

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 216 Session of
1995

INTRODUCED BY E. Z. TAYLOR, VANCE, FLEAGLE, CLARK, GEIST,
PHILLIPS, SCHULER, WOZNAK, D. W. SNYDER, HERSHEY, STERN,
J. TAYLOR, BARLEY, MELIO, MUNDY, BOYES, COY, EGOLF,
D. R. WRIGHT, LAWLESS, TRELLO, COLAFELLA, ARMSTRONG, JOSEPHS,
BROWNE, DRUCE, PETTIT, FAIRCHILD, KAISER, L. I. COHEN, OLASZ,
RUBLEY, BAKER, LEH, STETLER, CIVERA, MILLER, SCHRODER,
MIHALICH, DeLUCA, FICHTER, TRUE, KUKOVICH, TULLI, WOGAN,
DEMPSEY, MARSICO, MCGILL, READSHAW, B. SMITH, FLICK, MERRY
AND HALUSKA, JANUARY 24, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 1996

AN ACT

1 ~~Establishing the Office of Physician General; providing for the~~ <—
2 ~~appointment, term of office and powers and duties of the~~
3 ~~Physician General, for the Secretary of Health, for a public~~
4 ~~health dentist within the Department of Health, for continued~~
5 ~~operation of State Health Care Centers and for a State Public~~
6 ~~Health Laboratory; and making repeals.~~
7 AMENDING THE ACT OF APRIL 27, 1905 (P.L.312, NO.218), ENTITLED <—
8 "AN ACT CREATING A DEPARTMENT OF HEALTH, AND DEFINING ITS
9 POWERS AND DUTIES," FURTHER PROVIDING FOR ORGANIZATION AND
10 FOR ADMINISTRATIVE POWERS AND DUTIES; AND MAKING REPEALS.

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

13 ~~Section 1. Short title.~~ <—
14 ~~This act shall be known and may be cited as the Office of~~
15 ~~Physician General Act.~~
16 ~~Section 2. Declaration of policy.~~
17 ~~The General Assembly finds and declares as follows:~~

~~(1) Many geographic areas and populations of this Commonwealth are inadequately served by health care services.~~

~~(2) The population of this Commonwealth should be encouraged to engage in healthful habits and practices that promote wellness to allow this Commonwealth's citizens to lead fuller and more enriching lives and to reduce the increasing costs of health care services and the loss of workdays that negatively affect this Commonwealth's economy.~~

~~(3) Health care in this Commonwealth can best be served by creating an office to promote coordination and cooperation among Federal and State departments and entities providing health care services, to promote healthful habits and practices which reduce the need for the provision of health care services, to keep the public informed on health care matters and the prevention of illness and disease, to advise and report to the General Assembly on health matters and the delivery of health care services mandated by Federal and State legislation and to attract public and private funding for the advancement of healthful lifestyles and practices and the provision of health care services.~~

~~Section 3.—Office of Physician General.~~

~~(a) Establishment.—There is hereby created the cabinet position of Office of Physician General of the Commonwealth which shall be under the control and direction of the Physician General. There shall be in the Office of Physician General a Physician General of the Commonwealth, who shall exercise the powers and perform the duties set forth in this act.~~

~~(b) Appointment.—The Governor shall appoint a Commonwealth licensed physician who shall maintain a clinical practice to the position of Physician General with the advice and consent of a~~

~~majority of the members of the Senate.~~

~~(c) Personnel.~~

~~(1) The Physician General shall appoint and fix the compensation of employees as are required to assist in carrying out the duties of the Physician General.~~

~~(2) The Physician General may appoint advisory task forces as the Physician General deems necessary to carry out the duties and responsibilities of the Physician General under this act. The Physician General or the Physician General's designee shall serve as chairman of each task force. When actually engaged in official meetings or otherwise in the performance of the member's official duties as directed by the Physician General, each member of a task force shall receive reimbursement for expenses incurred.~~

