

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 746 Session of 2017

INTRODUCED BY SCHWANK, COSTA, HAYWOOD, FONTANA, BOSCOLA,
BREWSTER AND HUGHES, JUNE 13, 2017

REFERRED TO INTERGOVERNMENTAL OPERATIONS, JUNE 13, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
2 as amended, "An act providing for and reorganizing the
3 conduct of the executive and administrative work of the
4 Commonwealth by the Executive Department thereof and the
5 administrative departments, boards, commissions, and officers
6 thereof, including the boards of trustees of State Normal
7 Schools, or Teachers Colleges; abolishing, creating,
8 reorganizing or authorizing the reorganization of certain
9 administrative departments, boards, and commissions; defining
10 the powers and duties of the Governor and other executive and
11 administrative officers, and of the several administrative
12 departments, boards, commissions, and officers; fixing the
13 salaries of the Governor, Lieutenant Governor, and certain
14 other executive and administrative officers; providing for
15 the appointment of certain administrative officers, and of
16 all deputies and other assistants and employes in certain
17 departments, boards, and commissions; providing for the
18 regulation of pari-mutuel thoroughbred horse racing and
19 harness horse racing activities, imposing certain taxes and
20 providing for the disposition of funds from pari-mutuel
21 tickets; and prescribing the manner in which the number and
22 compensation of the deputies and all other assistants and
23 employes of certain departments, boards and commissions shall
24 be determined," establishing the Department of Health and
25 Human Services; making related repeals; and making editorial
26 changes.

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

29 Section 1. Sections 201(a), 202, 203, 206, 207.1(d)(1) and
30 448(f), (k) and (l) of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929, are amended
2 to read:

3 Section 201. Executive Officers, Administrative Departments
4 and Independent Administrative Boards and Commissions.--(a) The
5 executive and administrative work of this Commonwealth shall be
6 performed by the Executive Department, consisting of the
7 Governor, Lieutenant Governor, Secretary of the Commonwealth,
8 Attorney General, Auditor General, State Treasurer, and
9 Secretary of Education; by the Executive Board, and the
10 Pennsylvania State Police; by the following administrative
11 departments: Department of State, Office of Attorney General,
12 Department of Corrections, Department of the Auditor General,
13 Treasury Department, Department of Education, Department of
14 Military Affairs, Insurance Department, Department of Banking,
15 Department of Agriculture, Department of Transportation,
16 [Department of Health, Department of Drug and Alcohol Programs,]
17 Department of Labor and Industry, [Department of Aging,
18 Department of Public Welfare,] Department of Health and Human
19 Services, Department of General Services, Department of Revenue,
20 Department of Community and Economic Development, Department of
21 Environmental Protection and Department of Conservation and
22 Natural Resources; and by the following independent
23 administrative boards and commissions: Pennsylvania Game
24 Commission, Pennsylvania Fish and Boat Commission, State Civil
25 Service Commission, Pennsylvania Public Utility Commission and
26 the Pennsylvania Securities Commission.

27 * * *

28 Section 202. Departmental Administrative Boards,
29 Commissions, and Offices.--The following boards, commissions,
30 and offices are hereby placed and made departmental

1 administrative boards, commissions, or offices, as the case may
2 be, in the respective administrative departments mentioned in
3 the preceding section, as follows:

4 In the Department of State,

5 Commissioner of Professional and Occupational Affairs,
6 State Real Estate Commission,
7 State Board of Medical Education and Licensure,
8 State Board of Physical Therapy Examiners,
9 State Board of Pharmacy,
10 State Dental Council and Examining Board,
11 State Board of Optometrical Examiners,
12 State Board of Osteopathic Medical Examiners,
13 State Board of Nurse Examiners,
14 State Board of Barber Examiners,
15 State Board of Cosmetology,
16 State Board of Veterinary Medical Examiners,
17 State Board of Chiropractic Examiners,
18 State Board of Podiatry Examiners,
19 State Board of Examiners of Public Accountants,
20 State Board of Examiners of Architects,
21 State Registration Board for Professional Engineers,
22 State Board of Funeral Directors,
23 State Board of Examiners of Nursing Home Administrators,
24 State Board of Auctioneer Examiners,
25 State Board of Psychologist Examiners,
26 State Board of Landscape Architects.

27 In the Treasury Department,

28 Board of Finance and Revenue;

29 In the Department of Community Affairs,

30 Board of Property;

1 In the Department of Education,
2 Board of Trustees of Thaddeus Stevens College of
3 Technology,
4 Board of Trustees of Scranton State School for the Deaf,
5 Public Service Institute Board,
6 State Board of Private Academic Schools,
7 State Board of Private Licensed Schools,
8 State Board of Education.

9 In the Department of Military and Veterans Affairs,
10 Armory Board of the State of Pennsylvania,
11 Board of Trustees of Scotland School for Veterans'
12 Children.

13 In the Department of Banking,
14 Board to License Private Bankers;

15 In the Department of Agriculture,
16 State Farm Products Show Commission;

17 [In the Department of Health,]

18 In the Department of Labor and Industry,
19 Workmen's Compensation Appeal Board,
20 State Workmen's Insurance Board,
21 The Industrial Board,
22 Unemployment Compensation Board of Review,
23 Pennsylvania Labor Relations Board,
24 Advisory Council on Affairs of the Handicapped;

25 [In the Department of Public Welfare,
26 Board of Trustees of The Western Youth Development
27 Centers,
28 Board of Trustees of The Central Youth Development
29 Centers,
30 Board of Trustees of The Eastern Youth Development

1 Centers,
2 Board of Trustees of Allentown State Hospital,
3 Board of Trustees of Clarks Summit State Hospital,
4 Board of Trustees of Danville State Hospital,
5 Board of Trustees of Embreeville Center,
6 Board of Trustees of Farview State Hospital,
7 Board of Trustees of Harrisburg State Hospital,
8 Board of Trustees of Mayview State Hospital,
9 Board of Trustees of Norristown State Hospital,
10 Board of Trustees of Philadelphia State Hospital,
11 Board of Trustees of Somerset State Hospital,
12 Board of Trustees of Warren State Hospital,
13 Board of Trustees of Wernersville State Hospital,
14 Board of Trustees of Woodville State Hospital,
15 Board of Trustees of Torrance State Hospital,
16 Board of Trustees of Haverford State Hospital,
17 Board of Trustees of Ashland State General Hospital,
18 Board of Trustees of Coaldale State General Hospital,
19 Board of Trustees of Nanticoke State General Hospital,
20 Board of Trustees of Philipsburg State General Hospital,
21 Board of Trustees of Scranton State General Hospital,
22 Board of Trustees of Shamokin State General Hospital,
23 Board of Trustees of Ebensburg Center,
24 Board of Trustees of Eastern State School and Hospital,
25 Board of Trustees of Laurelton Center,
26 Board of Trustees of Pennhurst Center,
27 Board of Trustees of Polk Center,
28 Board of Trustees of Selinsgrove Center,
29 Board of Trustees of Hamburg Center,
30 Board of Trustees of Western Center,

1 Board of Trustees of White Haven Center,
2 Board of Trustees of Woodhaven Center,
3 Board of Trustees of South Mountain Restoration Center.]

4 In the Department of General Services,
5 Board of Commissioners of Public Grounds and Buildings,
6 State Art Commission;

7 In the Department of Revenue,
8 State Athletic Commission;

9 In the Department of Commerce,
10 Navigation Commission for the Delaware River and its
11 navigable tributaries;

12 In the Department of Highways,
13 State Highway Commission.

14 In the Department of Transportation,
15 Hazardous Substances Transportation Board,

16 In the Department of Environmental Resources,
17 Environmental Quality Board,
18 Environmental Hearing Board,
19 State Board for Certification of Sewage Treatment and
20 Waterworks Operators,
21 State Soil and Water Conservation Commission,
22 Anthracite Mine Inspectors,
23 Bituminous Mine Inspectors.

24 [In the Department of Drug and Alcohol Programs,
25 Bureau of Prevention and Intervention,
26 Bureau of Treatment,
27 Bureau of Administration.]

28 In the Department of Health and Human Services,
29 A board of trustees for each psychiatric hospital
30 operated by the department,

1 A board of trustees for each center for persons with
2 intellectual disabilities operated by the department,
3 A board of trustees for each restoration center operated
4 by the department.

5 All of the foregoing departmental administrative boards and
6 commissions shall be organized or reorganized as provided in
7 this act.

