

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 221 Session of  
1989

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HUGHES, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS AND  
R. C. WRIGHT, FEBRUARY 1, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 1, 1989

## AN ACT

1 Relating to mental health; authorizing county programs;  
2 providing for the continuation or establishment of facilities  
3 and programs to care and provide services for persons with  
4 mental illness; imposing additional powers upon the counties;  
5 and making repeals.

## 6 TABLE OF CONTENTS

7 Chapter 1. Preliminary Provisions

8 Section 101. Short title.

9 Section 102. Definitions.

10 Chapter 2. Responsibilities of Commonwealth

11 Section 201. General powers and duties of department.

12 Section 202. Commonwealth facilities.

13 Section 203. Qualifications of directors of Commonwealth

14 facilities.

15 Chapter 3. Responsibilities of Counties

1 Section 301. General powers and duties of local authorities.  
2 Section 302. Establishment of county mental health boards.  
3 Section 303. Powers and duties of board.  
4 Section 304. Powers and duties of administrator.  
5 Chapter 4. Extended Care  
6 Section 401. General provisions for extended care.  
7 Chapter 5. Rights of Individuals  
8 Section 501. Rights of persons admitted or committed.  
9 Chapter 6. Financial Obligations; Liabilities and Payments  
10 Section 601. Liability of persons with mental illness.  
11 Section 602. Liability of persons owing legal duty to support.  
12 Section 603. Contingent liability of State and local  
13 government.  
14 Section 604. Powers of secretary to determine liability and  
15 establish criteria.  
16 Section 605. Collection of costs.  
17 Section 606. Liability of Commonwealth.  
18 Section 607. Relief of county from obligation to insure  
19 services.  
20 Section 608. State and county grants and payments.  
21 Section 609. Supplemental grants.  
22 Section 610. Interim grants for services.  
23 Chapter 7. Miscellaneous Provisions  
24 Section 701. Forms to be used.  
25 Section 702. Records of persons admitted or committed.  
26 Section 703. Immunities.  
27 Section 704. Penalties.  
28 Section 705. Administrative agency law to apply.  
29 Chapter 8. Repeals and Effective Date  
30 Section 801. Repeals.

1 Section 802. Effective date.

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

4 CHAPTER 1

5 PRELIMINARY PROVISIONS

6 Section 101. Short title.

7 This act shall be known and may be cited as the Mental Health  
8 Act of 1989.

9 Section 102. Definitions.

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

13 "Administrator." The person appointed to carry out the  
14 duties specified in section 304.

15 "Board." A county mental health board, as established  
16 pursuant to section 302.

17 "Case management." Services rendered to a mentally ill  
18 person to assure appropriate and timely use of generic and  
19 specialized services that will assist the individual in  
20 establishing and maintaining himself in the community.

21 "County." A county or a first class city.

22 "County program." A program established by a county, or two  
23 or more counties acting in concert. The term includes a complex  
24 of services providing a continuum of care for persons with  
25 mental illness.

26 "Department." The Department of Public Welfare of the  
27 Commonwealth.

28 "Director." The administrative head of a facility. The term  
29 includes, but is not limited to, superintendents of Commonwealth  
30 facilities.

1 "Facility." A mental health establishment, hospital, clinic,  
2 institution, center or other organizational unit, or part  
3 thereof, which is devoted primarily to the diagnosis, treatment,  
4 care or rehabilitation of persons with mental illness.

5 "Inpatient services." Diagnosis, evaluation, classification,  
6 care or treatment rendered to a person admitted or committed to  
7 a facility for mental health treatment for a continuous period  
8 of 24 hours or longer.

9 "Local authorities." The county commissioners of a county,  
10 county council or the city council and the mayor of a first  
11 class city, or two or more of these acting in concert.

12 "Mental disability." A mental illness which so lessens the  
13 capacity of a person to use customary self-control, judgment and  
14 discretion in the conduct of the person's affairs and social  
15 relations as to make it necessary or advisable for the person to  
16 receive mental health services as provided in this act.

17 "Mental hospital." A residential facility for the diagnosis,  
18 care and treatment of the mentally disabled other than the  
19 mentally retarded.

20 "Outpatient services." Diagnosis, evaluation,  
21 classification, counseling, care, treatment or rehabilitation  
22 rendered under this act to a mentally disabled person.

