVANIA PUBLIC UTILITY COMMISSION, THE
29 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION AND THE
30 PENNSYLVANIA SECURITIES COMMISSION.

1 ALL OF THE PROVISIONS OF THIS ACT, WHICH APPLY GENERALLY TO
2 ADMINISTRATIVE DEPARTMENTS, OR GENERALLY EXCEPT TO THE
3 DEPARTMENT OF THE AUDITOR GENERAL, THE TREASURY DEPARTMENT AND
4 THE OFFICE OF ATTORNEY GENERAL, SHALL APPLY TO THE EXECUTIVE
5 BOARD AND TO THE PENNSYLVANIA STATE POLICE.

6 SECTION 2. AS MUCH AS RELATES TO THE DEPARTMENT OF PUBLIC
7 WELFARE IN SECTION 202 OF THE ACT, AMENDED JULY 9, 1986
8 (P.L.547, NO.97), IS AMENDED TO READ:

9 SECTION 202. DEPARTMENTAL ADMINISTRATIVE BOARDS,
10 COMMISSIONS, AND OFFICES.--THE FOLLOWING BOARDS, COMMISSIONS,
11 AND OFFICES ARE HEREBY PLACED AND MADE DEPARTMENTAL
12 ADMINISTRATIVE BOARDS, COMMISSIONS, OR OFFICES, AS THE CASE MAY
13 BE, IN THE RESPECTIVE ADMINISTRATIVE DEPARTMENTS MENTIONED IN
14 THE PRECEDING SECTION, AS FOLLOWS:

15 * * *

16 IN THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES,
17 BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT
18 CENTERS,
19 BOARD OF TRUSTEES OF THE CENTRAL YOUTH DEVELOPMENT
20 CENTERS,
21 BOARD OF TRUSTEES OF THE EASTERN YOUTH DEVELOPMENT
22 CENTERS,
23 BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL,
24 BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL,
25 BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL,
26 BOARD OF TRUSTEES OF EMBREEVILLE CENTER,
27 BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL,
28 BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL,
29 BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL,
30 BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL,

1 BOARD OF TRUSTEES OF PHILADELPHIA STATE HOSPITAL,
2 BOARD OF TRUSTEES OF SOMERSET STATE HOSPITAL,
3 BOARD OF TRUSTEES OF WARREN STATE HOSPITAL,
4 BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL,
5 BOARD OF TRUSTEES OF WOODVILLE STATE HOSPITAL,
6 BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL,
7 BOARD OF TRUSTEES OF HAVERFORD STATE HOSPITAL,
8 BOARD OF TRUSTEES OF ASHLAND STATE GENERAL HOSPITAL,
9 BOARD OF TRUSTEES OF COALDALE STATE GENERAL HOSPITAL,
10 BOARD OF TRUSTEES OF NANTICOKE STATE GENERAL HOSPITAL,
11 BOARD OF TRUSTEES OF PHILIPSBURG STATE GENERAL HOSPITAL,
12 BOARD OF TRUSTEES OF SCRANTON STATE GENERAL HOSPITAL,
13 BOARD OF TRUSTEES OF SHAMOKIN STATE GENERAL HOSPITAL,
14 BOARD OF TRUSTEES OF EBENSBURG CENTER,
15 BOARD OF TRUSTEES OF EASTERN STATE SCHOOL AND HOSPITAL,
16 BOARD OF TRUSTEES OF LAURELTON CENTER,
17 BOARD OF TRUSTEES OF PENNHURST CENTER,
18 BOARD OF TRUSTEES OF POLK CENTER,
19 BOARD OF TRUSTEES OF SELINGSGROVE CENTER,
20 BOARD OF TRUSTEES OF HAMBURG CENTER,
21 BOARD OF TRUSTEES OF WESTERN CENTER,
22 BOARD OF TRUSTEES OF WHITE HAVEN CENTER,
23 BOARD OF TRUSTEES OF WOODHAVEN CENTER,
24 BOARD OF TRUSTEES OF SOUTH MOUNTAIN RESTORATION CENTER.

25 * * *

26 SECTION 3. AS MUCH AS RELATES TO THE DEPARTMENT OF PUBLIC
27 WELFARE IN SECTION 203 OF THE ACT, AMENDED JUNE 20, 1978
28 (P.L.477, NO.70), IS AMENDED TO READ:

29 SECTION 203. ADVISORY BOARDS AND COMMISSIONS.--THE FOLLOWING
30 ADVISORY BOARDS AND COMMISSIONS ARE PLACED IN AND MADE PARTS OF

1 THE RESPECTIVE ADMINISTRATIVE DEPARTMENTS, AS FOLLOWS:

2 * * *

3 IN THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES,

4 [STATE BOARD OF PUBLIC WELFARE,]

5 ADVISORY COMMITTEE FOR THE BLIND,

6 ADVISORY COMMITTEE FOR GENERAL AND SPECIAL HOSPITALS,

7 ADVISORY COMMITTEE FOR CHILDREN AND YOUTH,

8 ADVISORY COMMITTEE FOR PUBLIC ASSISTANCE,

9 ADVISORY COMMITTEE FOR MENTAL HEALTH AND MENTAL

10 RETARDATION;

11 * * *

12 SECTION 4. SECTION 206 OF THE ACT, AMENDED DECEMBER 30, 1984
13 (P.L.1299, NO.245), IS AMENDED TO READ:

14 SECTION 206. DEPARTMENT HEADS.--EACH ADMINISTRATIVE
15 DEPARTMENT SHALL HAVE AS ITS HEAD AN OFFICER WHO SHALL, EITHER
16 PERSONALLY, BY DEPUTY, OR BY THE DULY AUTHORIZED AGENT OR
17 EMPLOYE OF THE DEPARTMENT, AND SUBJECT AT ALL TIMES TO THE
18 PROVISIONS OF THIS ACT, EXERCISE THE POWERS AND PERFORM THE
19 DUTIES BY LAW VESTED IN AND IMPOSED UPON THE DEPARTMENT.