8 Section 203. Advisory Boards and Commissions.--The following
9 advisory boards and commissions are placed in and made parts of
10 the respective administrative departments, as follows:

11 In the Department of Military Affairs,

12 State Military Reservation Commission,

13 In the Department of Environmental Protection,

14 Citizens Advisory Council;

15 In the Department of Health and Human Services,

16 Advisory Health Board[;],

17 Pennsylvania Advisory Council on Drug and Alcohol Abuse,

18 A community advisory board for each youth development

19 center operated by the department,

20 A community advisory board for each youth forestry camp

21 operated by the department;

22 In the Department of Labor and Industry,

23 Advisory Council on Affairs of the Handicapped,

24 Advisory Board on Problems of Older Workers,

25 Policy, Planning and Evaluation Advisory Committee[;]

26 In the Department of Public Welfare,

27 State Board of Public Welfare,

28 Advisory Committee for the Blind,

29 Advisory Committee for General and Special Hospitals,

30 Advisory Committee for Children and Youth,

1 Advisory Committee for Public Assistance,
2 Advisory Committee for Mental Health and Mental
3 Retardation].

4 Section 206. Department Heads.--Each administrative
5 department shall have as its head an officer who shall, either
6 personally, by deputy, or by the duly authorized agent or
7 employe of the department, and subject at all times to the
8 provisions of this act, exercise the powers and perform the
9 duties by law vested in and imposed upon the department.

10 The following officers shall be the heads of the
11 administrative departments following their respective titles:

12 Secretary of the Commonwealth, of the Department of State;

13 Auditor General, of the Department of the Auditor General;

14 State Treasurer, of the Treasury Department;

15 Attorney General, of the Office of Attorney General;

16 Secretary of Education, of the Department of Education;

17 Adjutant General, of the Department of Military Affairs;

18 Insurance Commissioner, of the Insurance Department;

19 Secretary of Banking, of the Department of Banking;

20 Secretary of Agriculture, of the Department of Agriculture;

21 Secretary of Transportation, of the Department of

22 Transportation;

23 Secretary of Health and Human Services, of the Department of

24 Health and Human Services;

25 [Secretary of Drug and Alcohol Programs, of the

26 Department of Drug and Alcohol Programs;]

27 Secretary of Labor and Industry, of the Department of Labor

28 and Industry;

29 [Secretary of Aging, of the Department of Aging;

30 Secretary of Public Welfare, of the Department of Public

1 Welfare;]

2 Secretary of Revenue, of the Department of Revenue;

3 Secretary of Community and Economic Development, of the

4 Department of Community and Economic Development;

5 Secretary of Environmental Protection, of the Department of

6 Environmental Protection;

7 Secretary of Conservation and Natural Resources, of the

8 Department of Conservation and Natural Resources;

9 Secretary of General Services, of the Department of General

10 Services;

11 Secretary of Corrections, of the Department of Corrections.

12 Section 207.1. Gubernatorial Appointments.--* * *

13 (d) The Governor shall nominate in accordance with the
14 provisions of the Constitution of the Commonwealth of
15 Pennsylvania and, by and with the advice and consent of a
16 majority of the members elected to the Senate appoint persons to
17 fill the following positions:

18 (1) The Secretary of Education, the Secretary of the
19 Commonwealth, the Adjutant General, the Insurance Commissioner,
20 the Secretary of Banking, the Secretary of Agriculture, the
21 Secretary of Transportation, the Secretary of Health and Human
22 Services, [the Secretary of Drug and Alcohol Programs,] the
23 Commissioner of the State Police, the Secretary of Corrections,
24 the Secretary of Labor and Industry, [the Secretary of Aging,
25 the Secretary of Public Welfare,] the Secretary of General
26 Services, the Secretary of Revenue, the Secretary of Community
27 and Economic Development, the Secretary of Environmental
28 Protection and the Secretary of Conservation and Natural
29 Resources.

30 * * *

1 Section 448. Advisory Boards and Commissions.--The advisory
2 boards and commissions, within the several administrative
3 departments, shall be constituted as follows:

4 (f) The Advisory Health Board shall consist of the Secretary
5 of Health and Human Services, or in [his] the secretary's place
6 [his] the secretary's duly authorized deputy, and twelve
7 members, five of whom shall be physicians licensed to practice
8 medicine or osteopathy in Pennsylvania, one a dentist licensed
9 to practice dentistry in Pennsylvania, one a pharmacist
10 registered with the State Board of Pharmacy, one a registered
11 nurse licensed by the State Board of Nurse Examiners, and [one
12 an engineer registered with the State Registration Board for
13 Professional Engineers who is experienced in sanitary
14 engineering] the Physician General. The Secretary of Health and
15 Human Services, or in [his] the secretary's place [his] the
16 secretary's duly authorized deputy, shall be chairman of the
17 board.

18 The term of office of each appointed member of the board
19 shall be four years, measured from the third Tuesday of January
20 of the year in which [he] the member takes office, or until
21 [his] the member's successor has been appointed and has
22 qualified; except that in the initial appointment of the members
23 of the board, one member shall be appointed for a term of one
24 year, three members for a term of two years, three members for a
25 term of three years, and three members for a term of four years.

26 Six members of the board, together with the Secretary of
27 Health and Human Services, or in [his] the secretary's place
28 [his] the secretary's duly authorized deputy, shall constitute a
29 quorum.

30 Each appointed member of the board shall receive actual

1 traveling expenses and per diem compensation at the rate of
2 \$25.00 a day for time actually devoted to the business of the
3 board.

4 [(k) The State Board of Public Welfare is hereby created.
5 The board shall consist of the Secretary of Public Welfare, ex
6 officio, and sixteen (16) members appointed by the Governor.
7 Four (4) members shall be appointed from among the members of
8 the General Assembly, two (2) from the Senate and two (2) from
9 the House of Representatives. These members of the board shall,
10 with respect to each branch of the General Assembly, be from
11 different political parties, and they shall, in no event, retain
12 membership on the board after they cease to be members of the
13 branch of the Legislature from which they were appointed. One
14 (1) member shall be appointed by the Governor from each of the
15 six (6) advisory committees created by clause (1) of this
16 section, and the first member of each advisory committee
17 appointed by the Governor shall automatically become a member of
18 the board. The term of office of each member of the board,
19 except as herein otherwise provided, shall be six (6) years.

20 In the original appointment of the members of the board, six
21 (6) members shall be appointed for the term of six (6) years,
22 five (5) members for the term of four (4) years, and five (5)
23 members for the term of two (2) years. Any vacancy occurring in
24 the membership of the board shall be filled by the Governor only
25 for the unexpired term. The Governor may remove any member of
26 the board at any time. No member of the board shall serve more
27 than two (2) consecutive terms not including a vacancy
28 appointment, nor shall any member hold office in any political
29 party.

30 Nine (9) members of the board shall constitute a quorum. A

1 chairman who shall not be a member of an advisory committee
2 shall be elected by the board, annually, from among its members.
3 Members of the board shall serve without compensation other than
4 reimbursement of travel and other actual expenses incurred in
5 the performance of their duties. The board shall meet at least
6 six (6) times a year. Special meetings of the board shall be
7 held on call of the chairman or the Secretary of Public Welfare,
8 and it shall be the duty of the chairman to call a special
9 meeting upon the written request of one-third (1/3) or more
10 members, not including vacancies, of the board.

11 (1) The following advisory committees are hereby created:

12 Advisory Committee for the Blind,

13 Advisory Committee for General and Special Hospitals,

14 Advisory Committee for Children and Youth,

15 Advisory Committee for Public Assistance,

16 Advisory Committee for Mental Health and Mental Retardation.

17 Each advisory committee shall consist of the Commissioner in
18 the Department of Public Welfare, directing the program to which
19 the advisory committee is attached, as an ex officio member, and
20 not less than three (3) nor more than nine (9) members appointed
21 by the Governor. In the case of the Advisory Committee for
22 Mental Health and Mental Retardation, the committee shall
23 include the Chairman of the Public Health and Welfare Committee
24 of the Senate, the Chairman of the Health and Welfare Committee
25 of the House of Representatives and the President of the
26 Pennsylvania State Association of County Commissioners or his
27 alternate. The exact number of members of each advisory
28 committee shall be determined by the Governor upon
29 recommendation of the State Board of Public Welfare. The
30 qualifications of the members of each advisory committee shall

1 also be determined by the Governor upon recommendation of the
2 State Board of Public Welfare: Provided, That with respect to
3 each advisory committee, the Governor shall appoint members with
4 due regard for representation of the professional and lay groups
5 concerned with the fields of interest served by the program to
6 which each advisory committee is attached. The term of office of
7 each member of each advisory committee, except as herein
8 otherwise provided, shall be six (6) years.

9 The original appointment of the members of the advisory
10 committee shall be for overlapping terms of six (6), four (4)
11 and two (2) years. In making these original appointments, the
12 Governor shall, in so far as possible, appoint approximately
13 one-third (1/3) of the recommended complement of each advisory
14 board to each of the overlapping terms.

15 A majority of the members of each advisory committee shall
16 constitute a quorum. Each advisory committee shall elect a
17 chairman from among its members. Each advisory committee shall
18 meet at least four (4) times a year. Special meetings of each
19 advisory committee shall be held on call of the chairman, and it
20 shall be the duty of the chairman to call a special meeting upon
21 the written request of one-third (1/3) or more of the members
22 not including vacancies of the advisory committee.

23 The provisions of clause (k) of this section with respect to
24 filling of vacancies, removal of members, length of service,
25 political party office and compensation shall be applicable to
26 advisory committee members, and are incorporated herein by
27 reference.]