23 "Partial hospitalization." Diagnosis, evaluation,  
24 classification, care, treatment or rehabilitation rendered to a  
25 mentally ill person admitted or committed to a facility for some  
26 portion of one or more 24-hour periods.

27 "Secretary." The Secretary of Public Welfare of the  
28 Commonwealth.

## 29 CHAPTER 2

### 30 RESPONSIBILITIES OF COMMONWEALTH

1 Section 201. General powers and duties of department.

2 The department shall have the following powers and duties:

3 (1) To assure within this Commonwealth the availability  
4 and equitable provision of adequate services for adults and  
5 children who are mentally ill, regardless of residence or  
6 economic or social status. Mentally ill persons shall be  
7 assured of adequate and appropriate care and treatment in a  
8 manner which:

9 (i) Provides appropriate services to the maximum  
10 extent possible within the community.

11 (ii) Encourages the utilization of voluntary care  
12 and self-help.

13 (iii) Promotes the use of services in the least  
14 restrictive setting appropriate to the needs of the  
15 individual.

16 (iv) Ensures the integration of a full range of  
17 treatment alternatives at the community level.

18 (2) To make, with the advice of the Mental Health and  
19 Mental Retardation Advisory Committee, and enforce  
20 regulations necessary and appropriate to the proper  
21 accomplishment of the duties and functions imposed by this  
22 act. The regulations shall not become effective until at  
23 least 30 days after the department has given the local  
24 authorities written notice of the proposed regulations and  
25 afforded the local authorities the opportunity for a hearing  
26 before the department on the proposed regulations.

27 (3) To consult with and assist each county in carrying  
28 out the provisions of this act.

29 (4) To require, after consultation with each affected  
30 county and with the advice of the Mental Health and Mental

1 Retardation Advisory Committee, two or more counties to join  
2 in establishing a program to provide the services required by  
3 this act.

4 (5) To adopt Statewide plans for the delivery of mental  
5 health services. The plans shall be based on needs identified  
6 by local authorities.

7 (6) To establish and maintain working relationships with  
8 other governmental bodies and public and private agencies,  
9 institutions and organizations so as to assure maximum  
10 utilization of services and facilities which the governmental  
11 body and public and private agency, institution and  
12 organization may have which may be of benefit to persons with  
13 mental illness.

14 (7) To make grants, pay subsidies, purchase services and  
15 provide reimbursement for services in accordance with this  
16 act. The department's powers and duties relating to grants  
17 and payments are set forth more specifically in section 608.

18 (8) To supervise facilities, services and programs as  
19 provided by law.

20 (9) To hear appeals by consumers of mental health  
21 services and providers and to issue adjudications concerning  
22 final decisions made by local boards relating to services  
23 provided and actions taken pursuant to this act.

24 Section 202. Commonwealth facilities.

25 (a) Authority to operate.--The department shall operate all  
26 Commonwealth facilities and shall assign functions to each as  
27 the secretary shall prescribe.

28 (b) Additional facilities.--The department is hereby  
29 authorized to establish, extend, operate and maintain additional  
30 facilities and provide mental health services in the additional

1 facilities. The department may also lease or otherwise acquire  
2 other additional facilities.

3 (c) Operation by local authorities.--Beginning on July 1,  
4 1989, the department shall phase in a system whereby, within a  
5 five-year period, the department will transfer all funding  
6 appropriated for Commonwealth facilities, except as provided by  
7 subsection (d), to local authorities which shall utilize the  
8 moneys to purchase care or treatment for their residents at  
9 State facilities or utilize the moneys to provide alternative  
10 forms of community-based care as provided by this act. The  
11 department shall submit a plan outlining this system to the  
12 General Assembly 90 days prior to its implementation.

13 (d) Rate schedules.--Notwithstanding the provisions of  
14 subsection (c), the department shall be directly responsible for  
15 the basic administration and maintenance of Commonwealth  
16 facilities. The department shall annually, by regulation,  
17 establish a schedule of rates for the care and treatment of  
18 persons at Commonwealth facilities.

19 Section 203. Qualifications of directors of Commonwealth  
20 facilities.

21 Each Commonwealth-operated facility shall be administered by  
22 a director who shall have the following qualifications:

23 (1) Experience in the administration of mental hospitals  
24 and other hospitals, institutions or facilities.