20 THE FOLLOWING OFFICERS SHALL BE THE HEADS OF THE
21 ADMINISTRATIVE DEPARTMENTS FOLLOWING THEIR RESPECTIVE TITLES:

22 SECRETARY OF THE COMMONWEALTH, OF THE DEPARTMENT OF STATE;

23 AUDITOR GENERAL, OF THE DEPARTMENT OF THE AUDITOR GENERAL;

24 STATE TREASURER, OF THE TREASURY DEPARTMENT;

25 ATTORNEY GENERAL, OF THE OFFICE OF ATTORNEY GENERAL;

26 SECRETARY OF EDUCATION, OF THE DEPARTMENT OF EDUCATION;

27 ADJUTANT GENERAL, OF THE DEPARTMENT OF MILITARY AFFAIRS;

28 INSURANCE COMMISSIONER, OF THE INSURANCE DEPARTMENT;

29 SECRETARY OF BANKING, OF THE DEPARTMENT OF BANKING;

30 SECRETARY OF AGRICULTURE, OF THE DEPARTMENT OF AGRICULTURE;

1 SECRETARY OF TRANSPORTATION, OF THE DEPARTMENT OF
2 TRANSPORTATION;
3 SECRETARY OF HEALTH, OF THE DEPARTMENT OF HEALTH;
4 SECRETARY OF LABOR AND INDUSTRY, OF THE DEPARTMENT OF LABOR
5 AND INDUSTRY;
6 SECRETARY OF AGING, OF THE DEPARTMENT OF AGING;
7 SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES, OF THE
8 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES;
9 SECRETARY OF REVENUE, OF THE DEPARTMENT OF REVENUE;
10 SECRETARY OF COMMERCE, OF THE DEPARTMENT OF COMMERCE;
11 SECRETARY OF COMMUNITY AFFAIRS, OF THE DEPARTMENT OF
12 COMMUNITY AFFAIRS;
13 SECRETARY OF ENVIRONMENTAL RESOURCES, OF THE DEPARTMENT OF
14 ENVIRONMENTAL RESOURCES;
15 SECRETARY OF GENERAL SERVICES, OF THE DEPARTMENT OF GENERAL
16 SERVICES;
17 SECRETARY OF CORRECTIONS, OF THE DEPARTMENT OF CORRECTIONS.

18 SECTION 5. SECTION 207.1(D)(1) AND (4) OF THE ACT, AMENDED
19 FEBRUARY 17, 1984 (P.L.75, NO.14) AND DECEMBER 30, 1984
20 (P.L.1299, NO.245), ARE AMENDED TO READ:

21 SECTION 207.1. GUBERNATORIAL APPOINTMENTS.--* * *

22 (D) THE GOVERNOR SHALL NOMINATE IN ACCORDANCE WITH THE
23 PROVISIONS OF THE CONSTITUTION OF THE COMMONWEALTH OF
24 PENNSYLVANIA AND, BY AND WITH THE ADVICE AND CONSENT OF A
25 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE APPOINT PERSONS TO
26 FILL THE FOLLOWING POSITIONS:

27 (1) THE SECRETARY OF EDUCATION, THE SECRETARY OF THE
28 COMMONWEALTH, THE ADJUTANT GENERAL, THE INSURANCE COMMISSIONER,
29 THE SECRETARY OF BANKING, THE SECRETARY OF AGRICULTURE, THE
30 SECRETARY OF TRANSPORTATION, THE SECRETARY OF HEALTH, THE

1 COMMISSIONER OF THE STATE POLICE, THE SECRETARY OF CORRECTIONS,
2 THE SECRETARY OF LABOR AND INDUSTRY, THE SECRETARY OF AGING, THE
3 SECRETARY OF [PUBLIC WELFARE] HUMAN SERVICES, THE SECRETARY OF
4 GENERAL SERVICES, THE SECRETARY OF REVENUE, THE SECRETARY OF
5 COMMERCE, THE SECRETARY OF COMMUNITY AFFAIRS AND THE SECRETARY
6 OF ENVIRONMENTAL RESOURCES.

7 * * *

8 (4) THOSE MEMBERS WHICH HE IS AUTHORIZED TO APPOINT TO THE
9 DELAWARE VALLEY REGIONAL PLANNING COMMISSION, THE PENNSYLVANIA
10 PUBLIC TELEVISION NETWORK COMMISSION, THE STATE COUNCIL OF CIVIL
11 DEFENSE, THE STATE FARM PRODUCTS COMMISSION, THE PENNSYLVANIA
12 HOUSING FINANCE AGENCY, THE BOARD OF TRUSTEES OF EACH STATE
13 COLLEGE AND UNIVERSITY, THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL
14 FOR VETERANS' CHILDREN, THE BOARD OF TRUSTEES OF THADDEUS
15 STEVENS STATE SCHOOL OF TECHNOLOGY, THE STATE CONSERVATION
16 COMMISSION, THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE
17 ARTS, THE STATE PLANNING BOARD, THE PENNSYLVANIA DRUG, DEVICE
18 AND COSMETIC BOARD, THE COUNTY BOARD OF ASSISTANCE IN EACH
19 COUNTY, [THE STATE BOARD OF PUBLIC WELFARE,] THE BOARDS OF
20 TRUSTEES OF CENTERS, THE BOARD OF TRUSTEES OF EACH RESTORATION
21 CENTER, THE BOARD OF TRUSTEES OF EACH STATE GENERAL HOSPITAL,
22 THE BOARD OF TRUSTEES OF EACH STATE SCHOOL AND HOSPITAL, THE
23 BOARD OF TRUSTEES OF EACH STATE HOSPITAL, THE STATE DENTAL
24 COUNCIL AND EXAMINING BOARD, THE STATE REAL ESTATE COMMISSION,
25 THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, THE
26 STATE BOARDS OF EXAMINERS OF ARCHITECTS, AUCTIONEERS, NURSING
27 HOME ADMINISTRATORS AND PUBLIC ACCOUNTANTS, THE STATE BOARDS OF
28 BARBER EXAMINERS, CHIROPRACTIC EXAMINERS, COSMETOLOGY, FUNERAL
29 DIRECTORS, MEDICAL EDUCATION AND LICENSURE, NURSE EXAMINERS,
30 OPTOMETRICAL EXAMINERS, OSTEOPATHIC EXAMINERS, PHARMACY,