28 * * *

29 Section 2. Article XXI of the act is repealed:

30 [ARTICLE XXI

1 POWERS AND DUTIES OF THE DEPARTMENT
2 OF HEALTH AND ITS DEPARTMENTAL
3 ADMINISTRATIVE AND ADVISORY BOARDS

4 Section 2101. Powers and Duties in General.--(a) The
5 Department of Health shall, subject to any inconsistent
6 provisions in this act contained, continue to exercise the
7 powers and perform the duties by law vested in and imposed upon
8 the said department, the former bureaus thereof, the
9 Commissioner of Health, and the Secretary of Health.

10 (b) The Department of Health shall permit any laboratory
11 certified pursuant to the Clinical Laboratory Improvement Act of
12 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
13 perform screening testing of newborn infants in any state and
14 uses normal pediatric reference ranges to conduct the analysis
15 required by section 4(a) of the act of September 9, 1965
16 (P.L.497, No.251), known as the "Newborn Child Testing Act," as
17 an alternative to the testing laboratory designated by the
18 Department of Health in accordance with section 5 of the
19 "Newborn Child Testing Act." The testing performed by such
20 laboratory must include testing for the newborn diseases as
21 established by law or regulation and shall provide test results
22 and reports consistent with policies, procedures, law and
23 regulations. A testing laboratory designated by the Department
24 of Health or permitted as an alternative under this subsection
25 shall not use or provide blood samples for scientific research
26 without the informed written consent of the parent or guardian
27 of the child.

28 Section 2102. General Health Administration.--The Department
29 of Health shall have the power, and its duty shall be:

30 (a) To protect the health of the people of this

1 Commonwealth, and to determine and employ the most efficient and
2 practical means for the prevention and suppression of disease;

3 (b) To cause examination to be made of nuisances, or
4 questions affecting the security of life and health, in any
5 locality, and, for that purpose, without fee or hindrance, to
6 enter, examine and survey all grounds, vehicles, apartments,
7 buildings, and places, within the Commonwealth, and all persons,
8 authorized by the department to enter, examine and survey such
9 grounds, vehicles, apartments, buildings and places, shall have
10 the powers and authority conferred by law upon constables;

11 (c) To order nuisances, detrimental to the public health, or
12 the causes of disease and mortality, to be abated and removed,
13 and to enforce quarantine regulations;

14 (d) If the owner or occupant of any premises, whereon any
15 nuisance detrimental to the public health exists, fails to
16 comply with any order of the department for the abatement or
17 removal thereof, to enter upon the premises, to which such order
18 relates, and abate or remove such nuisance, as may now or
19 hereafter be provided by law;

20 (e) For the purpose of collecting or recovering the expense
21 of the abatement or removal of a nuisance, to file a claim, or
22 maintain an action, in such manner as may now or hereafter be
23 provided by law, against the owner or occupant of the premises
24 upon or from which such nuisance shall have been abated or
25 removed by the department;

26 (f) To revoke or modify any order, regulation, by-law, or
27 ordinance, of a local board of health, concerning a matter
28 which, in the judgment of the department, affects the public
29 health beyond the territory over which such local board has
30 jurisdiction;

1 (g) To promulgate its rules and regulations.

2 (h) Whenever, in the opinion of the department, conditions
3 exist in any borough, or any township of the first class, within
4 the Commonwealth, which constitute a menace to the lives and
5 health of the people living outside the corporate limits of such
6 borough or township, or, after it be known to the department
7 that any borough or any township of the first class is without
8 an existing or efficient board of health, to enter and take full
9 charge of and administer the health laws, regulations, and
10 ordinances, of such borough or township, and to continue in
11 charge thereof, until the department shall decide that a
12 competent and efficient board of health has been appointed and
13 qualified for such borough or township and is ready, able, and
14 willing to assume and carry into effect the duties imposed upon
15 it by law, and to collect all expenses incurred by the
16 department in performing its duties hereunder, as may now or
17 hereafter be provided by law;

18 (i) To take over the administration of the health laws in
19 any such borough or township, at the expense of the department,
20 whenever the borough or township shall request the department to
21 do so, and the department shall deem it advisable to comply with
22 such request;

23 (j) To prescribe standard requirements for the conduct of
24 the medical inspection of the pupils of the public schools
25 throughout the Commonwealth, and to appoint medical inspectors
26 to make such school inspections, as may now or hereafter be
27 provided by law;

28 (k) To investigate, hold hearings upon and determine any
29 question of fact regarding the purity of water supplied to the
30 public by any public utility over which the Pennsylvania Public

1 Utility Commission has jurisdiction, whenever said commission
2 shall certify such question to the department.

3 The findings of the department upon any such questions shall
4 be incorporated in and made a part of the determination or
5 decision of said commission of the controversy or other
6 proceeding in connection with which the question arose and shall
7 be binding upon the parties to such controversy or other
8 proceeding unless either party shall take an appeal from the
9 commission's determination or decision as may now or hereafter
10 be provided by law.

11 (l) To train and make available appropriate facilities to
12 train certain otherwise qualified State, county and municipal
13 employes in the field of public health work, to become more
14 familiar with, and therefor better understand, the various
15 administrative and technical problems peculiar to public health
16 services.

17 (m) To make a bacteriological examination and report of any
18 sample of water sent by any person to the department's
19 laboratory at Philadelphia or Pittsburgh. A fee of one dollar
20 (\$1.00) shall be charged for the service rendered in making the
21 examination and report.

22 (n) To designate the Health Care Policy Board to adjudicate
23 appeals, in accordance with 2 Pa.C.S. (relating to
24 administrative law and procedure), of decisions made under
25 Chapters 7 and 8 of the act of July 19, 1979 (P.L.130, No.48),
26 known as the "Health Care Facilities Act." The department shall
27 promulgate regulations establishing appeal procedures to be
28 followed. Until such time as final regulations have been
29 promulgated, procedures set forth in 37 Pa. Code Ch. 197
30 (relating to practice and procedure) and 1 Pa. Code Part II

1 (relating to general rules of administrative practice and
2 procedure) shall be followed for these appeals.

3 Section 2102.1. Recovery of Blood Plasma Proteins.--The
4 Department of Health of the Commonwealth shall have the power,
5 and its duty shall be:

6 (a) To maintain facilities for, or to contract for, the
7 recovery from out-dated human whole blood and blood from which
8 the cells have been withdrawn of certain proteins useful for
9 immunization, treatment, research and disaster stock-piling
10 purposes.

11 (b) To make available to research institutions, physicians
12 and hospitals, upon request, blood plasma proteins for research,
13 immunization and treatment.

14 (c) To maintain facilities for the proper storage of blood
15 proteins for disaster purposes.

16 (d) To adopt standards for the efficient execution of a
17 blood plasma protein recovery program.

18 (e) To develop and employ the necessary procedures and to do
19 any and all things necessary to carry out the purposes of this
20 act.

21 (f) To receive money from any source whatsoever, by gift or
22 otherwise, and to expend such funds for the purpose of carrying
23 out the provisions of this act.

24 Section 2104. Vital Statistics.--The Department of Health
25 shall have the power, and its duty shall be:

26 (a) To obtain, collect, compile, and preserve all statistics
27 of marriages, deaths, diseases, of practitioners of medicine and
28 surgery, of midwives, nurses, and undertakers, and of all
29 professions whose occupation is deemed to be of importance in
30 obtaining a complete registration of births, deaths, marriages,

1 and diseases, or other vital statistics;

2 (b) To prepare the necessary methods, forms, and blanks, for
3 obtaining and preserving records of registration of births,
4 deaths, marriages, and diseases, and to insure the faithful
5 registration of the same in the townships, boroughs, cities, and
6 counties, of the State, and in the department;

7 (c) To see that the laws requiring the registration of
8 births, deaths, marriages, and diseases, are uniformly and
9 thoroughly enforced throughout the State, and prompt returns of
10 such registrations made to the department;

11 (d) With the advice and concurrence of the Advisory Health
12 Board, to make appropriate regulations for the thorough
13 organization and efficiency of the registration of the vital
14 statistics throughout the Commonwealth, and to enforce such
15 regulations;

16 (e) To issue marriage, birth, and death certificates, and
17 such burial or removal permits, as may now or hereafter be
18 provided by law;

19 (f) To establish such districts for the registration of
20 vital statistics, and appoint such registrars, deputies, and
21 sub-registrars, as may be necessary, properly to obtain,
22 collect, compile, and preserve the statistics which the
23 department is required to obtain, collect, compile, and
24 preserve. All local registrars, deputies, and sub-registrars,
25 appointed under this section, shall perform such duties as shall
26 be required of them by the department, and shall receive such
27 compensation as may now or hereafter be fixed by law.

28 Section 2105. Health Districts and Officers.--The Department
29 of Health shall have the power to apportion the Commonwealth
30 into such number of health districts as the department, with the

1 approval of the Governor, shall decide, and, in each district,
2 to appoint a health officer, who shall, under the direction of
3 the department, handle such matters as may be delegated to him
4 by law or by the Secretary of Health and who shall in connection
5 with the management of the sanitary affairs of the Commonwealth
6 cooperate with the Department of Environmental Resources.