25 (2) Ability to organize, direct and coordinate the  
26 operation of the facility and its programs.

27 (3) Knowledge and competencies, demonstrated through  
28 application of objective measurements developed by the  
29 department, in the field of mental health and illness,  
30 including community mental health, as well as in the field of

1 health care administration. A master's degree, or an  
2 appropriate equivalent, shall be required. The director of  
3 the clinical program of a State hospital shall be a physician  
4 who shall be responsible for planning and executing programs  
5 of treatment and therapy.

6 (4) Additional standards of qualification for the  
7 position of director which the department establishes by  
8 regulation.

### 9 CHAPTER 3

#### 10 RESPONSIBILITIES OF COUNTIES

11 Section 301. General powers and duties of local authorities.

12 (a) Duty to establish county program.--The local authorities  
13 of each county, separately or in concert with another county or  
14 counties, as the secretary may approve, shall establish a county  
15 mental health program for the prevention of mental illness and  
16 for the diagnosis, care, treatment and rehabilitation of adults  
17 and children with mental illness; shall appoint an administrator  
18 or designate the administrator appointed under the act of  
19 October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the  
20 Mental Health and Mental Retardation Act of 1966; and shall have  
21 the power to make appropriations for these purposes. The program  
22 shall conform to regulations promulgated by the department.

23 (b) Duty to merge programs.--To insure the operation of a  
24 county mental health program in each county, the secretary,  
25 subject to the provisions of section 201(4), shall have the  
26 power to direct the local authorities of a county to join with  
27 the local authorities of another county to establish a program  
28 or become a part of a program existing in the other county or  
29 counties.

30 (c) Power to hire staff.--To operate a mental health



1 program, the local authorities shall employ necessary, qualified  
2 personnel. The selection, appointment and retention of employees  
3 and the termination of their employment shall be on the basis of  
4 a merit system, which shall conform to minimum standards  
5 established by the department with the advice of the Mental  
6 Health and Mental Retardation Advisory Committee. These minimum  
7 standards shall not become effective until the department shall  
8 have given the local authorities 30 days' written notice of the  
9 proposed standards and shall have afforded the local authorities  
10 the opportunity for a hearing before the department on the  
11 proposed minimum standards.

12 (d) Duty to provide certain services.--Subject to the  
13 provisions of section 608(a)(5), local authorities, in  
14 cooperation with the department, shall insure that a full  
15 continuum of services are available for adults and children in  
16 need of mental health services, including the following services  
17 as a minimum:

18 (1) Inpatient services.

19 (2) Outpatient services.

20 (3) Partial hospitalization services.

21 (4) Emergency services 24 hours a day, seven days a  
22 week.

23 (5) Consultation and education services to professional  
24 personnel and community agencies.

25 (6) Specialized rehabilitative and vocational services.

26 (7) Residential care.

27 (8) Unified procedures for intake for all mental health  
28 services; and a central place providing information, referral  
29 services and discharge planning for all adults or children  
30 receiving publicly financed inpatient services.

1           (9) Case management.

2           (e) Discretionary service.--Local authorities may establish  
3 the following additional services or programs for mentally  
4 disabled adults and children to fulfill the requirement of a  
5 continuum of care and services:

6           (1) Family support services.

7           (2) Training of personnel.

8           (3) Self-help groups.

9           (4) Outreach.

10          (5) Foster care.

11          (6) Client advocacy.

12          (7) Any other service or program designed to prevent  
13 mental illness or the necessity of admitting or committing  
14 mentally disabled persons to a facility or to insure  
15 coordination with other human services.

16          (f) Power to purchase services.--Services required or  
17 authorized under this act may be provided either directly or by  
18 purchase of the services.

19          (g) Duty to establish local boards.--Local authorities shall  
20 establish local mental health boards in accordance with the  
21 provisions of section 302.

22 Section 302. Establishment of county mental health boards.

23          (a) Creation and membership.--

24           (1) Except in cities of the first class, the governing  
25 body of a county shall appoint a county mental health board,  
26 hereinafter called the board, which shall consist of 15  
27 persons who reside in the county to be served by that  
28 program, including a representative of the elected county  
29 governing body.