~~(d) Compensation. The compensation of the Physician General shall be the equivalent of a salary of \$100,000 a year if the position were full time.~~

~~(e) Ethics law. The Physician General shall be subject to the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.~~

~~Section 4. Powers and duties of Physician General.~~

~~(a) Generally. The Physician General shall:~~

~~(1) Advise the Governor on health care services provided or regulated by the departments, including provision of benefits, prevention, early intervention and wellness.~~

~~(2) Advise the Governor on better coordination of health care services provided or regulated by the departments.~~

~~(3) Implement appropriate health care initiatives as requested by the Governor, the General Assembly or the departments.~~

~~(4) Sponsor and administer programs for the development of health care resources and identify Federal and private funding sources, grants and other resources for health care services and programs.~~

~~(b) Boards, commissions and councils.—~~

~~(1) If the Secretary of Health is not a physician, the Physician General or the Physician General's designee shall be a voting member of the State Board of Medicine and the State Board of Osteopathic Medicine. At all other times the Physician General shall serve as an ex officio member without a vote.~~

~~(2) The Physician General or the Physician General's designee shall attend such meetings of other boards, commissions and councils considering matters affecting health care as the Physician General deems appropriate.~~

~~Section 5.— Secretary of Health.~~

~~The Secretary of Health must be an individual with professional experience in the field of public health, health services delivery or education and training of health service professionals. The secretary shall not be required to be a graduate of a medical college.~~

~~Section 6.— State Health Care Centers.~~

~~The Department of Health shall operate a system of State Health Care Centers which shall provide, at the minimum, those public health services in effect as of July 1, 1995. The department shall not enter into contracts with private providers that would result in the elimination of these centers, nor reduce the scope of services currently provided, nor reduce the number of centers unless specifically authorized and approved by the General Assembly.~~

~~1 Section 7. Public Health Laboratories.~~

~~2 The Department of Health shall maintain and operate a State
3 Public Health Laboratory that shall assure the availability of
4 reliable, clinical laboratory services and laboratory based
5 information that are needed by clinicians and other health
6 providers for proper diagnosis and treatment, the prevention of
7 disease, and promotion of the health of the citizens of this
8 Commonwealth. The State Public Health Laboratory shall arrange
9 for and perform clinical tests to identify diseases and provide
10 epidemiological and surveillance support. However, it shall not
11 contract with outside laboratories to perform testing in rabies,
12 measles, rubella, Lyme disease, influenza and tuberculosis
13 identification. In addition, the public health laboratory shall
14 be administered and maintained in a manner in effect as of July
15 1, 1995.~~

~~16 Section 8. Dental health districts and officers.~~

~~17 The Department of Health shall apportion the Commonwealth
18 into dental health districts, administered by a public health
19 dentist within the Department of Health, who shall implement
20 dental health policies and programs for the various counties and
21 political subdivisions within this Commonwealth.~~

~~22 Section 9. Repeals.~~

~~23 (a) Absolute. The third sentence of section 1 of the act of
24 April 27, 1905 (P.L.312, No.218), entitled "An act creating a
25 Department of Health, and defining its powers and duties," is
26 repealed.~~

~~27 (b) General. All other acts and parts of acts are repealed
28 insofar as they are inconsistent with this act.~~

~~29 Section 10. Effective date.~~

~~30 This act shall take effect July 1, 1996.~~

1 SECTION 1. SECTION 1 OF THE ACT OF APRIL 27, 1905 (P.L.312, <—
2 NO.218), ENTITLED "AN ACT CREATING A DEPARTMENT OF HEALTH, AND
3 DEFINING ITS POWERS AND DUTIES," AMENDED MARCH 17, 1921 (P.L.37,
4 NO.18), IS AMENDED TO READ:

5 SECTION 1. BE IT ENACTED, &C., [THAT THE] (A) THE
6 DEPARTMENT OF HEALTH SHALL CONSIST OF A [COMMISSIONER] SECRETARY
7 OF HEALTH [AND], AN ADVISORY BOARD AND A PHYSICIAN GENERAL.