7 Section 2106. Quarantines.--The Department of Health shall
8 have the power, and its duty shall be:

9 (a) With the approval and concurrence of the Advisory Health
10 Board, to declare certain diseases to be communicable, in
11 addition to those by law declared so to be, and to establish
12 such regulations for the prevention of the spread of such
13 diseases as the department and the Advisory Health Board shall
14 deem necessary and appropriate;

15 (b) To establish and enforce quarantines, in such manner,
16 for such period, and with such powers, as may now or hereafter
17 be provided by law, to prevent the spread of diseases declared
18 by law or by the department to be communicable diseases;

19 (c) To administer and enforce the laws of this Commonwealth
20 with regard to vaccination and other means of preventing the
21 spread of communicable diseases.

22 Section 2107. Tuberculosis Sanatoria.--The Department of
23 Health shall have the power, and its duty shall be:

24 (a) To maintain sanatoria, or colonies for the reception and
25 treatment of persons affected or suspected of being affected
26 with tuberculosis;

27 (b) To approve or disapprove plans and specifications for
28 county hospitals or sanatoria erected for the treatment therein
29 of persons suffering from tuberculosis, as may now or hereafter
30 be provided by law.

1 (c) To utilize any unused portion of tuberculosis sanatoria
2 in cities of the first class as health care clinics.

3 Section 2108. Narcotic Drugs.--The Department of Health
4 shall have the power, and its duty shall be, to supervise the
5 enforcement of, and administer, laws regulating the possession,
6 control, dealing in, giving away, delivery, dispensing,
7 administering, prescribing, and use of narcotic drugs.

8 Section 2111. Advisory Health Board.--The Advisory Health
9 Board shall have the power, and its duty shall be:

10 (a) To advise the Secretary of Health on such matters as he
11 may bring before it;

12 (b) To make such reasonable rules and regulations, not
13 contrary to law, as may be deemed by the board necessary for the
14 prevention of disease, and for the protection of the lives and
15 health of the people of the Commonwealth, and for the proper
16 performance of the work of the Department of Health, and such
17 rules and regulations, when made by the board, shall become the
18 rules and regulations of the department;

19 (c.1) The Advisory Health Board shall make and from time to
20 time revise a list of such communicable diseases against which
21 children shall be required to be immunized as a condition of
22 attendance at any public, private, or parochial school,
23 including any kindergarten, in the Commonwealth. Such list shall
24 be promulgated by the Secretary of Health along with such rules
25 and regulations as may be necessary to insure that such
26 immunization be timely, effective and properly verified;

27 (d) To prescribe minimum health activities and minimum
28 standards of performance of health services for counties or
29 other political subdivisions.

30 Section 2114. Alcoholism.--The Department of Health shall

1 have the power, and its duty shall be:

2 (a) To investigate the subject of alcoholism in respect to
3 rehabilitation and compile and maintain reliable statistics
4 indicating the effectiveness of any rehabilitation programs
5 carried forward by State-aided clinics for alcoholics, State
6 hospitals and State-aided hospitals receiving alcoholics;

7 (b) To take such other steps as may be necessary to procure
8 such information and data as may be deemed helpful in the
9 treatment and rehabilitation of alcoholics.

10 Section 2115. Speech and Hearing Rehabilitation Centers.--
11 The Department of Health shall have power, and its duty shall
12 be:

13 (a) To provide, maintain, administer and operate speech and
14 hearing rehabilitation centers--

15 (1) For the diagnosis and treatment of children with or
16 suspected of having hearing loss.

17 (2) To provide auditory training for preschool children.

18 (3) To provide consultative services for hard of hearing
19 children of school age and their parents.

20 (b) The Health Department may purchase such services
21 whenever it is not feasible to provide and maintain such
22 centers.

23 Section 2116. Cystic Fibrosis Program.--The Department of
24 Health shall have the power, and its duty shall be, to conduct a
25 program of care and treatment of those suffering from cystic
26 fibrosis who are twenty-one or more years of age.

27 Section 2117. Center for Treatment of Physical and Neuro-
28 developmental Disabilities.--(a) Effective July 1, 1982, a
29 center is hereby established to be managed and controlled by the
30 Pennsylvania State University to provide comprehensive

1 diagnostic and treatment services for persons with physical and
2 neuro-developmental disabilities amenable to medical, surgical
3 and rehabilitative treatment.

4 (b) The entire management and control of the affairs of the
5 center, including, without limitation, services, administration,
6 finances and personnel, is hereby vested in the Pennsylvania
7 State University, which may exercise with respect to the center
8 all of the powers and franchises vested by law in the
9 university. The Pennsylvania State University shall, to the
10 extent financially feasible, provide a reasonable volume of
11 services to persons unable to pay therefor.

12 (c) Effective July 1, 1982, the functions and operations of
13 the Commonwealth of Pennsylvania at the Elizabethtown Hospital
14 for Children and Youth are hereby transferred to the
15 Pennsylvania State University to be performed as a part of the
16 functions and operations of the center established in subsection
17 (a).

18 (d) All allocations, appropriations, agreements to the
19 extent assignable, leases and personal property of every nature
20 of the Commonwealth which are used, employed or expended in
21 connection with its duties, powers or functions relating to the
22 Elizabethtown Hospital for Children and Youth are hereby
23 transferred to the Pennsylvania State University. All employees,
24 currently covered by a collective bargaining agreement, shall
25 remain Commonwealth employees until termination of its lease. All
26 moneys received by the university for services rendered by the
27 Commonwealth at the Elizabethtown Hospital for Children and
28 Youth prior to July 1, 1982, shall be remitted to the
29 Commonwealth and all accounts payable arising from operations
30 prior to July 1, 1982, shall be paid by the Commonwealth.

1 Nothing contained herein shall impose upon the university any
2 obligation, claim, demand or cause of action against the
3 Commonwealth arising out of or in connection with the operation
4 of the Elizabethtown Hospital for Children and Youth by the
5 Commonwealth.

6 Section 2118. Lease Authority.--(a) The Department of
7 General Services, with approval as provided by law, is hereby
8 authorized on behalf of the Commonwealth of Pennsylvania to
9 lease for \$1 to the Pennsylvania State University the remaining
10 tracts of land as a unit, together with the improvements situate
11 thereon, known as the Elizabethtown Hospital for Children and
12 Youth, situate in the Township of Mount Joy, Lancaster County,
13 in the Commonwealth of Pennsylvania:

14 All those four certain tracts of land situate in the Township
15 of Mount Joy, Lancaster County, Pennsylvania, acquired by the
16 Commonwealth of Pennsylvania under and by virtue of the act of
17 May 14, 1925 (P.L.749, No.408), entitled, as amended, "An act
18 providing for the establishing and maintenance of a State
19 hospital and center to provide ambulatory and inpatient services
20 for the diagnosis, evaluation, treatment and rehabilitation of
21 children and youth under age twenty-one who have physical or
22 neuro-developmental disabilities; and making an appropriation,"
23 containing on the north side of Pennsylvania Route 230, 253.55
24 acres, more or less, including parts thereof conveyed to the
25 General State Authority and subject to the limitations on same
26 totaling 3.828 acres for Projects No. GSA 304-1, 2, 3, 4, 5, 6,
27 in the Main Hospital Complex.

28 Excepting thereout and therefrom three tracts of surplus land
29 with buildings thereon submitted under Article XXIV-A of this
30 act for sale or disposition, No. 1 containing 9 acres and

1 buildings on both sides of Cassell Road; No. 2 containing a lot,
2 a residence and garage; No. 3 containing the Superintendent's
3 Residence and the surrounding land.

4 (b) The lease shall contain a provision to the effect that
5 the term thereof shall end not later than the date that the
6 university informs the Department of General Services that the
7 leased premises will no longer be in use to perform the
8 functions and operations of the Elizabethtown Hospital for
9 Children and Youth.

10 Section 2119. Finances.--The Commonwealth of Pennsylvania
11 hereby pledges its financial support to the Pennsylvania State
12 University for the operation of the center at the Elizabethtown
13 Hospital for Children and Youth until the termination of the
14 lease, as provided in section 2118. In the event that the
15 Commonwealth of Pennsylvania does not make annual appropriations
16 during the term of the lease to the university in amounts not
17 less than the amount appropriated for fiscal year 1981-1982 to
18 the Department of Health for the operation of the Elizabethtown
19 Hospital for Children and Youth, such amounts to escalate to
20 reflect any annual increase in the General Fund Budget of the
21 Commonwealth, the university may reduce or eliminate services of
22 the center.

23 Section 2120. Additional Powers and Duties of the
24 Department.--The Department of Health shall have the power and
25 its duty shall be to carry out those powers and duties conferred
26 upon the Secretary of Health and the Department of Health under
27 the act of April 14, 1972 (P.L.233, No.64), known as "The
28 Controlled Substance, Drug, Device and Cosmetic Act."
29 Notwithstanding any provision of "The Controlled Substance,
30 Drug, Device and Cosmetic Act," loperamide hydrochloride is

1 expressly deemed not to be a controlled substance within the
2 meaning of section 4 of that act.