30           (2) At least one member shall be a physician, and, where

possible, a psychiatrist. There shall also be appropriate representation drawn from:

(i) The professional fields of psychology, social work, nursing, education and religion.

(ii) Local citizens' organizations active in the field of mental health.

(iii) Local organizations representing family members of persons with mental illness.

(iv) Consumers.

(v) Other interested community groups.

(vi) Advocates.

(3) Where two or more counties are participating in concert in the program, the members of the board shall be selected substantially on a proportionate basis as to population. Each county, irrespective of population, shall have at least one member on the board.

(b) Term.--Each member shall be appointed for a period of three years. The initial appointment of members of the board shall be for overlapping periods of three, two and one years. In making the initial appointments, insofar as possible, one-third of the members shall be appointed for three years, one-third for two years and one-third for one year. A vacancy occurring in the membership of the board shall be filled by the local authorities for the unexpired period. The local authorities may remove a member of the board during his or her period of service for cause only. The members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in connection with called meetings of the board.

(c) Voting and meeting procedure.--A majority of the board members shall constitute a quorum. The members shall select a

1 chairman from among themselves. Each board shall meet at least  
2 once each quarter and may, by majority vote of the membership,  
3 establish more frequent regular meetings. Special meetings shall  
4 be held at the call of the chairman, and it shall be the duty of  
5 the chairman to call a special meeting upon the written request  
6 of one-third or more of the members, not including vacancies of  
7 the board.

8 (d) Boards in first class cities.--In cities of the first  
9 class, a mental health board shall be appointed, and the members  
10 shall hold office, under the provisions of the city charter.

11 Section 303. Powers and duties of board.

12 (a) Imposition.--Each county mental health board shall have  
13 the power and its duty shall be:

14 (1) To review and evaluate the county's mental health  
15 needs, services, facilities and special problems in relation  
16 to the local needs, services and programs.

17 (2) Except in cities of the first class, to recommend to  
18 local authorities, for the position of administrator, at  
19 least two persons who meet the standards of professional  
20 skill and experience as the department may establish by  
21 regulation.

22 (3) To develop, together with the administrator, annual  
23 plans for the programs required by sections 301 and 608.

24 (4) To make recommendations to the local authorities  
25 regarding the program and any other matters relating to  
26 services for persons with mental illness in the county,  
27 including the purchase of service contracts and the extent of  
28 funds required to implement the program.

29 (5) To review and evaluate the performance of the  
30 programs and services developed by the county and agencies

1 under contract with the county to serve persons with mental  
2 illness.

3 (b) Assignment of board's functions.--The functions of the  
4 board may be performed by a multipurpose board acting in the  
5 human services field, if the local authorities so elect, with  
6 appropriate representation as specified in section 302(a)  
7 insofar as possible, and subject to the approval of the  
8 department.

9 Section 304. Powers and duties of administrator.

10 The county program administrator appointed or designated  
11 pursuant to section 301 shall have the power and his or her duty  
12 shall be:

13 (1) To administer the county mental health program.

14 (2) To insure that county services required by this act  
15 are available.

16 (3) To provide staff services to the board.

17 (4) To make reports to the department in the form and  
18 containing the information which the department requires.

19 (5) To develop, together with the board, annual plans  
20 for the programs required by this act. The plans may be an  
21 integral part of a broader county human services plan and  
22 must include proposed utilization of Commonwealth-operated  
23 facilities.

24 (6) To submit to local authorities annual plans and  
25 estimated costs for the provision of services, establishment  
26 and operation of facilities, and other related matters for  
27 review, approval and transmittal to the department.

28 (7) To review and evaluate facilities and services, and  
29 to cooperate with the department in the maintenance of  
30 established standards.

(8) To maintain effective liaison with governmental and private community health and human services agencies and organizations and Commonwealth-operated facilities.

(9) To submit an annual report to the local authorities, the board and the department reporting all activities of the program and his or her administration thereof.

(10) To analyze and evaluate needs of and services for persons with mental illness and their families in the county and recommend improvements to the board and local authorities, and to conduct research studies and take the steps and adopt measures necessary for the proper discharge of his or her duties.

## CHAPTER 4

## EXTENDED CARE

Section 401. General provisions for extended care.