1 PHYSICAL THERAPY EXAMINERS, PODIATRY EXAMINERS, VETERINARY
2 MEDICAL EXAMINERS, LANDSCAPE ARCHITECTS AND MOTOR VEHICLE
3 MANUFACTURERS, DEALERS AND SALESMEN, THE PENNSYLVANIA BOARD OF
4 PSYCHOLOGIST EXAMINERS, THE STATE ATHLETIC COMMISSION, THE
5 HAZARDOUS SUBSTANCE TRANSPORTATION BOARD, THE PENNSYLVANIA
6 HIGHER EDUCATION ASSISTANCE AGENCY, THE PENNSYLVANIA HISTORICAL
7 AND MUSEUM COMMISSION, THE STATE TAX EQUALIZATION BOARD, THE
8 PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, THE STATE EMPLOYEES'
9 RETIREMENT BOARD, THE MUNICIPAL POLICE OFFICERS' EDUCATION AND
10 TRAINING COMMISSION, THE PENNSYLVANIA NURSING HOME LOAN AGENCY,
11 THE CRIME VICTIMS COMPENSATION BOARD, THE CONSUMER ADVOCATE, AND
12 THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY.

13 * * *

14 SECTION 6. SECTION 448(K) OF THE ACT IS REPEALED.

15 SECTION 7. SECTION 448(L) OF THE ACT, AMENDED JULY 9, 1970
16 (P.L.470, NO.161) AND JUNE 20, 1978 (P.L.477, NO.70), IS AMENDED
17 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

18 SECTION 448. ADVISORY BOARDS AND COMMISSIONS.--THE ADVISORY
19 BOARDS AND COMMISSIONS, WITHIN THE SEVERAL ADMINISTRATIVE
20 DEPARTMENTS, SHALL BE CONSTITUTED AS FOLLOWS:

21 * * *

22 (K.1) THE STATE BOARD OF HUMAN SERVICES IS HEREBY CREATED.
23 THE BOARD SHALL CONSIST OF THE SECRETARY OF HUMAN SERVICES, EX
24 OFFICIO, AND SIXTEEN (16) MEMBERS APPOINTED BY THE GOVERNOR.
25 FOUR (4) MEMBERS SHALL BE APPOINTED FROM AMONG THE MEMBERS OF
26 THE GENERAL ASSEMBLY, TWO (2) FROM THE SENATE AND TWO (2) FROM
27 THE HOUSE OF REPRESENTATIVES. THESE MEMBERS OF THE BOARD SHALL,
28 WITH RESPECT TO EACH BRANCH OF THE GENERAL ASSEMBLY, BE FROM
29 DIFFERENT POLITICAL PARTIES, AND THEY SHALL, IN NO EVENT, RETAIN
30 MEMBERSHIP ON THE BOARD AFTER THEY CEASE TO BE MEMBERS OF THE

1 BRANCH OF THE LEGISLATURE FROM WHICH THEY WERE APPOINTED. ONE
2 (1) MEMBER SHALL BE APPOINTED BY THE GOVERNOR FROM EACH OF THE
3 FIVE (5) ADVISORY COMMITTEES CREATED BY CLAUSE (1) OF THIS
4 SECTION, AND THE FIRST MEMBER OF EACH ADVISORY COMMITTEE
5 APPOINTED BY THE GOVERNOR SHALL AUTOMATICALLY BECOME A MEMBER OF
6 THE BOARD. THE TERM OF OFFICE OF EACH MEMBER OF THE BOARD,
7 EXCEPT AS HEREIN OTHERWISE PROVIDED, SHALL BE SIX (6) YEARS.

8 IN THE ORIGINAL APPOINTMENT OF THE MEMBERS OF THE BOARD, SIX
9 (6) MEMBERS SHALL BE APPOINTED FOR THE TERM OF SIX (6) YEARS,
10 FIVE (5) MEMBERS FOR THE TERM OF FOUR (4) YEARS, AND FIVE (5)
11 MEMBERS FOR THE TERM OF TWO (2) YEARS. ANY VACANCY OCCURRING IN
12 THE MEMBERSHIP OF THE BOARD SHALL BE FILLED BY THE GOVERNOR ONLY
13 FOR THE UNEXPIRED TERM. THE GOVERNOR MAY REMOVE ANY MEMBER OF
14 THE BOARD AT ANY TIME. NO MEMBER OF THE BOARD SHALL SERVE MORE
15 THAN TWO (2) CONSECUTIVE TERMS NOT INCLUDING A VACANCY
16 APPOINTMENT, NOR SHALL ANY MEMBER HOLD OFFICE IN ANY POLITICAL
17 PARTY.