3 Section 2121. Exception to Certificate of Need.--

4 Notwithstanding the provisions of the act of July 19, 1979
5 (P.L.130, No.48), known as the "Health Care Facilities Act," in
6 1982, the General Assembly found need for the construction of a
7 hospital addition at the Milton S. Hershey Medical Center. The
8 Department of Health shall not require a certificate of need for
9 the hospital addition authorized in section 1.B.II. of the act
10 of December 6, 1982 (P.L.771, No.222), entitled "A supplement to
11 the act of July 1, 1981 (P.L.142, No.47), entitled 'An act
12 providing for the capital budget for the fiscal year 1981-1982,'
13 itemizing public improvement and furniture and equipment
14 projects to be constructed or acquired by the Department of
15 General Services together with their estimated financial cost,
16 authorizing the incurring of debt without the approval of the
17 electors for the purpose of financing the projects to be
18 constructed or acquired by the Department of General Services,
19 stating the estimated useful life of the projects, repealing
20 projects and making appropriations," and section 2(3)(xv)(K) and
21 (L) of the act of May 18, 1984 (P.L.263, No.62), entitled "A
22 supplement to the act of December 20, 1983 (P.L.288, No.76),
23 entitled 'An act providing for the capital budget for the fiscal
24 year 1983-1984,' itemizing public improvement projects,
25 furniture and equipment projects, redevelopment assistance
26 projects and transportation assistance projects to be
27 constructed or acquired or assisted by the Department of General
28 Services, the Department of Transportation, the Department of
29 Community Affairs or the Pennsylvania Fish Commission, together
30 with their estimated financial cost; authorizing the incurring

1 of debt without the approval of the electors for the purpose of
2 financing the projects to be constructed or acquired or assisted
3 by the Department of General Services, the Department of
4 Transportation or the Department of Community Affairs; stating
5 the estimated useful life of the projects; authorizing issuing
6 officials to undertake limited temporary borrowing through
7 negotiated settlements; and making an appropriation," nor shall
8 a certificate of need for the development and construction of
9 the hospital addition be required and such hospital addition
10 shall be exempt from the certificate of need provisions of the
11 "Health Care Facilities Act."

12 Section 2122. Expiration of Certificate of Need Process
13 Generally.--The certificate of need process established under
14 the act of July 19, 1979 (P.L.130, No.48), known as the "Health
15 Care Facilities Act," shall expire December 31, 1992, unless
16 sooner extended by the General Assembly pursuant to the review
17 procedure set forth in the act of December 22, 1981 (P.L.508,
18 No.142), known as the "Sunset Act." The certificate of need
19 process may not be used after December 31, 1992, unless this
20 expiration date is extended by statutory amendment.

21 Section 2123. Residential Drug and Alcohol Treatment
22 Programs for Pregnant Women and Mothers and Their Dependent
23 Children.--(a) The Department of Health shall have the power,
24 and its duty shall be, to make grants or contracts to provide
25 residential drug and alcohol treatment and related services for
26 pregnant women, mothers and their dependent children and mothers
27 who do not have custody of their children where there is a
28 reasonable likelihood that the children will be returned to them
29 if the mother participates satisfactorily in the treatment
30 program. Grant or contract moneys shall only be used for

1 treatment and related services provided to residents of this
2 Commonwealth by drug and alcohol treatment programs licensed by
3 the Department of Health which provide the following services:

4 (1) Residential treatment services for women and their
5 children, subject to reasonable limitations on the number and
6 ages of the children, provided in a therapeutic community
7 setting and including, but not limited to:

8 (i) onsite addiction and substance abuse education,
9 counseling and treatment;

10 (ii) onsite individual, group and family counseling;

11 (iii) onsite drug and alcohol prevention and education
12 activities for children approved by the Office of Drug and
13 Alcohol Programs of the Department of Health;

14 (iv) onsite special counseling for children of alcoholics
15 and addicts;

16 (v) involvement with Alcoholics Anonymous, Narcotics
17 Anonymous, support groups for children of alcoholics and addicts
18 and other support groups; and

19 (vi) activities which enhance self-esteem and self-
20 sufficiency.

21 (2) Onsite parenting skills counseling and training.

22 (3) Access to school for children and mothers where
23 appropriate, including, but not limited to, securing documents
24 necessary for registration.

25 (4) Job counseling and referral to existing job training
26 programs.

27 (5) Onsite day care for children when the mother is
28 attending counseling, school or a job training program and when
29 the mother is at a job or looking for a job and at other times
30 as the department deems appropriate.

1 (6) Referral and linkage to other needed services,
2 including, but not limited to, health care.

3 (7) Onsite structured reentry counseling and activities.

4 (8) Referral to outpatient counseling upon discharge from
5 the residential program.

6 (b) The Department of Health shall inform the single county
7 authorities of those programs in their jurisdiction being
8 considered for funding to provide the services listed in this
9 section and shall give the single county authorities an
10 opportunity to comment on these funding proposals prior to the
11 department making a decision to award funding.

12 (c) The Department of Health shall require programs
13 receiving funds under this section to collect and provide to the
14 department information concerning the number of women and
15 children denied treatment or placed on waiting lists and may
16 require such data and other information as the department deems
17 useful in determining the effectiveness of the treatment
18 programs. Confidentiality of records regarding identifiable
19 individuals enrolled in treatment programs funded under this
20 section shall be maintained.

21 (d) Contributions by counties or single county authorities
22 shall not be required as a condition for receiving grants for
23 programs funded under this section, but the Department of Health
24 may require counties or single county authorities to make
25 commitments to provide outpatient intervention, referral and
26 aftercare services to women whose residential treatment is
27 funded under this section upon completion of their residential
28 treatment.

29 (e) The Department of Health shall annually convene a
30 meeting of all recipients of funds for programs funded under

1 this section and other interested parties so that the department
2 may receive input regarding ways to improve and expand treatment
3 services and prevention activities for pregnant women, mothers
4 and young children.

5 (f) The Department of Health shall report annually to the
6 Governor and the General Assembly as to its activities and
7 expenditures under this section, the activities of recipients of
8 funds under this section, the number of women and children
9 served, the number of women and children denied treatment or
10 placed on waiting lists, the recommendations in summary form
11 made at the annual meeting provided for in subsection (e) and
12 the recommendations of the department.

13 (g) As used in this section and section 2124, the term
14 "single county authority" means the agency designated to plan
15 and coordinate drug and alcohol prevention, intervention and
16 treatment services for a geographic area which may consist of
17 one or more counties and to administer the provisions of such
18 services funded through the agency.

19 (h) As used in this section, the term "therapeutic community
20 setting" means a drug-free, residential, nonhospital treatment
21 program using therapeutic community principles as the underlying
22 philosophy.

23 Section 2124. Staff Training and Referral Mechanisms.--The
24 Department of Health shall have the power, and its duty shall
25 be:

26 (a) To establish, on a demonstration basis, programs to
27 train the staff of child protective services agencies,
28 counseling programs and shelters for victims of domestic
29 violence, recipients of funds under the High Risk Maternity
30 Program or the Federal Maternal and Child Health Block Grant and

1 community or State health care centers in order to identify
2 those pregnant women and mothers, for whom these agencies are
3 already providing services, who are in need of drug or alcohol
4 treatment; and

5 (b) To establish referral networks and mechanisms between
6 these agencies and the single county authorities and appropriate
7 drug and alcohol treatment programs.

8 Section 2125. Anatomical Gifts.--In addition to the powers
9 and duties of the Department of Health relating to anatomical
10 gifts, the Department of Health shall continue the rotation of
11 referrals to tissue procurement providers started under 20
12 Pa.C.S. Ch. 86 (relating to anatomical gifts). Adjustments to
13 such rotation may be made to accommodate new, quality tissue
14 procurement providers accredited by the American Association of
15 Tissue Banks as adjudged under the guidelines published in 26
16 Pa.B. 2044 (April 27, 1996), and that any hospital may
17 discontinue such rotation for cause.]

18 Section 3. The definition of "department" in section 2102-A
19 of the act is amended to read:

20 Section 2102-A. Definitions.--The following words and
21 phrases when used in this article shall have the meanings given
22 to them in this section unless the context clearly indicates
23 otherwise:

24 "Department" shall mean the Department of Health and Human
25 Services of the Commonwealth.

26 * * *

27 Section 4. Articles XXII-A, XXIII and XXIII-A of the act are
28 repealed:

29 [ARTICLE XXII-A
30 DEPARTMENT OF AGING

1 Section 2201-A. Objectives.--The objectives of this article
2 are:

3 (1) to establish a cabinet-level State agency whose
4 jurisdiction, powers and duties specifically concern and are
5 directed to advancing the well-being of Pennsylvania's older
6 citizens;

7 (2) to effect the maximum feasible coordination of, and
8 eliminate duplication in, the Commonwealth's administration of
9 certain Federal and State programs for older Pennsylvanians;

10 (3) to further promote the efficient delivery of certain
11 social and other services to older Pennsylvanians; and

12 (4) to promote the creation and growth of independent clubs
13 and associations of older Pennsylvanians and related activities
14 which give promise of assisting older persons to maintain lives
15 of independence and dignity; involvement in the social, economic
16 and political affairs of their communities; and dignified and
17 efficient assistance when disabled or impaired.

