
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 201 Session of
2005

INTRODUCED BY NAILOR, BUXTON, McNAUGHTON, MARSICO, GRELL,
FLEAGLE, ARGALL, BEBKO-JONES, CALTAGIRONE, CAPPELLI, CLYMER,
CRAHALLA, DALEY, DeLUCA, FAIRCHILD, FICHTER, GEORGE, GERGELY,
GINGRICH, GOOD, GOODMAN, HARRIS, HESS, HICKERNELL,
HUTCHINSON, KAUFFMAN, M. KELLER, MACKERETH, MARKOSEK,
R. MILLER, NICKOL, PALLONE, PAYNE, READSHAW, ROHRER, RUBLEY,
SATHER, SAYLOR, SCAVELLO, B. SMITH, STABACK, STERN,
E. Z. TAYLOR, THOMAS, TIGUE, WALKO, YOUNGBLOOD, YUDICHAK,
ZUG, CIVERA, PETRARCA AND DERMODY, FEBRUARY 8, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 8, 2005

AN ACT

1 Imposing a moratorium on the closure of State mental health
2 facilities and to require the Legislative Budget and Finance
3 Committee to study the issue of closure of State mental
4 health facilities and report to the General Assembly.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Mental Health
9 Facility Closure Moratorium Act.

10 Section 2. Definitions.

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

14 "Closure." As defined in section 2 of the act of April 28,
15 1999 (P.L.24, No.3), known as the Mental Health or Mental

1 Retardation Facility Closure Act.

2 "Facility." As defined in section 2 of the act of April 28,
3 1999 (P.L.24, No.3), known as the Mental Health or Mental
4 Retardation Facility Closure Act.

5 "Reduction." As defined in section 2 of the act of April 28,
6 1999 (P.L.24, No.3), known as the Mental Health or Mental
7 Retardation Facility Closure Act.

8 Section 3. Moratorium.

9 Notwithstanding any other provision of law, pending
10 submission to the General Assembly of the study required by
11 section 4 (relating to study of closure or reduction), a
12 moratorium is hereby established during which no facility shall
13 undergo closure or reduction.

14 Section 4. Study of closure or reduction.

15 The Legislative Budget and Finance Committee shall study each
16 instance of the issue of the closure or reduction of a facility.
17 In conducting each study, the Legislative Budget and Finance
18 Committee shall consider and make recommendations with respect
19 to:

20 (1) Estimated time lines for the implementation of the
21 closure and reduction.

22 (2) Adequacy and availability of community and
23 residential services in the counties affected by the closure
24 and reduction.

25 (3) The current waiting lists for community and
26 residential services in the affected county area and any
27 effect the closure or reduction may have on them.

28 (4) The current infrastructure and the effects the
29 closing or reduction may have on the continuum of care.

30 (5) Adequacy and sustainability of funding.

1 (6) Effect of the closure or reduction on residents and
2 their families.

3 The committee shall submit a final report for each instance of
4 closure or reduction with recommendations to the General
5 Assembly no later than December 31, 2006, or within a month of
6 the announcement of the closure or reduction, whichever is
7 later, and shall publish notice of each final report in the
8 Pennsylvania Bulletin within 30 days of the submission of the
9 final report.

10 Section 5. Applicability.

11 (a) Closures and reductions.--This act shall apply to
12 closures or reductions made after December 31, 2004, and before
13 January 1, 2006.

14 (b) Residents.--Nothing in this act shall prevent or
15 obstruct a resident/patient from exercising his or her lawful
16 ability to enter or leave a facility at any time.

17 Section 6. Effective date.

18 This act shall take effect immediately.