18 NINE (9) MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM. A
19 CHAIRMAN WHO SHALL NOT BE A MEMBER OF AN ADVISORY COMMITTEE
20 SHALL BE ELECTED BY THE BOARD, ANNUALLY, FROM AMONG ITS MEMBERS.
21 MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION OTHER THAN
22 REIMBURSEMENT OF TRAVEL AND OTHER ACTUAL EXPENSES INCURRED IN
23 THE PERFORMANCE OF THEIR DUTIES. THE BOARD SHALL MEET AT LEAST
24 SIX (6) TIMES A YEAR. SPECIAL MEETINGS OF THE BOARD SHALL BE
25 HELD ON CALL OF THE CHAIRMAN OR THE SECRETARY OF HUMAN SERVICES,
26 AND IT SHALL BE THE DUTY OF THE CHAIRMAN TO CALL A SPECIAL
27 MEETING UPON THE WRITTEN REQUEST OF ONE-THIRD (1/3) OR MORE
28 MEMBERS, NOT INCLUDING VACANCIES, OF THE BOARD.

29 (L) THE FOLLOWING ADVISORY COMMITTEES ARE HEREBY CREATED:

30 ADVISORY COMMITTEE FOR THE BLIND,

1 ADVISORY COMMITTEE FOR GENERAL AND SPECIAL HOSPITALS,
2 ADVISORY COMMITTEE FOR CHILDREN AND YOUTH,
3 ADVISORY COMMITTEE FOR PUBLIC ASSISTANCE,
4 ADVISORY COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION.

5 EACH ADVISORY COMMITTEE SHALL CONSIST OF THE COMMISSIONER IN
6 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES, DIRECTING THE
7 PROGRAM TO WHICH THE ADVISORY COMMITTEE IS ATTACHED, AS AN EX
8 OFFICIO MEMBER, AND NOT LESS THAN THREE (3) NOR MORE THAN NINE
9 (9) MEMBERS APPOINTED BY THE GOVERNOR. IN THE CASE OF THE
10 ADVISORY COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION, THE
11 COMMITTEE SHALL INCLUDE THE CHAIRMAN OF THE PUBLIC HEALTH AND
12 WELFARE COMMITTEE OF THE SENATE, THE CHAIRMAN OF THE HEALTH AND
13 WELFARE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
14 PRESIDENT OF THE PENNSYLVANIA STATE ASSOCIATION OF COUNTY
15 COMMISSIONERS OR HIS ALTERNATE. THE EXACT NUMBER OF MEMBERS OF
16 EACH ADVISORY COMMITTEE SHALL BE DETERMINED BY THE GOVERNOR
17 [UPON RECOMMENDATION OF THE STATE BOARD OF PUBLIC WELFARE]. THE
18 QUALIFICATIONS OF THE MEMBERS OF EACH ADVISORY COMMITTEE SHALL
19 [ALSO] BE DETERMINED BY THE GOVERNOR [UPON RECOMMENDATION OF THE
20 STATE BOARD OF PUBLIC WELFARE]: PROVIDED, THAT WITH RESPECT TO
21 EACH ADVISORY COMMITTEE, THE GOVERNOR SHALL APPOINT MEMBERS WITH
22 DUE REGARD FOR REPRESENTATION OF THE PROFESSIONAL AND LAY GROUPS
23 CONCERNED WITH THE FIELDS OF INTEREST SERVED BY THE PROGRAM TO
24 WHICH EACH ADVISORY COMMITTEE IS ATTACHED. THE TERM OF OFFICE OF
25 EACH MEMBER OF EACH ADVISORY COMMITTEE, EXCEPT AS HEREIN
26 OTHERWISE PROVIDED, SHALL BE SIX (6) YEARS.

27 THE ORIGINAL APPOINTMENT OF THE MEMBERS OF THE ADVISORY
28 COMMITTEE SHALL BE FOR OVERLAPPING TERMS OF SIX (6), FOUR (4)
29 AND TWO (2) YEARS. IN MAKING THESE ORIGINAL APPOINTMENTS, THE
30 GOVERNOR SHALL, IN SO FAR AS POSSIBLE, APPOINT APPROXIMATELY

ONE-THIRD (1/3) OF THE RECOMMENDED COMPLEMENT OF EACH ADVISORY BOARD TO EACH OF THE OVERLAPPING TERMS.

A MAJORITY OF THE MEMBERS OF EACH ADVISORY COMMITTEE SHALL CONSTITUTE A QUORUM. EACH ADVISORY COMMITTEE SHALL ELECT A CHAIRMAN FROM AMONG ITS MEMBERS. EACH ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR (4) TIMES A YEAR. SPECIAL MEETINGS OF EACH ADVISORY COMMITTEE SHALL BE HELD ON CALL OF THE CHAIRMAN, AND IT SHALL BE THE DUTY OF THE CHAIRMAN TO CALL A SPECIAL MEETING UPON THE WRITTEN REQUEST OF ONE-THIRD (1/3) OR MORE OF THE MEMBERS NOT INCLUDING VACANCIES OF THE ADVISORY COMMITTEE.

[THE PROVISIONS OF CLAUSE (K) OF THIS SECTION WITH RESPECT TO FILLING OF VACANCIES, REMOVAL OF MEMBERS, LENGTH OF SERVICE, POLITICAL PARTY OFFICE AND COMPENSATION SHALL BE APPLICABLE TO ADVISORY COMMITTEE MEMBERS, AND ARE INCORPORATED HEREIN BY REFERENCE.] ANY VACANCY OCCURRING IN THE MEMBERSHIP OF AN ADVISORY COMMITTEE SHALL BE FILLED BY THE GOVERNOR ONLY FOR THE UNEXPIRED TERM. THE GOVERNOR MAY REMOVE ANY MEMBER OF AN ADVISORY COMMITTEE AT ANY TIME. NO MEMBER OF AN ADVISORY COMMITTEE SHALL SERVE MORE THAN TWO (2) CONSECUTIVE TERMS NOT INCLUDING A VACANCY APPOINTMENT, NOR SHALL ANY MEMBER HOLD OFFICE IN ANY POLITICAL PARTY.