8 (B) THE [COMMISSIONER OF HEALTH] SECRETARY SHALL BE THE HEAD
9 OF THE DEPARTMENT, AND SHALL BE APPOINTED BY THE GOVERNOR, WITH
10 THE ADVICE AND CONSENT OF THE SENATE. [HE SHALL BE A PHYSICIAN
11 OF AT LEAST TEN YEARS PROFESSIONAL EXPERIENCE AND A GRADUATE OF
12 A LEGALLY CONSTITUTED MEDICAL COLLEGE.

13 THE TERM OF THE COMMISSIONER FIRST APPOINTED HEREUNDER SHALL
14 EXPIRE ON THE FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND
15 SEVEN, AND THE TERM OF OFFICE OF EVERY COMMISSIONER THEREAFTER
16 APPOINTED SHALL BE FOUR YEARS, BEGINNING ON FIRST DAY OF MARCH
17 OF THE YEAR IN WHICH HE IS APPOINTED.

18 UPON THE APPOINTMENT AND QUALIFICATION OF THE COMMISSIONER OF
19 HEALTH, THE TERMS OF THE MEMBERS OF THE STATE BOARD OF HEALTH
20 AND THE SECRETARY OF SUCH BOARD SHALL EXPIRE, AND NO
21 APPOINTMENTS SHALL THEREAFTER BE MADE TO THOSE OFFICES.] THE
22 SECRETARY SHALL BE EITHER A GRADUATE OF AN ACCREDITED MEDICAL OR <—
23 OSTEOPATHIC MEDICAL SCHOOL WHO IS A PRACTICING PHYSICIAN
24 LICENSED BY THE COMMONWEALTH OR AN INDIVIDUAL WITH PROFESSIONAL
25 EXPERIENCE IN THE FIELD OF PUBLIC HEALTH, HEALTH SERVICES
26 DELIVERY OR EDUCATION OR TRAINING OF HEALTH SERVICE
27 PROFESSIONALS. THE SECRETARY SHALL SERVE AT THE PLEASURE OF THE
28 GOVERNOR.

29 (C) THERE SHALL BE AN OFFICE OF PHYSICIAN GENERAL WITHIN THE
30 ADMINISTRATIVE STRUCTURE OF THE DEPARTMENT. THE PHYSICIAN

1 GENERAL SHALL BE APPOINTED BY THE GOVERNOR BY AND WITH THE
2 ADVICE AND CONSENT OF THE SENATE. THE DEPARTMENT SHALL PROVIDE
3 ADEQUATE STAFF AND OTHER SUPPORT AS NEEDED. THE PHYSICIAN
4 GENERAL SHALL BE A GRADUATE OF AN ACCREDITED MEDICAL OR
5 OSTEOPATHIC MEDICAL SCHOOL AND SHALL BE A PRACTICING PHYSICIAN
6 LICENSED BY THE COMMONWEALTH. THE PHYSICIAN GENERAL SHALL SERVE
7 AT THE PLEASURE OF THE GOVERNOR. THE PHYSICIAN GENERAL SHALL:

8 (1) ADVISE THE GOVERNOR AND THE SECRETARY ON HEALTH POLICY.

9 (2) PARTICIPATE IN THE DECISION MAKING PROCESS OF THE
10 DEPARTMENT ON POLICIES RELATING TO ALL MEDICAL AND PUBLIC
11 HEALTH-RELATED ISSUES AND IN THE DECISION MAKING PROCESS OF
12 OTHER EXECUTIVE BRANCH AGENCIES AS DIRECTED BY THE GOVERNOR.