18 Section 2202-A. Definitions.--As used in this article:

19 "Area agency" means the single local agency designated by the
20 department within each planning and service area to administer
21 the delivery of a comprehensive and coordinated plan of social
22 and other services and activities.

23 "Area plan" means the plan submitted to the department by an
24 area agency describing the methods by which it will ensure a
25 coordinated and comprehensive plan of social and other services
26 and activities in the planning and service area.

27 "Council" means the Pennsylvania Council on Aging.

28 "Department" means the Department of Aging.

29 "Domiciliary care" is a protected living arrangement in the
30 community which provides a safe, supportive, homelike

1 residential setting for three or less adults who are unrelated
2 to the domiciliary care provider, who cannot live independently
3 in the community, and who are placed by an area agency.

4 "Federal Older Americans Act of 1965" means Public Law 89-73,
5 42 U.S.C. § 3001 et seq., as amended.

6 "Long-term care" means those services designed to provide
7 diagnostic, therapeutic, rehabilitative, supportive or
8 maintenance services for individuals who have chronic functional
9 impairments in a variety of institutional and noninstitutional
10 care settings, including the home.

11 "Older adults, older persons, aged, aging, elderly" mean
12 those persons residing within Pennsylvania who are age sixty or
13 over, or other individuals authorized by law.

14 "Planning and service area" means the geographic unit within
15 the State, as authorized by the Federal Older Americans Act of
16 1965, as amended, for allocation of funds for the delivery of
17 social services.

18 "Secretary" means the Secretary of Aging.

19 "Sole State agency" means the Department of Aging.

20 "Unit of general purpose local government" means, as used
21 with reference to the designation of area agencies on aging, a
22 county or other unit which carries general government authority
23 for an area designated as a planning and service area under this
24 act or a combination of such units.

25 Section 2203-A. Powers and Duties in General.--(a) The
26 Department of Aging hereinafter referred to in this article as
27 the department shall, subject to any inconsistent provisions in
28 this act contained, have the power and its duty shall be to:

29 (1) Evaluate the need for services for the aged within the
30 State and determine the extent to which public and private

1 programs meet such a need with special emphasis on the needs and
2 participation of the minority elderly.

3 (2) Assist with planning and provide consultation to State
4 agencies with respect to services, programs and activities which
5 they may furnish to older citizens.

6 (2.1) Develop and periodically update in consultation with
7 the council and the area agencies, a comprehensive plan for
8 coordinating all major Commonwealth services, programs and
9 activities which are directed towards persons with chronic
10 physical or mental impairments which necessitate long-term care.

11 (3) Provide for services to the aging through area agencies
12 for the aging and other appropriate agencies, organizations and
13 institutions authorized in accordance with Federal Older
14 Americans Act of 1965, related Federal acts, and applicable
15 State law and to stimulate services and opportunities for the
16 aging which are not otherwise available.

17 (4) Function as the sole State agency to receive and
18 disburse Federal funds under the Older Americans Act of 1965 and
19 State funds made available for providing services to older
20 persons.

21 (5) Develop and administer the State plan for the aging
22 required by Federal law.

23 (5.1) Administer the act of November 4, 1983 (P.L.217,
24 No.63), known as the "Pharmaceutical Assistance Contract for the
25 Elderly Act."

26 (6) Serve as an advocate for the aging at all levels of
27 government and to provide consultation and assistance to the
28 area agencies, communities and civic groups developing local
29 services for older persons.

30 (7) Maintain a clearinghouse of information related to the

1 interests of older persons and provide technical assistance and
2 consultation to all agencies, both public and private with
3 respect to programs and services for older persons.

4 (8) Prepare for the Governor an annual budget as may be
5 reasonably required to address the needs of the Pennsylvania
6 Council on Aging and its regional councils.

7 (9) Promote, utilizing, wherever possible, the area
8 agencies, community education regarding the problems of older
9 persons through institutes, publications, and use of
10 communications media.

11 (10) Cooperate with area agencies and agencies of the
12 Federal Government in studies and conferences designed to
13 examine the needs of the aging population and to assist in
14 preparing programs and developing facilities to meet those
15 needs.

16 (11) Promote and support programs, studies and policies, in
17 cooperation with the Departments of Labor and Industry,
18 Education, Community and Economic Development, Public Welfare
19 and other agencies, which will enhance the opportunity for
20 continued work, education and training for older persons and for
21 preretirement assistance where appropriate.

22 (12) Promote, through the use of area agencies and direct
23 grants, contracts and technical assistance, the development of
24 independent senior centers, service organizations, clubs,
25 associations and organizations dedicated to the rights and needs
26 of older persons when these are not in conflict with State or
27 area plans for the aging.

28 (13) Make recommendations for legislative action to the
29 Governor and the General Assembly.

30 (14) In coordination with the area agencies and the council,

1 develop and conduct research, demonstration programs and
2 training programs to advance the interests of older persons.

3 (15) Publish a description of the organization and function
4 of the department so that all interested agencies and
5 individuals may be better able to solicit assistance from the
6 department.

7 (16) Administer and supervise a domiciliary care program for
8 adults.

9 (17) Conduct, in cooperation with appropriate State and
10 local public and private agencies studies and evaluations
11 pertaining to the quality of life, health and social needs,
12 civil rights and status of older persons residing in personal
13 care homes and similar residencies and report such findings and
14 recommendations to the General Assembly.

15 (17.1) In cooperation with the area agencies and Federal,
16 State and local organizations and agencies, work toward the
17 development of a continuum of community-based service and
18 housing options for impaired and chronically ill older persons
19 designed to maintain them in the community and avoid or delay
20 institutional care. System development activities shall include,
21 but not be limited to, coordinating the Commonwealth's plans for
22 the provision, expansion and effective administration of:

23 (i) Personal care and health-related provided to adults in
24 their homes.

25 (ii) Housing options such as service-assisted housing
26 options and personal care homes.

27 (iii) Special supports to caregivers who care for impaired
28 older persons.

29 (iv) Adult day-care services, respite services and other
30 community-based services to support care by caregivers.

1 (v) The promotion of informal community supports.

2 (vi) Geriatric assessment and nursing home screening
3 programs.

4 (vii) Special services to protect the health, safety and
5 welfare of older persons who lack the capacity to protect
6 themselves.

7 (viii) Special advocacy efforts to promote greater
8 awareness of, and more effective response to, the problems
9 of persons with Alzheimer's disease and other related brain
10 disorders.

11 To the extent that the needs of other adults involve and
12 overlap the needs of older persons addressed by this
13 paragraph, the department shall serve as an advocate
14 for adults of any age.

15 (17.2) In cooperation with the Department of Health and the
16 Department of Public Welfare:

17 (i) Develop and administer a system of preadmission
18 assessment for persons who are at risk of needing institutional
19 care, if the Governor finds such a system cost effective.

20 (ii) Develop and administer a system of managed community-
21 based long-term care for persons who are assessed as being
22 clinically eligible for nursing home care and who can be cared
23 for within cost-of-care guidelines established by the
24 department, if the Governor finds such a system cost effective.

25 (18) Review all proposed Commonwealth program plans and
26 policies, and administrative regulations that are published in
27 the Pennsylvania Bulletin for their impact on older persons.
28 Where the secretary believes that they have an impact on older
29 persons, he shall comment in accordance with the provisions of
30 the Commonwealth Documents Law.

1 (19) Make and enforce rules and regulations necessary and
2 proper to the performance of its duties.

3 (20) After July 1, 1979 and at the option of the secretary,
4 to administer those provisions of the act of January 22, 1968
5 (P.L.42, No.8), known as the "Pennsylvania Urban Mass
6 Transportation Assistance Law of 1967," which relate to special
7 transit programs for the elderly. The secretary shall confer
8 with the Department of Transportation in order to insure that
9 the regulations promulgated by the Department of Aging do not
10 conflict with those promulgated by the Department of
11 Transportation.

12 (21) Serve as an advocate for the needs of the adult
13 handicapped as such needs involve and overlap the needs and
14 services of older persons.

15 (22) Cooperate with the Pennsylvania Office of Planning in
16 the development of local, regional and Statewide solutions to
17 the needs of older persons.

18 (23) Review the activities of regulatory agencies of the
19 Commonwealth which affect the full and fair utilization of State
20 and community resources for programs and benefits for older
21 persons and initiate programs which will help assure such
22 utilization.

23 (24) Conduct, in cooperation with the Department of Health
24 and the Department of Public Welfare, periodic studies and
25 evaluations pertaining to the quality of care and related
26 services for consumers of long-term care services and report
27 such findings to the General Assembly.