* * *

SECTION 8. SECTION 1209(B) OF THE ACT, AMENDED FEBRUARY 1, 1966 (1965 P.L.1849, NO.582), IS AMENDED TO READ:

SECTION 1209. LOCAL GOVERNMENT BUDGET AND FINANCIAL REPORTS; COMPILATION OF STATISTICS.--THE DEPARTMENT OF COMMUNITY AFFAIRS SHALL HAVE POWER AND ITS DUTY SHALL BE:

* * *

(B) TO FURNISH TO THE CORPORATE AUTHORITIES OF EACH COUNTY (EXCEPT COUNTIES OF THE FIRST CLASS), CITY OF THE THIRD CLASS,

1 BOROUGH, INCORPORATED TOWN, TOWNSHIP SUITABLE BLANK FORMS FOR
2 THE MAKING OF ANNUAL REPORTS OF THE FINANCIAL CONDITION OF THEIR
3 RESPECTIVE LOCAL GOVERNMENTS TO THE DEPARTMENT, WHICH FORMS FOR
4 FINANCIAL REPORT PURPOSES SHALL BE PLACED BY SAID CORPORATE
5 AUTHORITIES INTO THE HANDS OF THE DIRECTOR, CONTROLLER OR
6 AUDITORS WHO BY LAW ARE REQUIRED TO MAKE SUCH FINANCIAL REPORTS
7 TO THE DEPARTMENT. SUCH ANNUAL FINANCIAL REPORTS SHALL BE
8 PREPARED IN COOPERATION WITH AFORESAID DULY AUTHORIZED
9 COMMITTEES OF LOCAL GOVERNMENT OFFICIALS AND SHALL CONTAIN: (1)
10 A STATEMENT OF THE RECEIPTS OF THE UNIT OF LOCAL GOVERNMENT FROM
11 ALL SOURCES AND OF ALL ACCOUNTS AND REVENUE WHICH MAY BE DUE AND
12 UNCOLLECTED AT THE CLOSE OF THE FISCAL YEAR; (2) A STATEMENT OF
13 THE DISBURSEMENTS FOR ALL THE GOVERNMENTAL ACTIVITIES OF THE
14 UNIT OF LOCAL GOVERNMENT DURING THE FISCAL YEAR; (3) A DETAILED
15 STATEMENT OF THE INDEBTEDNESS OF THE UNIT OF LOCAL GOVERNMENT AT
16 THE CLOSE OF THE FISCAL YEAR, THE PROVISIONS MADE FOR THE
17 PAYMENT THEREOF, TOGETHER WITH THE PURPOSES FOR WHICH IT WAS
18 INCURRED; (4) A STATEMENT OF THE COST OF OWNERSHIP AND OPERATION
19 OF EACH AND EVERY PUBLIC SERVICE INDUSTRY OWNED, MAINTAINED OR
20 OPERATED BY THE UNIT OF LOCAL GOVERNMENT; (5) SUCH FURTHER OR
21 MORE SPECIFIC INFORMATION IN RELATION TO THE COST OF ANY BRANCH
22 OF THE LOCAL GOVERNMENT AND IMPROVEMENTS THEREIN AS MAY BE
23 REQUIRED BY THE DEPARTMENT.

24 IN THE CASE OF BLANK FORMS FOR FINANCIAL REPORTS BY TOWNSHIPS
25 OF THE SECOND CLASS AND COUNTIES, THE SAME SHALL BE SO ARRANGED
26 THAT CORRESPONDING DATA AND INFORMATION, REQUIRED TO BE REPORTED
27 BY SAID UNITS OF LOCAL GOVERNMENT TO THE DEPARTMENT OF
28 [HIGHWAYS] TRANSPORTATION OR THE DEPARTMENT OF [PUBLIC WELFARE]
29 HUMAN SERVICES, MAY BE USED FOR THE INFORMATION REQUIRED TO BE
30 FURNISHED TO THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THIS

1 SECTION.

2 * * *

3 SECTION 9. SECTIONS 2203-A(11) AND (26) AND 2210-A(D) OF THE
4 ACT, ADDED JUNE 20, 1978 (P.L.477, NO.70), ARE AMENDED TO READ:

5 SECTION 2203-A. POWERS AND DUTIES IN GENERAL.--THE
6 DEPARTMENT OF AGING HEREINAFTER REFERRED TO IN THIS ARTICLE AS
7 THE DEPARTMENT SHALL, SUBJECT TO ANY INCONSISTENT PROVISIONS IN
8 THIS ACT CONTAINED, HAVE THE POWER AND ITS DUTY SHALL BE TO:

9 * * *

10 (11) PROMOTE AND SUPPORT PROGRAMS, STUDIES AND POLICIES, IN
11 COOPERATION WITH THE DEPARTMENTS OF LABOR AND INDUSTRY,
12 EDUCATION, COMMERCE, [PUBLIC WELFARE] HUMAN SERVICES AND OTHER
13 AGENCIES, WHICH WILL ENHANCE THE OPPORTUNITY FOR CONTINUED WORK,
14 EDUCATION AND TRAINING FOR OLDER PERSONS AND FOR PRERETIREMENT
15 ASSISTANCE WHERE APPROPRIATE.

16 * * *

17 (26) REVIEW AND COMMENT ON ALL RULES, REGULATIONS,
18 ELIGIBILITY OR PAYMENT STANDARDS ISSUED BY THE DEPARTMENTS OF
19 [PUBLIC WELFARE] HUMAN SERVICES, ENVIRONMENTAL RESOURCES, HEALTH
20 OR LABOR AND INDUSTRY RELATING TO THE LICENSURE AND REGULATION
21 OF NURSING HOMES, HOSPITALS, AND OTHER HEALTH FACILITIES;
22 MEDICAL ASSISTANCE, SUPPLEMENTAL SECURITY INCOME; HOMEMAKING AND
23 HOME-HEALTH CARE OR RESIDENTIAL CARE FACILITIES FOR OLDER
24 ADULTS. SAID RULES, REGULATIONS AND STANDARDS SHALL NOT TAKE
25 EFFECT UNTIL THEY HAVE BEEN SUBMITTED TO THE DEPARTMENT FOR
26 COMMENT.