(a) Discharge assistance required.--A person receiving services in a Commonwealth-operated mental hospital shall be provided with discharge planning and assistance by the local authorities in conjunction with the facility.

(b) Essential elements of assistance.--Discharge planning and assistance shall include, but not be limited to, the following:

(1) An individualized care plan that includes provision for housing, social and financial support, treatment and needed services.

(2) Return of all personal possessions.

(3) Transportation assistance.

(4) Initial appointments for all services to be provided following discharge from the facility.

## CHAPTER 5

1 RIGHTS OF INDIVIDUALS

2 Section 501. Rights of persons admitted or committed.

3 A person receiving mental health services under this act  
4 shall have the right:

5 (1) To receive appropriate, individualized treatment and  
6 services in the least restrictive manner and appropriate  
7 setting.

8 (2) To be treated with dignity and respect.

9 (3) To communicate with and to be alone at an interview  
10 with his or her counsel, a representative of the department  
11 or an advocate; and to send sealed communications to a  
12 facility director, to a member of his or her family, to the  
13 department, to the court, if any, which committed the person  
14 and to the Governor.

15 (4) To maintain religious freedom and to be visited by a  
16 clergyman.

17 (5) To be employed at a useful occupation.

18 (6) To be furnished with writing materials and  
19 reasonable opportunity for communicating with a person  
20 outside a facility. Communications shall be stamped and  
21 mailed.

22 (7) To be discharged as soon as care and treatment in a  
23 facility is no longer necessary.

24 (8) To request the department to arrange for the  
25 examination of the person's mental or physical condition by a  
26 physician not associated with the department. The department  
27 may refuse to grant this request only when it is made sooner  
28 than three months after the person's admission or commitment.

29 (9) To handle all his or her money and other property or  
30 to designate someone to handle it if no guardian or

1 representative payee has been appointed.

2 (10) To petition for a writ of habeas corpus. Except as  
3 provided in Chapter 7, the petition shall be filed in  
4 accordance with the provisions of 42 Pa.C.S. Ch. 65 (relating  
5 to habeas corpus).

6 (11) To be advised of his or her rights, including the  
7 right to appeal as provided for in section 201(8), and to be  
8 assisted by an advocate.

9 (12) To retain the same rights as any other citizens of  
10 this Commonwealth.

11 (13) To have access to his or her treatment records,  
12 unless any of the following determinations is made by the  
13 director of treatment:

14 (i) That disclosure of specific information  
15 concerning treatment will constitute a substantial  
16 detriment to the patient's treatment. This determination  
17 shall be substantiated by documentation by the treatment  
18 team leader.

19 (ii) That disclosure of specific information will  
20 reveal the identity of persons or breach the trust or  
21 confidentiality of persons who have provided information  
22 upon an agreement to maintain their confidentiality.

## 23 CHAPTER 6

### 24 FINANCIAL OBLIGATIONS; LIABILITIES AND PAYMENTS

#### 25 Section 601. Liability of persons with mental illness.

26 When public funds are expended under a provision of this act  
27 on behalf of a person with mental illness, the local authority  
28 may recover the funds from the person, subject to the  
29 regulations of the department. For this purpose, liability is  
30 hereby imposed, upon a person admitted, committed or otherwise



1 receiving a service or benefit under this act, for the costs,  
2 payments or expenditures relating to the service, including, but  
3 not limited to, the costs of admission or commitment,  
4 transportation, treatment or maintenance. The liability imposed  
5 shall be based on the person's ability to pay.

6 Section 602. Liability of persons owing legal duty to support.

7 (a) Imposition of liability.--Except as provided in this  
8 section and in section 604, when a person under 18 years of age  
9 is admitted, committed or otherwise receiving a service or  
10 benefit under this act and is unable to discharge the obligation  
11 imposed upon him or her by section 601, that liability is hereby  
12 imposed on any person owing a legal duty to support him or her.  
13 The imposition of liability on another person ceases, however,  
14 when the minor becomes 18 years of age. Spouses shall remain  
15 liable for each other, regardless of age, except for periods of  
16 continuous inpatient or residential care which exceed 120 days.

17 (b) Insurance.--Nothing in this section shall relieve a  
18 private, nonprofit or governmental health insurer for liability  
19 to pay for continuous inpatient, outpatient, partial  
20 hospitalization or residential care under a contract of  
21 insurance or group insurance plan.

