

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2261

Session of
1998

INTRODUCED BY FAIRCHILD, LESCOVITZ, MARKOSEK, BELFANTI, O'BRIEN, OLIVER, GORDNER, HUTCHINSON, ORIE, COY, FARGO, WAUGH, SHANER, LYNCH, VAN HORNE, EACHUS, TIGUE, MAITLAND, NAILOR, PLATTS, SAYLOR, L. I. COHEN, CLARK, JOSEPHS, GRUITZA, TRICH, WILT, BELARDI, SCRIMENTI, PHILLIPS, READSHAW, DeWEESE, HESS, SERAFINI, DeLUCA, SATHER, D. W. SNYDER, VANCE, YOUNGBLOOD, COWELL, ALLEN, J. TAYLOR, MASLAND, ARGALL, ARMSTRONG, BAKER, BATTISTO, BEBKO-JONES, RUBLEY, BENNINGHOFF, BIRMELIN, BISHOP, BLAUM, BOYES, BROWN, BROWNE, BUXTON, CASORIO, CAWLEY, COLAIZZO, CORPORA, DALEY, DEMPSEY, DENT, DERMODY, DiGIROLAMO, FICHTER, FLEAGLE, GANNON, GEORGE, GIGLIOTTI, GLADECK, GODSHALL, HANNA, HALUSKA, HASAY, HERMAN, HORSEY, JADLOWIEC, JAROLIN, KAISER, KELLER, KENNEY, LAUGHLIN, LAWLESS, LEDERER, LLOYD, LUCYK, MAHER, MANDERINO, MARSICO, McCALL, McILHATTAN, McNAUGHTON, MELIO, MICHLOVIC, MILLER, MUNDY, PETRARCA, PIPPY, PRESTON, RAMOS, ROBERTS, ROEBUCK, SAINATO, SEMMEL, SEYFERT, B. SMITH, S. H. SMITH, STABACK, STAIRS, STEELMAN, STETLER, STRITTMATTER, SURRA, TANGRETTI, E. Z. TAYLOR, TRAVAGLIO, TULLI, WALKO, C. WILLIAMS, WOJNAROSKI, YEWIC, ROSS, STERN AND CORRIGAN, FEBRUARY 17, 1998

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 17, 1998

AN ACT

1 Requiring public hearings before closing State mental
2 facilities.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Mental
7 Facility Closure Act.

8 Section 2. Definitions.

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

4 "Decision." A decision to close, ~~sell, lease or otherwise~~ <—
5 ~~transfer ownership~~ or TRANSFER operational control of a mental <—
6 facility or to allow a material reduction of bed complement,
7 services or staff at a mental facility.

8 "Department." The Department of Public Welfare of the
9 Commonwealth.

10 "Material reduction." A reduction of 10% or more.

11 "Mental facility." A mental retardation center or mental
12 hospital funded AND OPERATED by the Commonwealth. <—

13 Section 3. Public hearing.

14 (a) Requirement.--Within 30 days after the department makes
15 a decision, the department must hold a public hearing in the
16 county where the mental facility is located.

17 (b) Subjects.--The hearing under subsection (a) must deal
18 with the following subjects:

19 (1) Estimated timelines.

20 (2) Types and array of available services for
21 individuals with disabilities and their families.

22 (3) Rights of individuals with disabilities and their
23 families.

24 (4) Process used to develop a community living plan.

25 (5) Individual and community monitoring and safeguards
26 to protect health and safety.

27 (6) Responsibilities of State and local government.

28 (7) Process used to transfer ownership or reuse
29 property.

30 (8) Other issues which may affect individuals with

1 disabilities and their families, employees and the community.

2 Section 4. Noncompliance.

3 If the department does not comply with section 3, the
4 department may not implement a decision.

5 Section 5. Applicability.

6 This act shall apply to decisions made after December 31,
7 1997. FOR THE PURPOSES OF THIS SECTION, THE DEPARTMENT OF PUBLIC <—
8 WELFARE SHALL HAVE 30 DAYS FROM THE EFFECTIVE DATE OF THIS ACT
9 TO COMPLY WITH SECTION 3.

10 Section 6. Effective date.

11 This act shall take effect immediately.