27 * * *

28 SECTION 2210-A. ALLOCATION OF RESOURCES.--* * *

29 (D) THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES SHALL
30 TRANSFER, FOR THREE STATE FISCAL YEARS IMMEDIATELY SUBSEQUENT TO

1 THE EFFECTIVE DATE OF THIS ACT, TO THE DEPARTMENT OF AGING A
2 PROPORTION OF THE STATE ALLOTMENT UNDER TITLE XX OF THE SOCIAL
3 SECURITY ACT AT LEAST EQUAL TO THE PROPORTION OF SUCH FUNDS,
4 INCLUDING TRAINING AND ADMINISTRATIVE FUNDS, ALLOCATED TO THE
5 OFFICE FOR THE AGING IN RELATION TO THE STATE'S TOTAL ALLOTMENT
6 IN THE SAME FISCAL YEAR AS THE EFFECTIVE DATE OF THIS ACT.

7 SECTION 10. THE HEADING OF ARTICLE XXIII, SECTION 2301 AND
8 THE INTRODUCTORY PARAGRAPH OF SECTION 2313 OF THE ACT, AMENDED
9 JULY 13, 1957 (P.L.852, NO.390), ARE AMENDED TO READ:

10 ARTICLE XXIII

11 POWERS AND DUTIES OF THE DEPARTMENT OF

12 [PUBLIC WELFARE] HUMAN SERVICES AND ITS DEPARTMENTAL

13 ADMINISTRATIVE AND ADVISORY BOARDS

14 AND COMMISSIONS

15 SECTION 2301. POWERS AND DUTIES IN GENERAL.--THE DEPARTMENT
16 OF [PUBLIC WELFARE] HUMAN SERVICES SHALL, SUBJECT TO ANY
17 INCONSISTENT PROVISIONS IN THIS ACT CONTAINED, CONTINUE TO
18 EXERCISE THE POWERS AND PERFORM THE DUTIES BY LAW VESTED IN AND
19 IMPOSED UPON THE SAID DEPARTMENT, THE SECRETARY OF [PUBLIC
20 WELFARE] HUMAN SERVICES, AND THE FORMER DEPARTMENT OF PUBLIC
21 WELFARE, [AND] COMMISSIONER OF PUBLIC WELFARE, SECRETARY OF
22 PUBLIC WELFARE AND THE FORMER DEPARTMENT OF WELFARE.

23 SECTION 2313. MENTAL HEALTH.--THE DEPARTMENT OF [PUBLIC
24 WELFARE] HUMAN SERVICES SHALL HAVE THE POWER AND ITS DUTY SHALL
25 BE:

26 * * *

27 SECTION 11. SECTION 2313.4 OF THE ACT, ADDED DECEMBER 11,
28 1986 (P.L.1485, NO.153), IS AMENDED TO READ:

29 SECTION 2313.4. OPERATION OF EASTERN PENNSYLVANIA
30 PSYCHIATRIC INSTITUTE.--THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN

1 SERVICES IS HEREBY AUTHORIZED TO RELINQUISH THE ENTIRE
2 GOVERNMENT, MANAGEMENT, OPERATION AND CONTROL OF THE EASTERN
3 PENNSYLVANIA PSYCHIATRIC INSTITUTE TO THE MEDICAL COLLEGE OF
4 PENNSYLVANIA UPON THE EFFECTIVE DATE OF A LEASE ENTERED PURSUANT
5 TO SECTION 2418.

6 (1) UPON THE EXECUTION OF THE LEASE PERMITTED PURSUANT TO
7 SECTION 2418, THE EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE
8 SHALL BE OPERATED UNDER THE MANAGEMENT OF THE BOARD OF
9 CORPORATORS OF THE MEDICAL COLLEGE OF PENNSYLVANIA, WHICH SHALL
10 BE RESPONSIBLE FOR THE MANAGEMENT AND OPERATION OF THE
11 INSTITUTE.

12 (2) THE MEDICAL COLLEGE OF PENNSYLVANIA SHALL CONDUCT
13 RESEARCH INTO THE CAUSES, PREVENTION, TREATMENT AND CURE OF
14 MENTAL, NEUROLOGICAL AND RELATED DISORDERS AND SHALL PROVIDE
15 CONSULTATION, EDUCATION, TRAINING AND TREATMENT AT THE EASTERN
16 PENNSYLVANIA PSYCHIATRIC INSTITUTE RESPONSIVE TO THE MENTAL
17 HEALTH NEEDS OF THE PUBLIC. PROVISION OF THESE SERVICES AND THE
18 CONDUCT OF RESEARCH SHALL BE LIMITED ONLY BY FUNDS AVAILABLE FOR
19 THESE PURPOSES. IN ADDITION TO REQUESTING APPROPRIATIONS FROM
20 THE GENERAL ASSEMBLY TO FUND THESE FUNCTIONS, THE BOARD OF
21 CORPORATORS OF THE MEDICAL COLLEGE OF PENNSYLVANIA SHALL MAKE
22 GOOD FAITH EFFORTS TO OBTAIN FUNDING FROM THIRD PARTY SOURCES.