13 (3) REVIEW PROFESSIONAL STANDARDS AND PRACTICES IN MEDICINE
14 AND PUBLIC HEALTH WHICH ARE RELATED TO MATTERS WITHIN THE
15 JURISDICTION OF THE DEPARTMENT AND OTHER EXECUTIVE BRANCH
16 AGENCIES.

17 (4) CONSULT WITH RECOGNIZED EXPERTS ON MEDICAL AND PUBLIC
18 HEALTH MATTERS WHICH ARE WITHIN THE JURISDICTION OF THE
19 DEPARTMENT AND OTHER EXECUTIVE BRANCH AGENCIES.

20 (5) PROVIDE ADVICE ON MEDICAL AND PUBLIC HEALTH ISSUES TO
21 THE SECRETARY AND TO OTHER EXECUTIVE BRANCH AGENCIES.

22 (6) COORDINATE EDUCATIONAL, INFORMATIONAL AND OTHER PROGRAMS
23 FOR THE PROMOTION OF WELLNESS, PUBLIC HEALTH AND RELATED MEDICAL
24 ISSUES IN THIS COMMONWEALTH AND SERVE AS THE PRIMARY ADVOCATE
25 FOR THESE PROGRAMS.

26 (7) CONSULT WITH EXPERTS IN THIS COMMONWEALTH AND OTHER
27 STATES REGARDING MEDICAL RESEARCH, INNOVATION AND DEVELOPMENT
28 WHICH RELATE TO PROGRAMS AND ISSUES OF IMPORTANCE TO THE
29 DEPARTMENT AND THE COMMONWEALTH.

30 (8) PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE GOVERNOR.

1 (9) WHEN THE SECRETARY IS NOT A PHYSICIAN, SERVE AS A VOTING
2 MEMBER OF THE STATE BOARD OF MEDICINE AND THE STATE BOARD OF
3 OSTEOPATHIC MEDICINE. THE PHYSICIAN GENERAL MAY PROVIDE A
4 DESIGNEE TO SERVE IN HIS OR HER STEAD. THE SALARY AND OTHER
5 CONDITIONS OF EMPLOYMENT SHALL BE SET BY THE EXECUTIVE BOARD.

6 (D) THE [DEPARTMENT OF HEALTH] DEPARTMENT SHALL HAVE AN
7 OFFICIAL SEAL.

8 SECTION 2. SECTION 8 OF THE ACT IS AMENDED TO READ:

9 SECTION 8. (A) IT SHALL BE THE DUTY OF THE [COMMISSIONER]
10 DEPARTMENT OF HEALTH TO PROTECT THE HEALTH OF THE PEOPLE OF THE
11 STATE, AND TO DETERMINE AND EMPLOY THE MOST EFFICIENT AND
12 PRACTICAL MEANS FOR THE PREVENTION AND SUPPRESSION OF DISEASE.

13 (B) THE [COMMISSIONER] SECRETARY OF HEALTH SHALL CAUSE
14 EXAMINATION TO BE MADE OF NUISANCES OR QUESTIONS AFFECTING THE
15 SECURITY OF LIFE AND HEALTH IN ANY LOCALITY, AND FOR THAT
16 PURPOSE THE [COMMISSIONER] SECRETARY, AND ANY PERSON AUTHORIZED
17 BY HIM SO TO DO, MAY, WITHOUT FEE OR HINDRANCE, ENTER, EXAMINE
18 AND SURVEY ALL GROUNDS, VEHICLES, APARTMENTS, BUILDINGS, AND
19 PLACES WITHIN THE STATE, AND ALL PERSONS SO AUTHORIZED BY HIM
20 SHALL HAVE THE POWERS AND AUTHORITY CONFERRED BY LAW UPON
21 CONSTABLES.

