THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 204 Session of 2007

INTRODUCED BY MELLOW, STOUT, KASUNIC, ORIE, COSTA, BOSCOLA, TARTAGLIONE, FONTANA, MUSTO, RAFFERTY, WAUGH, KITCHEN, WASHINGTON, LOGAN, BROWNE, STACK AND FUMO, MARCH 7, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 7, 2007

AN ACT

1 Providing for security reports of mental health and mental
2   retardation facilities; and imposing a civil penalty.

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 Health

7 and Mental Retardation Facility Security Act.

8 Section 2. Definitions.

9   The following words and phrases when used in this act shall

10 have the meanings given to them in this section unless the

11 context clearly indicates otherwise:

12   "Facility." A mental health or mental retardation facility

13 that receives public funds. The term includes any mental health

14 establishment, hospital, clinic, institution, center, day-care

15 center or other organizational unit or part thereof that is

16 primarily devoted to the treatment of persons with mental

17 illness or mental retardation.

1   "Public funds." Includes Federal, State and local funds and

2   medical assistance and Medicare funds.

3   Section 3. Facility security reports required.

4   A facility shall each year prepare, publish and distribute a

5   security report. The report shall be disseminated through

6   appropriate publications or mailings to the following:

7   (1) Current patients, guardians of patients and parents

8   of minor patients.

9   (2) Facility employees.

10   (3) The chairman and minority chairman of the Public

11   Health and Welfare Committee of the Senate.

12   (4) The chairman and minority chairman of the Health and

13   Human Services Committee of the House of Representatives.

14   (5) The Attorney General.

15   (6) The Secretary of Public Welfare.

16   (7) Pennsylvania Protection and Advocacy, Incorporated.

17 Section 4. Contents of report.

18   The security report shall contain the following information:

19   (1) Current policies of the facility regarding

20   procedures for patients and others to report criminal action

21   involving patients.

22   (2) A description of the type and frequency of programs

23   designed to inform employees about facility security

24   procedures and practices to encourage patients and employees

25   to be responsible for their own security and the security of

26   others.

27   (3) Statistics during the most recent calendar year and

28   the two preceding calendar years for which data are available

29   concerning the occurrence in the facility or on its premises

30   of the following crimes and attempts thereof:

1   (i) homicide;

2   (ii) any sexual offense;

3   (iii) harassment;

4   (iv) robbery; and

5   (v) simple assault and aggravated assault.

6 Section 5. Report of crimes.

7   A facility shall report any crime under section 4(3) within

8 48 hours of its occurrence to the victim's guardian or the

9 parent or guardian of a minor patient victim if the crime is

10 considered to be a threat to any patient or employee and is

11 reported to a police agency.

12 Section 6. Maintenance of daily log.

13   (a) General rule.--A facility that maintains a police or

14 security department of any kind shall make, keep and maintain a

15 daily log, written in a form that can be easily understood,

16 recording all crimes reported to that police or security

17 department, including:

18   (1) The nature, date, time and general location of each

19   crime.

20   (2) The disposition of the complaint, if known.

21   (b) Public inspection.--Daily log entries shall be available

22 for inspection by the public, except that a facility shall

23 withhold from public inspection the name of any patient that is

24 a part of such record.

25 Section 7. Civil penalty.

26   The Department of Public Welfare may assess a civil penalty

27 of not more than $1,000 upon a person for each violation of this

28 act.

29 Section 8. Effective date.

30   This act shall take effect in 60 days.