28 (24.1) Conduct, in cooperation with the Department of
29 Health, an ongoing Statewide prescription drug education program
30 designed to inform older adults of the dangers of prescription

1 drug abuse and misuse.

2 (24.2) Establish and administer a State Long-Term Care
3 Ombudsman Program, including providing resources to area
4 agencies on aging or other contractors to investigate and
5 resolve complaints related to the health, safety or rights of
6 older individuals who are consumers of long-term care services
7 and to prepare and submit to the General Assembly an annual
8 report containing data and findings regarding the types of
9 problems experienced and complaints investigated.

10 (25) Collaborate with Department of Community Affairs and
11 the Pennsylvania Housing Finance Agency in the location, design,
12 management and services of housing built for older persons and
13 upon request provide technical assistance to local housing
14 authorities, nonprofit housing and community groups,
15 redevelopment authorities, and other groups with a special
16 emphasis on programs on utility costs, rehabilitation and
17 maintenance of the homes of older persons.

18 (26) Review and comment on all rules, regulations,
19 eligibility or payment standards issued by the Departments of
20 Public Welfare, Environmental Protection or Labor and Industry
21 relating to the licensure and regulation of nursing homes,
22 hospitals, and other health facilities; medical assistance,
23 supplemental security income; homemaking and home-health care or
24 residential care facilities for older adults. Said rules,
25 regulations and standards shall not take effect until they have
26 been submitted to the department for comment.

27 (27) Review and comment on rules, regulations, eligibility
28 standards, or contract provisions issued by the Departments of
29 Revenue and Transportation relating to activities financed in
30 whole or in part by the Pennsylvania Lottery. Said rules,

1 regulations, eligibility standards and contract provisions shall
2 not take effect until they have been submitted to the department
3 for comment.

4 (28) Review and comment on rules, regulations, eligibility
5 standards or contract provisions issued by the Department of
6 Transportation relating to specialized transportation needs of
7 the elderly and the handicapped in rural and urban areas. Said
8 rules, regulations, eligibility standards or contract provisions
9 shall not take effect until they have been submitted to the
10 department for comment.

11 (29) Provide for services to adults under age sixty whose
12 needs for services are similar to those for which the department
13 is responsible with respect to older persons and as may be
14 specifically authorized by law.

15 (b) In filling vacancies authorized to the department, the
16 secretary shall assure that preference is given to persons sixty
17 years of age or older.

18 Section 2204-A. Pennsylvania Council on Aging.--(a) There
19 is hereby created in the Office of the Governor the Pennsylvania
20 Council on Aging which shall consist of twenty-one persons at
21 least eleven of whom shall be sixty years of age or older, and
22 which shall include the chairpersons of the regional councils on
23 aging. Eleven members of the Pennsylvania Council shall
24 constitute a quorum for the conduct of matters which come before
25 it. Absence of a member at three consecutive meetings shall
26 result in the member forfeiting his seat, unless he requests in
27 writing and receives approval from the chairman for an absence
28 necessitated by illness of the member or the death of a loved
29 one.

30 (b) The members of the council shall be nominated by the

1 Governor, subject to the consent of a majority of the members
2 elected to the Senate, and shall represent, as far as possible,
3 different geographical sections of the Commonwealth. In
4 addition, the council shall include representatives of long-term
5 care providers such as, for example, adult day-care providers.
6 The members shall serve staggered three-year terms and shall
7 serve until their successors are appointed and qualified.
8 Members shall be eligible for reappointment.

9 (c) The council shall provide for its organization and
10 procedure including the selection of a chairman and such other
11 officers as deemed necessary.

12 (d) The members of the council shall receive no compensation
13 for their services on the council but shall be reimbursed by the
14 department, in accordance with regulations, for any ordinary and
15 necessary expenses incurred in the performance of their duties.

16 (e) The council shall meet at least six times per year to
17 review and comment upon all reports of the Department of Aging
18 to the Governor and the General Assembly.

19 (f) The council shall have the following powers and duties:

20 (1) Assist the department in the preparation of the State
21 plan on aging.

22 (2) To review and comment on rules and regulations
23 promulgated by the department.

24 (3) To prepare and submit to the Governor, the General
25 Assembly, the Secretary of the Department of Aging and the
26 public reports evaluating the level and quality of services and
27 programs provided to the aging by Commonwealth agencies together
28 with recommendations for improved, expanded or additional
29 programs and services for the aging.

30 (4) To carry out public hearings on matters affecting the

1 rights and interests of the aging including matters involving
2 cases of neglect, abuse and age discrimination against older
3 persons in the administration of the laws of the Commonwealth
4 and its political subdivisions.

5 (5) To carry out studies in the areas of age discrimination,
6 health care, Medical Assistance program policies affecting the
7 elderly, duration-of-stay contracts for nursing homes, health-
8 related insurance increases and, as appropriate, other major
9 issues affecting the aging and to report to the Governor, the
10 General Assembly, the secretary and the public its findings and
11 recommendations in regard to appropriate action and a long-term
12 strategy for an appropriate manner in which to address these
13 issues.

14 (6) Consult with the secretary regarding the operations of
15 the department.

16 (7) To establish no more than five regional councils on
17 aging which shall consist of fifteen citizen members and
18 concerning which the composition, members' terms of offices,
19 organization and duties and responsibilities shall be determined
20 by the council.

21 (8) Employ, with such funds as are annually appropriated by
22 the General Assembly, sufficient staff and services to carry out
23 these duties and powers as well as the duties and powers of the
24 regional councils.

25 Section 2205-A. Planning and Service Area.--The Commonwealth
26 is currently divided into planning and service areas. These
27 geographical subdivisions are established by the authority of
28 the secretary under the Federal Older Americans Act of 1965, and
29 may only be changed by order of the secretary under provisions
30 set forth by the department for combining or dividing

1 geographical areas to bring about more effective and efficient
2 planning and service delivery.

3 Section 2206-A. Designated Area Agencies.--For each planning
4 and service area there shall be an area agency designated by the
5 department in accordance with the Federal Older Americans Act of
6 1965, as amended, to serve as a focal point in the community for
7 the coordination of services for older people and for the issues
8 and concerns of aging. An area agency so designated must be (i)
9 an established office of aging; (ii) any office or agency of the
10 unit of general purpose local government, which is designated
11 for this purpose by the chief elected officials of the unit of
12 general purpose local government; (iii) any office or agency
13 designated by the chief elected officials of a combination of
14 units of general purpose local government to act on behalf of
15 such combination for this purpose; or (iv) any public or
16 nonprofit private agency in a planning and service area which is
17 under the supervision or direction for this purpose of the
18 designated State agency and which can engage in the planning or
19 provision of a broad range of social services within such
20 planning and service area; and must provide assurance, found
21 adequate by the department, that it will have the ability to
22 develop and administer an area plan. The secretary may
23 redesignate or designate new area agencies based on established
24 regulations. Such regulations shall include criteria of
25 efficiencies, appropriateness and equity and shall provide for
26 public hearings on redesignation conducted in the affected
27 planning and service areas. Any such determinations of
28 redesignation shall be executed not less than one hundred days
29 prior to the beginning of the fiscal year of the local
30 authority. A designation or redesignation may occur when changes

1 are made in established planning and service area boundaries,
2 when a currently designated area agency is unable or unwilling
3 to continue as the area agency, when removal of an area agency
4 designation is requested by the local authority with cause shown
5 or when the department determines that a currently designated
6 area agency is incapable of carrying out its approved area plan.
7 The removal of an area agency designation and the designation of
8 a new area agency shall be carried out under regulations
9 promulgated by the department and consistent with the Federal
10 Older Americans Act of 1965. For the purpose of this section,
11 the term "local authority" shall mean county commissioners or
12 county council.

13 Section 2207-A. Area Agencies; Powers and Duties.--(a) The
14 area agency shall have the authority to act as an advocate at
15 all levels of government and within the community at large for
16 the interests of older persons within the planning and service
17 area. It shall develop a comprehensive area plan to coordinate
18 services for older persons within its planning and service area
19 as the department may prescribe by regulation. The area plan
20 shall make provision for:

- 21 (1) Information and referral, advocacy programs.
- 22 (2) Social service case management and casework services
23 including protective services and placement services.
- 24 (3) Transportation services.
- 25 (4) Legal counseling and representation.
- 26 (5) In-home services including personal care and health-
27 related services.
- 28 (6) Assistance to secure adequate housing and health
29 services.
- 30 (7) Other services required by Federal law and other such

1 services and activities designated by the department or
2 identified as critical needs by the area agency and the area
3 agency advisory board. The State plan on aging and grants and
4 contracts provided by the department shall reasonably
5 accommodate such locally designated priorities and critical
6 needs.

7 (8) The establishment of an affiliated network of
8 multiservice centers and neighborhood centers for older persons.
9 Each center shall provide those services required by the
10 department in accordance with regulations adopted by the
11 department, which regulations shall provide for the maximum
12 involvement of members of such centers and sponsoring
13 organizations in the identification and prioritization of
14 services and activities to be conducted in such centers.