22 (c) Definition.--As used in this section, the term  
23 "continuous inpatient or residential care" means any in-hospital  
24 or residential stay not interrupted by more than 120 days.

25 Section 603. Contingent liability of State and local  
26 government.

27 (a) Exhaustion of personal funds and benefits.--Neither the  
28 Commonwealth nor a county shall be required to expend public  
29 funds under this act on behalf of a mentally ill person until  
30 that person, who has been admitted or committed or who is

1 receiving services or benefits under this act, has exhausted his  
2 or her eligibility and receipt of benefits under all other  
3 private, public, local, State or Federal programs.

4 (b) Federal responsibility.--If the mentally ill person's  
5 benefits from other sources are exhausted, the Commonwealth and  
6 the counties shall share the financial obligations accruing  
7 under this act to the extent that these obligations are not  
8 borne by the Federal Government or by a private person or  
9 agency.

10 (c) Construction of act.--It is the intention of this act  
11 that its provisions be construed so as to maintain and not  
12 decrease or destroy the eligibility of a person, a facility or  
13 the Commonwealth or a political subdivision to receive Federal  
14 assistance, grants or funds.

15 Section 604. Powers of secretary to determine liability and  
16 establish criteria.

17 (a) Determine extent of liability.--When a person receives a  
18 service or benefit at a facility under this act, wholly or in  
19 part at public expense, the secretary may determine the extent  
20 of liability imposed under section 601 or 602 and shall abate,  
21 modify, compromise or discharge the liability imposed, if:

22 (1) The secretary is satisfied that liability would do  
23 any of the following:

24 (i) Result in the loss of financial payments or  
25 other benefits from a public or private source which a  
26 mentally ill person would receive, would be eligible to  
27 receive or would be expended on his or her behalf but for  
28 the liability.

29 (ii) Result in a substantial hardship upon the  
30 person or a person with a legal duty to support the

1 person, or upon the family of either.

2 (iii) Result in a greater financial burden upon the  
3 people of this Commonwealth.

4 (iv) Create upon the person a financial burden which  
5 nullifies the results of care, treatment, service or  
6 other benefits afforded to the person under a provision  
7 of this act.

8 (2) Proceedings to recover such costs or discharge such  
9 liability, including legal fees, would not be in the best  
10 interest of the Commonwealth.

11 (b) Reimburse county.--If the secretary exercises the power  
12 conferred in subsection (a) or in section 601 with reference to  
13 a person upon whom liability is imposed by section 601 or 602,  
14 the department shall reimburse the county to the extent the  
15 person is relieved of an obligation to pay the county for  
16 services or benefits received under this act and paid for by the  
17 county.

18 (c) Fix charges.--The liability of a mentally ill person or  
19 of anyone legally responsible for his or her support shall be  
20 the amount fixed or charged by the secretary. The payment of the  
21 amount fixed or charged shall relieve a person of further  
22 liability for payment for the mental health services.

23 (d) Establish criteria.--In exercising the powers herein  
24 conferred, the secretary, by regulation, shall establish  
25 criteria by which the extent of amount of liability shall be  
26 determined. Real estate which constitutes the home residence of  
27 the person who receives services under this act, or of his or  
28 her spouse, or of a person owing a legal duty to support, shall  
29 not be considered.

30 Section 605. Collection of costs.

1 (a) Responsibility.--The primary responsibility for  
2 collecting the cost of care and treatment provided at a facility  
3 not operated by the Commonwealth, or by an individual, because  
4 of liability imposed by this act shall rest with the facility or  
5 the individual, as the case may be, which provides the care and  
6 treatment.

7 (b) Agency.--

8 (1) Moneys due the Commonwealth by reason of liability  
9 imposed by this act for care and treatment at a Commonwealth-  
10 operated facility shall be collected by the department.

11 (2) All moneys due by reason of liability imposed by  
12 this act upon a person for care and treatment for which the  
13 county makes an expenditure shall be collected by the county.

14 (3) If there are moneys due both the Commonwealth and  
15 the county by reason of liability imposed by this act upon a  
16 person, and the assets of that person are insufficient to  
17 discharge the liability in full, the assets shall be applied  
18 to the Commonwealth and county on a pro rata basis in  
19 proportion to the respective claims of each.

