SENATE AMENDED
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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, FORCIER, 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, YEWCIC, ROSS, STERN, CORRIGAN, COLAFELLA, CAPPABIANCA AND JAMES, FEBRUARY 17, 1998

SENATOR LEMMOND, STATE GOVERNMENT, IN SENATE, AS AMENDED, OCTOBER 5, 1998

AN ACT

Requiring public hearings before closing State mental HEALTH OR MENTAL RETARDATION facilities. <—

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

Section 1. Short title.

This act shall be known and may be cited as the Mental HEALTH OR MENTAL RETARDATION Facility Closure Act. <—

Section 2. Definitions.

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

"Decision." A decision to close or transfer operational ~~control of a mental facility or to allow a material reduction of bed complement, services or staff at a mental facility~~ CONTROL OF A FACILITY OR TO ALLOW A RESIDENT/PATIENT CENSUS REDUCTION OR STAFF COMPLEMENT REDUCTION OF 25% OR MORE AT A FACILITY.

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

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

~~"Mental facility." A mental retardation center or mental hospital funded and operated by the Commonwealth.~~

"FACILITY." A STATE-OPERATED MENTAL HEALTH OR MENTAL RETARDATION FACILITY.

Section 3. Public hearing.

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

(b) Subjects.--The hearing under subsection (a) must ~~deal with~~ CONSIDER EACH OF the following subjects WHICH IS RELEVANT TO THE DECISION:

(1) Estimated timelines FOR THE IMPLEMENTATION OF THE DECISION.

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

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

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

(5) Individual and community monitoring and safeguards

to protect health and safety.

(6) Responsibilities of State and local government.

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

(8) Other issues IDENTIFIED BY THE DEPARTMENT which may affect individuals with disabilities and their families, employees and the community. <—

Section 4. Noncompliance.

If the department does not ~~comply with~~ HOLD THE HEARING REQUIRED UNDER section 3, the department shall not implement a decision. <—

~~Section 5. Applicability.~~ <—

~~This act shall apply to decisions made after December 31, 1997. For the purposes of this section, the Department of Public Welfare shall have 30 days from the effective date of this act to comply with section 3.~~

Section ~~6~~ 5. Effective date. <—

This act shall take effect immediately.