23 (3) THE MEDICAL COLLEGE OF PENNSYLVANIA SHALL UTILIZE ALL
24 SPACE IN THE BUILDINGS KNOWN AS THE EASTERN PENNSYLVANIA
25 PSYCHIATRIC INSTITUTE CONSISTENT WITH THE FUNCTIONS DESCRIBED IN
26 THIS SECTION. IF THE MEDICAL COLLEGE OF PENNSYLVANIA USES SPACE
27 IN THE EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE FOR FUNCTIONS
28 OTHER THAN THOSE DESCRIBED, IT SHALL PROVIDE THE DEPARTMENT OF
29 [PUBLIC WELFARE] HUMAN SERVICES WITH WRITTEN DOCUMENTATION THAT
30 AN EQUIVALENT AMOUNT OF SPACE IS USED IN OTHER FACILITIES OF THE

1 MEDICAL COLLEGE OF PENNSYLVANIA FOR THOSE FUNCTIONS.

2 (4) THE MEDICAL COLLEGE OF PENNSYLVANIA MAY CONSTRUCT
3 BUILDINGS ON VACANT LAND OF THE LEASED PREMISES IF THE BUILDINGS
4 ARE CONSISTENT WITH THE ACADEMIC HEALTH MISSION OF THE MEDICAL
5 COLLEGE OF PENNSYLVANIA.

6 SECTION 12. SECTION 2327 OF THE ACT IS REPEALED.

7 SECTION 13. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

8 SECTION 2327.1. POWERS AND DUTIES OF THE STATE BOARD OF
9 HUMAN SERVICES.--THE STATE BOARD OF HUMAN SERVICES SHALL BE AN
10 ADVISORY BODY TO, AND A CONSULTATIVE BODY OF THE DEPARTMENT OF
11 HUMAN SERVICES WITH NO POWER TO APPROVE OR DISAPPROVE RULES OR
12 REGULATIONS, AND SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

13 (A) TO PARTICIPATE IN THE DEVELOPMENT OF BROAD OUTLINES, OF
14 POLICY AND IN THE FORMULATION OF LONG-RANGE PROGRAMS AND
15 OBJECTIVES OF THE DEPARTMENT OF HUMAN SERVICES,

16 (B) TO INTERPRET SUCH PROGRAMS AND OBJECTIVES TO THE PUBLIC,
17 AND

18 (C) TO ADVISE THE SECRETARY OF HUMAN SERVICES, THE GOVERNOR
19 AND THE GENERAL ASSEMBLY, WITH RESPECT TO THE POLICIES,
20 PROGRAMS, OBJECTIVES AND FUNCTIONING OF THE DEPARTMENT OF HUMAN
21 SERVICES.

22 SECTION 14. SECTION 2328 OF THE ACT, AMENDED JUNE 20, 1978
23 (P.L.477, NO.70), IS AMENDED TO READ:

24 SECTION 2328. POWERS AND DUTIES OF ADVISORY COMMITTEES.--THE
25 ADVISORY COMMITTEE FOR THE BLIND, THE ADVISORY COMMITTEE FOR
26 GENERAL AND SPECIAL HOSPITALS, THE ADVISORY COMMITTEE FOR
27 CHILDREN AND YOUTH, THE ADVISORY COMMITTEE FOR PUBLIC ASSISTANCE
28 AND THE ADVISORY COMMITTEE FOR MENTAL HEALTH AND MENTAL
29 RETARDATION, SHALL, CONCERNING MATTERS WITHIN THEIR RESPECTIVE
30 SPECIAL FIELDS OF INTEREST, HAVE THE POWER AND THEIR DUTY SHALL

1 BE:

2 (A) TO ADVISE THE APPROPRIATE MAJOR PROGRAM UNIT OF THE
3 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES. THIS ADVICE SHALL
4 INCLUDE, BUT SHALL NOT BE LIMITED TO, SUCH MATTERS AS STANDARDS
5 OF ELIGIBILITY, NATURE AND EXTENT OF SERVICE, AMOUNTS OF
6 PAYMENTS TO INDIVIDUALS, STANDARDS OF APPROVAL, CERTIFICATION
7 AND LICENSURE OF INSTITUTIONS AND AGENCIES, WAYS AND MEANS OF
8 COORDINATING PUBLIC AND PRIVATE [WELFARE] HUMAN SERVICES
9 ACTIVITIES, AND SUCH OTHER MATTERS AS MAY, BY LAW, REQUIRE
10 CITIZEN REVIEW OR MAY BE REFERRED TO THE COMMITTEES BY THE
11 DEPARTMENTAL UNITS ADVISED BY THEM; AND THE ADVISORY COMMITTEE
12 FOR MENTAL HEALTH AND MENTAL RETARDATION SHALL ALSO HAVE THE
13 POWER AND DUTY TO ADVISE THE GOVERNOR AND THE SECRETARY OF
14 [PUBLIC WELFARE] HUMAN SERVICES WITH REGARD TO THE APPOINTMENT
15 OF THE COMMISSIONER OF MENTAL HEALTH.

16 (B) TO ARRANGE FOR AND CONDUCT SUCH PUBLIC HEARINGS AS MAY
17 BE REQUIRED BY LAW OR WHICH THEY DEEM NECESSARY AND ADVISABLE,

18 (C) TO PROMOTE BETTER PUBLIC UNDERSTANDING OF THE PROGRAMS
19 AND OBJECTIVES OF THE DEPARTMENTAL UNITS ADVISED BY THEM, AND

20 (D) TO MAKE RECOMMENDATIONS TO THE [STATE BOARD OF PUBLIC
21 WELFARE] DEPARTMENT OF HUMAN SERVICES ON MATTERS REFERRED TO THE
22 COMMITTEES FOR CONSIDERATION AND ADVICE, OR AS MAY BE REQUIRED
23 TO PROMOTE THE EFFECTIVENESS OF THE PROGRAMS, OF THE
24 DEPARTMENTAL UNITS ADVISED BY THEM.