22 (C) (1) WITH THE EXCEPTION OF THE FOUR THREE STATE HEALTH <—
23 CENTERS SELECTED FOR THE REVIEW PROGRAM ESTABLISHED IN PARAGRAPH
24 (2), THE DEPARTMENT SHALL OPERATE THOSE PUBLIC STATE HEALTH
25 CENTERS AND PROVIDE, AT A MINIMUM, THOSE PUBLIC HEALTH SERVICES
26 IN EFFECT AS OF JULY 1, 1995. EXCEPT AS PROVIDED IN PARAGRAPH
27 (2), THE DEPARTMENT SHALL NOT ENTER INTO CONTRACTS WITH ANY
28 ADDITIONAL PRIVATE PROVIDERS THAT WOULD RESULT IN THE
29 ELIMINATION OF ANY STATE HEALTH CENTER, NOR REDUCE THE SCOPE OF
30 SERVICES CURRENTLY PROVIDED, NOR REDUCE THE NUMBER OF CENTERS.

1 (2) THE DEPARTMENT SHALL ESTABLISH A REVIEW PROGRAM TO
2 DETERMINE THE FEASIBILITY AND EFFECTIVENESS OF ENTERING INTO
3 CONTRACTS WITH LOCAL HEALTH CARE PROVIDERS FOR THE OPERATION OF
4 STATE HEALTH CENTERS OR THE PROVISION OF EQUIVALENT SERVICES.
5 THE PROGRAM SHALL UTILIZE THE EQUIVALENT SERVICES PROVIDED BY A <—
6 MAXIMUM OF FOUR THREE EXISTING STATE HEALTH CENTERS ON THE
7 EFFECTIVE DATE OF THIS ACT, TWO ONE OF WHICH SHALL BE IN URBAN <—
8 AREAS AN URBAN AREA OF THIS COMMONWEALTH AND TWO, ONE OF WHICH <—
9 SHALL BE IN SUBURBAN AREAS A SUBURBAN AREA OF THIS COMMONWEALTH <—
10 AND ONE OF WHICH SHALL BE IN A RURAL AREA OF THIS COMMONWEALTH,
11 AS DETERMINED BY THE DEPARTMENT. THE REVIEW PROGRAM SHALL BEGIN
12 ON NOVEMBER 1, 1996, AND SHALL CONTINUE FOR A PERIOD OF TWELVE
13 MONTHS.

14 (3) THE DEPARTMENT SHALL IDENTIFY THE TWO URBAN AND TWO <—
15 SUBURBAN STATE HEALTH CENTERS UNDER PARAGRAPH (2) AND CONTRACT
16 WITH ONE OR MORE LOCAL HEALTH CARE PROVIDERS FOR THE OPERATION
17 OF THE CENTERS OR FOR THE PROVISION OF EQUIVALENT SERVICES. THE
18 CONTRACT SHALL BE EFFECTIVE NOVEMBER 1, 1996, AND SHALL BE FOR A
19 PERIOD OF TWELVE MONTHS. THE DEPARTMENT MAY RENEW OR EXTEND THE <—
20 CONTRACT AS NEEDED EITHER TO PHASE OUT OR TO CONTINUE THE
21 PROVISION OF THESE PUBLIC HEALTH SERVICES PENDING REVIEW OF THE
22 REPORT REQUIRED IN PARAGRAPH (4). THE CONTRACT SHALL PROVIDE FOR
23 OVERSIGHT BY THE DEPARTMENT OF ALL SERVICES PROVIDED UNDER THE
24 REVIEW PROGRAM.

25 (4) ON OR BEFORE DECEMBER 31, 1997, THE DEPARTMENT SHALL
26 SUBMIT A REPORT TO THE GENERAL ASSEMBLY, WHICH SHALL INCLUDE,
27 BUT NOT BE LIMITED TO, THE FOLLOWING:

28 (I) A REVIEW AND ANALYSIS OF THE FOUR THREE HEALTH CARE <—
29 CENTERS OR OF THE PROVISION OF EQUIVALENT SERVICES IN THE REVIEW
30 PROGRAM, INCLUDING PATIENT UTILIZATION AND SERVICES PROVIDED.

