

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 484 Session of 2001

INTRODUCED BY MAITLAND, CLARK, FLEAGLE, HENNESSEY, MAHER,
McILHATTAN, S. MILLER, NICKOL, ORIE, ROSS, SATHER, SCRIMENTI,
SOLOBAY, STERN, TIGUE, VANCE, C. WILLIAMS, WILT AND HORSEY,
FEBRUARY 6, 2001

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2001

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 persons who may
7 authorize voluntary treatment and for withdrawal from
8 voluntary inpatient treatment.

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

11 Section 1. Sections 201 and 206 of the act of July 9, 1976
12 (P.L.817, No.143), known as the Mental Health Procedures Act,
13 amended November 26, 1978 (P.L.1362, No.324), are amended to
14 read:

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

1 in loco parentis to a child less than [14] 18 years of age may
2 subject such child to examination and treatment under this act,
3 and in so doing shall be deemed to be acting for the child.
4 Except as otherwise authorized in this act, all of the
5 provisions of this act governing examination and treatment shall
6 apply.

7 Section 206. Withdrawal from Voluntary Inpatient
8 Treatment.--(a) A person in voluntary inpatient treatment may
9 withdraw at any time by giving written notice unless, as stated
10 in section 203, he has agreed in writing at the time of his
11 admission that his release can be delayed following such notice
12 for a period to be specified in the agreement, provided that
13 such period shall not exceed 72 hours. Any patient converted
14 from involuntary treatment ordered pursuant to either section
15 304 or 305 to voluntary treatment status shall agree to remain
16 in treatment for 72 hours after having given written notice of
17 his intent to withdraw from treatment.

18 (b) If the person is under the age of [14] 18, his parent,
19 legal guardian, or person standing in loco parentis may effect
20 his release. If any responsible party believes that it would be
21 in the best interest of a person under [14] 18 years of age in
22 voluntary treatment to be withdrawn therefrom or afforded
23 treatment constituting a less restrictive alternative, such
24 party may file a petition in the Juvenile Division of the court
25 of common pleas for the county in which the person under [14] 18
26 years of age resides, requesting a withdrawal from or
27 modification of treatment. The court shall promptly appoint an
28 attorney for such minor person and schedule a hearing to
29 determine what inpatient treatment, if any, is in the minor's
30 best interest. The hearing shall be held within ten days of

1 receipt of the petition, unless continued upon the request of
2 the attorney for such minor. The hearing shall be conducted in
3 accordance with the rules governing other Juvenile Court
4 proceedings.

5 (c) Nothing in this act shall be construed to require a
6 facility to continue inpatient treatment where the director of
7 the facility determines such treatment is not medically
8 indicated. Any dispute between a facility and a county
9 administrator as to the medical necessity for voluntary
10 inpatient treatment of a person shall be decided by the
11 Commissioner of Mental Health or his designate.

12 Section 2. This act shall take effect immediately.