20 Section 606. Liability of Commonwealth.

21 Except as provided in sections 601 and 602, the Commonwealth  
22 shall pay for the following:

23 (1) Diagnosis, evaluation and care of patients in  
24 Commonwealth-operated facilities or in facilities with which  
25 the Commonwealth may contract, by transferring funds to the  
26 local authorities pursuant to section 202(c).

27 (2) Obligations which may arise under a new program  
28 established by the department.

29 (3) Inpatient care not exceeding 60 days per benefit  
30 period; and partial hospitalization not exceeding 120 days a

1 year for adults or 180 days a year for children under 18  
2 years of age.

3 (4) Residential care.

4 Section 607. Relief of county from obligation to insure  
5 services.

6 (a) Application necessary.--If local authorities cannot  
7 insure the availability of services required under section 301  
8 or if they assert that it would be economically unsound to do  
9 so, they may make application to the department to be relieved,  
10 for the period of one year, from the duty to insure availability  
11 and shall specify in the application the service-involved  
12 alternatives for the provision of services and the facts  
13 relating to the request for relief.

14 (b) Action by department.--After consideration of an  
15 application and an independent investigation as it deems  
16 appropriate, the department shall determine whether the  
17 application is justified. Upon approval of the application, the  
18 department may assume or otherwise ensure the availability of  
19 the services specified in the application for the year specified  
20 in the application.

21 (c) Liability for cost of service.--When the department  
22 provides a service under this section, the liability for its  
23 cost shall be apportioned in accordance with section 608(a)(1).

24 Section 608. State and county grants and payments.

25 (a) Specific powers and duties of department.--The  
26 department, subject to the provisions of section 603, shall have  
27 the following powers and duties:

28 (1) To make annual grants from Commonwealth and Federal  
29 funds to counties to defray part of the cost of county  
30 programs authorized by this act and approved by the

1 department. Grants shall be in the amount of 90% of the  
2 excess of approved expenditures for the programs not set  
3 forth in section 606 over the amount paid for the same  
4 purpose directly from a public or private funding source to  
5 participating counties, facilities or individuals. Private  
6 contributions donated to county programs or their contract  
7 agencies shall be encouraged and shall not be considered by  
8 the Commonwealth or the county in calculating financial  
9 obligations under this act.

10 (2) To prescribe the time at which the counties shall  
11 submit to the department annual plans and annual estimates of  
12 expenditures, and revisions of estimates, to carry out mental  
13 health programs. Plans and estimates shall contain the  
14 information prescribed by the secretary by regulation.

15 (3) Upon approval of an annual plan and the estimated  
16 expenditures for a mental health program, to compute an  
17 annual grant in accordance with the formula established in  
18 paragraph (1).

19 (4) To pay the annual grant in four quarterly  
20 installments. Quarters shall begin on July 1, October 1,  
21 January 1 and April 1. Each installment shall be paid at the  
22 beginning of the quarter if the department is satisfied that  
23 the county is complying with the regulations of the  
24 department prescribing minimum services, minimum standards of  
25 performance of those services and minimum standards of  
26 personnel administration on a merit basis. The first  
27 installment shall be paid in the quarter beginning on July 1.  
28 Moneys received in a quarter may be used at any time during  
29 the year.

30 (5) In the event that sufficient funds have been

1 appropriated to pay the full amount of the grants to which  
2 the counties may be entitled under the provisions of this  
3 section, to distribute Commonwealth funds among the counties  
4 by a formula reasonably designed to achieve the objectives of  
5 this act. In the event that the counties' financial  
6 obligations under this act shall be reduced in accordance  
7 with this formula, the counties shall be required to provide  
8 only those services for which sufficient funds are available.

9 (6) To review grants against actual expenditures at any  
10 time and to make appropriate adjustments in subsequent  
11 grants. If a grant overpayment cannot be recovered through an  
12 appropriate adjustment, the department shall effect a refund  
13 of the overpayment from the county or counties.

14 (b) Priority of certain obligations.--For the purpose of  
15 this act, the contributions, with respect to services,  
16 equivalent to the employer's tax established by the Social  
17 Security Act (Public Law 74-271, 42 U.S.C. § 301 et seq.) shall  
18 be the first obligation against Commonwealth funds received by  
19 the counties under this act.