1 (II) AN ANALYSIS OF THE PERFORMANCE OF EACH LOCAL HEALTH
2 CARE PROVIDER, INCLUDING PATIENT SATISFACTION WITH THE PROVISION
3 OF SERVICES.

4 (III) A REVIEW OF OTHER DELIVERY SYSTEMS FOR HEALTH SERVICES
5 IN THE COMMUNITY, BOTH PUBLIC AND PRIVATE.

6 (IV) A COMPARISON OF THE COST AND EFFECTIVENESS OF THE
7 OPERATION OF EACH OF THE FOUR THREE HEALTH CARE CENTERS BY THE <—
8 COMMONWEALTH WITH THE COST OF THE PROVISION OF EQUIVALENT
9 SERVICES BY LOCAL HEALTH CARE PROVIDERS.

10 (V) RECOMMENDATIONS REGARDING CONTINUATION OF THE PROVISION
11 OF THE SERVICES PREVIOUSLY PROVIDED BY THE FOUR THREE HEALTH <—
12 CARE CENTERS INCLUDED IN THE STUDY PROGRAM BY LOCAL HEALTH CARE
13 PROVIDERS.

14 (VI) RECOMMENDATIONS REGARDING THE PUBLIC AND PRIVATE
15 OPERATION OF ALL REMAINING HEALTH CARE CENTERS, OR THE PROVISION
16 OF EQUIVALENT SERVICES, IN THIS COMMONWEALTH.

17 (D) THE DEPARTMENT SHALL MAINTAIN AND OPERATE A STATE PUBLIC
18 HEALTH LABORATORY THAT SHALL ASSURE THE AVAILABILITY OF
19 RELIABLE, CLINICAL LABORATORY SERVICES AND LABORATORY-BASED
20 INFORMATION THAT ARE NEEDED BY CLINICIANS AND OTHER HEALTH
21 PROVIDERS FOR PROPER DIAGNOSIS AND TREATMENT, PREVENTION OF
22 DISEASE AND PROMOTION OF THE HEALTH OF THE CITIZENS OF THIS
23 COMMONWEALTH. THE STATE PUBLIC HEALTH LABORATORY SHALL ARRANGE
24 FOR AND PERFORM CLINICAL TESTS TO IDENTIFY DISEASES AND PROVIDE
25 EPIDEMIOLOGICAL AND SURVEILLANCE SUPPORT. THE STATE PUBLIC
26 HEALTH LABORATORY SHALL NOT CONTRACT WITH OUTSIDE LABORATORIES
27 TO PERFORM TESTING IN RABIES, MEASLES, RUBELLA, LYME DISEASE,
28 INFLUENZA AND TUBERCULOSIS IDENTIFICATION. THE STATE PUBLIC
29 HEALTH LABORATORY SHALL BE ADMINISTERED AND MAINTAINED IN A
30 MANNER IN EFFECT AS OF JULY 1, 1995.

1 (E) THE DEPARTMENT SHALL APPORTION THIS COMMONWEALTH INTO
2 DENTAL HEALTH DISTRICTS, ADMINISTERED BY A PUBLIC HEALTH DENTIST
3 WITHIN THE DEPARTMENT, WHO SHALL IMPLEMENT DENTAL HEALTH
4 POLICIES AND PROGRAMS FOR THE VARIOUS COUNTIES AND POLITICAL
5 SUBDIVISIONS WITHIN THIS COMMONWEALTH.

6 SECTION 3. THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED
7 INsofar AS THEY ARE INCONSISTENT WITH THIS ACT:

8 SECTION 2.1 OF THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261),
9 KNOWN AS THE OSTEOPATHIC MEDICAL PRACTICE ACT.

10 SECTION 3 OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),
11 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985.

12 SECTION 4. SECTION 8(C)(2) AND (3) OF THE ACT SHALL EXPIRE <—
13 DECEMBER 31, 1997.

14 SECTION 4 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—