

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2622 Session of  
1996

INTRODUCED BY MAITLAND, TIGUE, SHEEHAN, LYNCH, RUBLEY, MELIO,  
SEMMELE, EGOLF, CORRIGAN, ROEBUCK, BELFANTI, TRUE, SATHER,  
MERRY, SURRA, STEIL, SAYLOR, STEELMAN, BARD, YOUNGBLOOD,  
TRELLO, CLARK, STETLER, MILLER, E. Z. TAYLOR, ROHRER AND  
RAMOS, MAY 15, 1996

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 15, 1996

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An  
2 act relating to mental health procedures; providing for the  
3 treatment and rights of mentally disabled persons, for  
4 voluntary and involuntary examination and treatment and for  
5 determinations affecting those charged with crime or under  
6 sentence," further providing for age of voluntary treatment.

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

9 Section 1. Section 201 of the act of July 9, 1976 (P.L.817,  
10 No.143), known as the Mental Health Procedures Act, amended  
11 November 26, 1978 (P.L.1362, No.324), is amended to read:

12 Section 201. Persons Who May Authorize Voluntary  
13 Treatment.--Any person [14] 18 years of age or over who believes  
14 that he is in need of treatment and substantially understands  
15 the nature of voluntary treatment may submit himself to  
16 examination and treatment under this act, provided that the  
17 decision to do so is made voluntarily. A parent, guardian, or  
18 person standing in loco parentis to a child less than [14] 18

1 years of age may subject such child to examination and treatment  
2 under this act, and in so doing shall be deemed to be acting for  
3 the child. Except as otherwise authorized in this act, all of  
4 the provisions of this act governing examination and treatment  
5 shall apply.

6 Section 2. Section 204 of the act is amended to read:

7 Section 204. Notice to Parents.--Upon the acceptance of an  
8 application for examination and treatment by a minor [14] 18  
9 years or over but less than [18] 21 years of age, the director  
10 of the facility shall promptly notify the minor's parents,  
11 guardian, or person standing in loco parentis, and shall inform  
12 them of the right to be heard upon the filing of an objection.  
13 Whenever such objection is filed, a hearing shall be held within  
14 72 hours by a judge or mental health review officer, who shall  
15 determine whether or not the voluntary treatment is in the best  
16 interest of the minor.

17 Section 3. Section 206 of the act, amended November 26, 1978  
18 (P.L.1362, No.324), is amended to read:

19 Section 206. Withdrawal from Voluntary Inpatient  
20 Treatment.--(a) A person in voluntary inpatient treatment may  
21 withdraw at any time by giving written notice unless, as stated  
22 in section 203, he has agreed in writing at the time of his  
23 admission that his release can be delayed following such notice  
24 for a period to be specified in the agreement, provided that  
25 such period shall not exceed 72 hours. Any patient converted  
26 from involuntary treatment ordered pursuant to either section  
27 304 or 305 to voluntary treatment status shall agree to remain  
28 in treatment for 72 hours after having given written notice of  
29 his intent to withdraw from treatment.

30 (b) If the person is under the age of [14] 18, his parent,

1 legal guardian, or person standing in loco parentis may effect  
2 his release. If any responsible party believes that it would be  
3 in the best interest of a person under [14] 18 years of age in  
4 voluntary treatment to be withdrawn therefrom or afforded  
5 treatment constituting a less restrictive alternative, such  
6 party may file a petition in the Juvenile Division of the court  
7 of common pleas for the county in which the person under [14] 18  
8 years of age resides, requesting a withdrawal from or  
9 modification of treatment. The court shall promptly appoint an  
10 attorney for such minor person and schedule a hearing to  
11 determine what inpatient treatment, if any, is in the minor's  
12 best interest. The hearing shall be held within ten days of  
13 receipt of the petition, unless continued upon the request of  
14 the attorney for such minor. The hearing shall be conducted in  
15 accordance with the rules governing other Juvenile Court  
16 proceedings.

17 (c) Nothing in this act shall be construed to require a  
18 facility to continue inpatient treatment where the director of  
19 the facility determines such treatment is not medically  
20 indicated. Any dispute between a facility and a county  
21 administrator as to the medical necessity for voluntary  
22 inpatient treatment of a person shall be decided by the  
23 Commissioner of Mental Health or his designate.

24 Section 4. This act shall take effect in 60 days.