20 Section 609. Supplemental grants.

21 The department may make additional grants to a county  
22 participating in an approved plan to assist in establishing the  
23 services provided for in that plan for the first three years of  
24 operation of the plan. The grant shall be supplemental to grants  
25 authorized by section 608.

26 Section 610. Interim grants for services.

27 From the Commonwealth and Federal funds, the department may  
28 make grants to a county, a combination of counties or a facility  
29 for all or part of the cost of services designed to carry out  
30 the provisions of Chapter 3.

1 CHAPTER 7

2 MISCELLANEOUS PROVISIONS

3 Section 701. Forms to be used.

4 The secretary may develop suggested forms to be used in  
5 carrying out the provisions of this act and may, by regulation,  
6 require their use.

7 Section 702. Records of persons admitted or committed.

8 (a) Contents.--When a person is admitted or committed to a  
9 facility or receives services or benefits at a facility under a  
10 provision of this act, the facility shall maintain a complete  
11 record pertaining to that person.

12 (1) Except as provided in paragraph (2), the record  
13 shall include, if available, applications; petitions;  
14 affidavits; orders of court; reports of physicians,  
15 psychiatrists, psychologists, nurses and social workers;  
16 police records; and all clinical records.

17 (2) If the information required under paragraph (1) is  
18 not available, the record shall consist of a full abstract of  
19 the records set forth in paragraph (1), with the essential  
20 particulars, including, but not limited to, results of  
21 physical examinations, examinations for mental disabilities  
22 and physical handicaps, laboratory tests and any other  
23 material with reference to the person.

24 (b) Transfer.--If an individual is transferred to another  
25 facility or program under a provision of this act, a copy of all  
26 pertinent records pertaining to that person shall accompany him  
27 or her.

28 (c) Certain requests for copy of record.--When a person who  
29 has previously received services or benefits at a facility is  
30 later given services or benefits at another facility, the first



1 facility shall, upon request from the subsequent facility,  
2 furnish a copy of all pertinent records pertaining to the  
3 person.

4 (d) Inspection limited.--A record or portion of a record  
5 maintained as provided in this section shall be open to  
6 inspection and examination only to those persons designated by  
7 the director of a facility at which a person has been admitted  
8 or committed or at which the person is receiving services or  
9 benefits. As to those facilities under the control of the  
10 Commonwealth or local authorities, only those persons whom the  
11 secretary by regulation designates may inspect these records.

12 Section 703. Immunities.

13 No person and no governmental or recognized nonprofit health  
14 or welfare organization or agency shall be held civilly or  
15 criminally liable for a diagnosis, opinion, report or anything  
16 done pursuant to the provisions of this act if the person acted  
17 in good faith and not falsely, corruptly, maliciously or without  
18 reasonable cause. Causes of action based upon gross negligence  
19 or incompetence shall not be affected by the immunities granted  
20 by this section.

21 Section 704. Penalties.

22 (a) Offenses defined.--

23 (1) It is unlawful for a person to disclose without  
24 authority the contents of a record or report touching upon  
25 any matter concerning a person who has been admitted or  
26 committed or is receiving services under this act.

27 (2) It is unlawful for a physician to knowingly make a  
28 false statement, certificate or report which aids in or  
29 causes a person to be admitted or committed or to receive  
30 services under this act.

1 (b) Penalty.--A violation of subsection (a)(1) or (2) is a  
2 misdemeanor of the third degree punishable by a fine of not more  
3 than \$2,000 or imprisonment of not more than one year, or both.  
4 Section 705. Administrative agency law to apply.

5 The provisions of this act shall be subject to the provisions  
6 of 2 Pa.C.S. (relating to administrative law and procedure).

7 CHAPTER 8

8 REPEALS AND EFFECTIVE DATE

9 Section 801. Repeals.

10 (a) Absolute.--Section 408 of the act of July 9, 1976  
11 (P.L.817, No.143), known as the Mental Health Procedures Act, is  
12 repealed.

13 (b) Inconsistent.--The act of October 20, 1966 (3rd  
14 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental  
15 Retardation Act of 1966, is repealed insofar as it is  
16 inconsistent with this act.

17 Section 802. Effective date.

18 This act shall take effect in 60 days.