25 SECTION 15. SECTION 2409.1(B) OF THE ACT, AMENDED JULY 1,
26 1981 (P.L.143, NO.48), IS AMENDED TO READ:

27 SECTION 2409.1. HANDICAPPED-MADE PRODUCTS AND SERVICES.--* *

28 *

29 (B) THE SECRETARY OF GENERAL SERVICES SHALL HAVE THE POWER,
30 AND IT SHALL BE HIS DUTY, TO DETERMINE THE FAIR MARKET PRICE ON

1 ANY PRODUCT OR SERVICE, THE PRACTICE OF WHICH IS NOT LICENSED
2 UNDER THE LAWS OF THIS COMMONWEALTH, WHICH HANDICAPPED PERSONS
3 CAN MANUFACTURE OR PERFORM AND WHICH HAS BEEN OFFERED FOR SALE
4 TO THE COMMONWEALTH OR ANY OF ITS AGENCIES BY ANY CHARITABLE
5 NONPROFIT-MAKING AGENCY FOR THE HANDICAPPED, INCORPORATED UNDER
6 THE LAWS OF THIS COMMONWEALTH, AND MANUFACTURING MERCHANDISE
7 WITHIN THIS COMMONWEALTH AND PROVIDING SERVICES WITHIN THIS
8 COMMONWEALTH, AND APPROVED FOR SUCH PURPOSE BY THE DEPARTMENT OF
9 GENERAL SERVICES, TO REVISE SUCH PRICES FROM TIME TO TIME, IN
10 ACCORDANCE WITH CHANGING MARKET CONDITIONS, AND TO MAKE SUCH
11 RULES AND REGULATIONS REGARDING SPECIFICATIONS, TIME OF DELIVERY
12 AND OTHER RELEVANT MATTERS AS ARE NECESSARY TO CARRY OUT THE
13 PROVISIONS OF THIS SECTION. AT THE REQUEST OF THE SECRETARY OF
14 GENERAL SERVICES AND WITH THE APPROVAL OF THE SECRETARY OF
15 [PUBLIC WELFARE] HUMAN SERVICES, THE DEPARTMENT OF [PUBLIC
16 WELFARE] HUMAN SERVICES OR OTHER NONPROFIT-MAKING AGENCY SHALL
17 FACILITATE THE DISTRIBUTION OF ORDERS AND SERVICES AMONG
18 AGENCIES FOR THE HANDICAPPED.

19 * * *

20 SECTION 16. SECTION 2418 OF THE ACT, ADDED DECEMBER 11, 1986
21 (P.L.1485, NO.153), IS AMENDED TO READ:

22 SECTION 2418. LEASE OF EASTERN PENNSYLVANIA PSYCHIATRIC
23 INSTITUTE.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE
24 APPROVAL OF THE GOVERNOR AND THE DEPARTMENT OF [PUBLIC WELFARE]
25 HUMAN SERVICES, IS AUTHORIZED TO LEASE OR SUBLEASE, FOR THE
26 RENTAL OF ONE DOLLAR (\$1) PER ANNUM, ALL OF THE LAND AND
27 BUILDINGS IN THE CITY AND COUNTY OF PHILADELPHIA KNOWN AS THE
28 EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE, AND ALL
29 IMPROVEMENTS, FIXTURES, EQUIPMENT AND FURNISHINGS LOCATED THERE,
30 TO THE MEDICAL COLLEGE OF PENNSYLVANIA UPON SUCH TERMS AND

1 CONDITIONS AS THE MEDICAL COLLEGE OF PENNSYLVANIA AND THE
2 DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES SHALL AGREE. THE
3 PROVISIONS OF SECTION 2402(I) SHALL NOT APPLY TO A LEASE ENTERED
4 INTO PURSUANT TO THIS SECTION.

5 SECTION 17. WHENEVER IN ANY LAW OR REGULATION REFERENCE IS
6 MADE TO THE DEPARTMENT OF PUBLIC WELFARE OR THE SECRETARY OF
7 PUBLIC WELFARE, SUCH REFERENCE SHALL BE DEEMED TO REFER TO AND
8 INCLUDE THE DEPARTMENT OF HUMAN SERVICES OR THE SECRETARY OF
9 HUMAN SERVICES.

10 SECTION 18. THE POWERS AND DUTIES FORMERLY EXERCISED BY THE
11 STATE BOARD OF PUBLIC WELFARE PURSUANT TO ANY STATUTE SHALL
12 HEREINAFTER BE EXERCISED BY THE STATE BOARD OF HUMAN SERVICES.
13 ANY REFERENCE IN ANY STATUTE TO THE STATE BOARD OF PUBLIC
14 WELFARE SHALL HEREFTER BE DEEMED TO BE A REFERENCE TO THE STATE
15 BOARD OF HUMAN SERVICES.

16 SECTION 19. ALL PERSONNEL, APPROPRIATIONS, ALLOCATIONS,
17 CONTRACTS, AGREEMENTS, EQUIPMENT, FILES, OBLIGATIONS AND OTHER
18 MATERIAL WHICH RELATE TO THE ADMINISTRATION AND ENFORCEMENT OF
19 THE LAWS OF THIS COMMONWEALTH AS THEY RELATE TO THE DEPARTMENT
20 OF PUBLIC WELFARE ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF
21 HUMAN SERVICES WITH THE SAME FORCE AND EFFECT AS IF THE
22 APPROPRIATIONS HAD BEEN MADE TO THE DEPARTMENT OF HUMAN SERVICES
23 IN THE FIRST INSTANCE, AND SAID CONTRACTS, AGREEMENTS AND
24 OBLIGATIONS OF THE DEPARTMENT OF PUBLIC WELFARE HAD BEEN
25 INCURRED OR ENTERED INTO BY SAID DEPARTMENT OF HUMAN SERVICES.

26 SECTION 20. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.