15 (a.1) The area agency shall be responsible for working
16 toward the development, in cooperation with State and local
17 organizations and agencies, of a continuum of community-based
18 service and housing options for impaired and chronically ill
19 older persons designed to maintain them in the community and
20 avoid or delay institutional care. System development activities
21 shall include, but not be limited to, coordinating area plans
22 for the provision, expansion and effective administration of:

23 (1) Personal care and health-related services provided to
24 adults in their homes.

25 (2) Housing options such as service-assisted housing and
26 personal care homes.

27 (3) Special supports to caregivers who care for impaired
28 older persons.

29 (4) Adult day-care services, respite services and other
30 community-based services to support care by caregivers.

1 (5) The promotion of informal community supports.

2 (6) Geriatric assessment and nursing home screening
3 programs.

4 (7) Special services to protect the health, safety and
5 welfare of older persons who lack the capacity to protect
6 themselves.

7 (8) Special advocacy efforts to promote greater awareness
8 of, and more effective response to, the problems of persons with
9 Alzheimer's disease and other related brain disorders.

10 To the extent that the needs of other adults involve and
11 overlap the needs of older persons addressed by this provision,
12 the area agency shall serve as an advocate for adults of any
13 age.

14 (b) The area agency shall give priority of services to older
15 persons with the greatest needs and least resources. Factors
16 identifying older persons who are entitled to priority are:

17 (1) Functional disability, i.e., severe restriction of
18 ability to carry out daily activities.

19 (2) Aloneness, i.e., living alone in a private apartment or
20 home unaccompanied by a related adult.

21 (3) Advanced age, i.e., seventy-five years of age or above.

22 (4) Low income.

23 (5) Services to minorities in proportion to their numbers
24 consistent with the provisions of the Human Relations Act.

25 (6) Inadequate housing.

26 (7) Lack of access to recreational and social activities.

27 (c) In carrying out this section, the area agency shall
28 provide preference in filling all jobs for persons of age sixty
29 and above in accordance with the regulations promulgated by the
30 department.

1 (d) Consistent with the Federal Older Americans Act of 1965
2 and provisions set forth by the department, the area agency may
3 grant to or contract with any public or private agency for the
4 provision of social services. The area agency is authorized to
5 use, with their consent, the services, equipment, personnel and
6 facilities of Federal and State agencies, with or without
7 reimbursement, and on a similar basis to cooperate with other
8 public and private agencies, and instrumentalities, in the use
9 of services, equipment and facilities.

10 Section 2208-A. Area Agency Advisory Councils.--In each
11 planning and service area, an advisory council of at least
12 fifteen members shall be appointed to advise the area agency
13 with regard to the needs of older persons residing in the
14 planning and service area and the area agency's responses to
15 those needs. The composition and responsibility of the area
16 agency advisory council shall be consistent with the provisions
17 of the Federal Older Americans Act of 1965 and the regulations
18 of the department. As a minimum, these regulations shall require
19 that each council be composed of a majority of persons above the
20 age of sixty. Such councils shall be given the maximum possible
21 opportunity to influence local programs and policies and
22 advocacy roles within area agency programs and local
23 communities. Area agencies shall provide advisory councils with
24 the funds necessary to carry out their functions.

25 Section 2209-A. Area Agencies; Reports and Plans.--(a)
26 Under provisions set forth by the department, the area agency
27 shall submit to the department a comprehensive area plan on
28 aging which clearly explains the area agency's objectives for
29 providing services to the aging of the planning and service
30 area. This plan may be submitted as part of a coordinated county

1 human service plan, provided that the format is approved by the
2 department.

3 (b) Each area agency, under provisions set forth by the
4 department, shall submit an annual report which describes and
5 evaluates its programs and services after the close of each year
6 of funding by the department.

7 Section 2210-A. Allocation of Resources.--(a) The area
8 agency shall receive a basic allocation of resources, consisting
9 of State and Federal funds weighted by the proportion of older
10 poor persons who reside in the planning and service area in
11 relation to the total number of older poor persons who reside in
12 the Commonwealth of Pennsylvania utilizing poverty threshold
13 income standards as determined by the United States Office of
14 Management and Budget except that each area agency shall be held
15 harmless to the amount of State funds received in the preceding
16 program year.

17 (b) The department may allocate additional resources to area
18 agencies based upon the total number of older persons who reside
19 within the planning and service area, the availability of
20 transportation services, the rural-urban distribution of older
21 persons, and attendant rural program cost differentials, the
22 need for social and medical services, the amount of funds
23 devoted by county commissioners for older persons and other
24 special circumstances as determined by the secretary.

25 (c) Funds appropriated to carry out the purposes of this act
26 shall be distributed to the local authorities or nonprofit
27 agencies as grants or cost reimbursement for services to the
28 aging, if there is an acceptable plan in accordance with section
29 2209-A.

30 Section 2211-A. Evaluation.--The Department of Aging shall

1 continually review and evaluate the activities of area agencies
2 and the impact and effectiveness of all programs under this act.
3 The department shall ensure that evaluations, including an
4 onsite evaluation, be made annually of all area agency
5 activities and programs. A written report of the findings of the
6 evaluation shall be submitted to the area agency subject to the
7 evaluation and within thirty days shall be available to the
8 public. In all evaluations, the department shall obtain the
9 views of program beneficiaries concerning strengths and
10 weaknesses of the program. Other departments and agencies of the
11 Commonwealth shall make available to the department information
12 necessary for such evaluations. Annually the department shall
13 submit to the Governor and the General Assembly a report on its
14 activities including statistical data reflecting services and
15 activities provided older persons during the preceding fiscal
16 year.

17 Section 2212-A. Demonstration Programs.--In recognition of
18 the need for expanded knowledge and experience concerning the
19 status of older persons in Pennsylvania, the Secretary of Aging
20 may provide for research and demonstration programs for the
21 purpose of:

22 (1) Studying current living conditions and needs of older
23 persons, with special emphasis on persons with low income,
24 medical and functional disabilities, advanced age and isolated
25 living situations.

26 (2) Studying existing methods and alternatives for providing
27 services, programs and opportunities to older persons.

28 (3) Identifying those factors of particular detriment or
29 benefit to the welfare of older persons.

30 (4) Developing new approaches and alternatives for living

1 arrangements, social services, institutional care, health
2 services, legal representation and the coordination of community
3 services for older persons.

4 Section 2213-A. Pharmacy Reimbursement.--An immediate in-
5 depth pharmacy service study shall be performed by the
6 Department of Aging and the Department of Public Welfare. This
7 pharmacy study shall determine the full cost of filling a
8 prescription and providing pharmacy services, including
9 reasonable profits derived, in the Pennsylvania Medicaid and
10 PACE programs. This study shall be considered in determining
11 pharmacy reimbursement.

12 ARTICLE XXIII

13 POWERS AND DUTIES OF THE DEPARTMENT OF

14 PUBLIC WELFARE AND ITS DEPARTMENTAL

15 ADMINISTRATIVE AND ADVISORY BOARDS

16 AND COMMISSIONS

17 Section 2301. Powers and Duties in General.--The Department
18 of Public Welfare shall, subject to any inconsistent provisions
19 in this act contained, continue to exercise the powers and
20 perform the duties by law vested in and imposed upon the said
21 department, the Secretary of Public Welfare, and the former
22 Department of Public Welfare, and Commissioner of Public
23 Welfare, and the former Department of Welfare.

24 Section 2313. Mental Health.--The Department of Public
25 Welfare shall have the power and its duty shall be:

26 (a) To administer and enforce the laws of this Commonwealth
27 relative to mental health, the care, prevention, early
28 recognition and treatment of mental illness, mental defects,
29 epilepsy, and inebriety, the licensing and regulation of
30 institutions for the mentally ill, mentally defective and

1 epileptic, the admission and commitment of patients to such
2 institutions and the transfer, discharge, escape, interstate
3 rendition, and deportation of such patients.

4 (b) Subject to any inconsistent provisions in this act
5 contained, approve or disapprove the advice and recommendations
6 of the several boards of trustees of State mental institutions.

7 Section 2313.4. Operation of Eastern Pennsylvania
8 Psychiatric Institute.--The Department of Public Welfare is
9 hereby authorized to relinquish the entire government,
10 management, operation and control of the Eastern Pennsylvania
11 Psychiatric Institute to The Medical College of Pennsylvania
12 upon the effective date of a lease entered pursuant to section
13 2418.

14 (1) Upon the execution of the lease permitted pursuant to
15 section 2418, the Eastern Pennsylvania Psychiatric Institute
16 shall be operated under the management of the Board of
17 Corporators of The Medical College of Pennsylvania, which shall
18 be responsible for the management and operation of the
19 institute.

20 (2) The Medical College of Pennsylvania shall conduct
21 research into the causes, prevention, treatment and cure of
22 mental, neurological and related disorders and shall provide
23 consultation, education, training and treatment at the Eastern
24 Pennsylvania Psychiatric Institute responsive to the mental
25 health needs of the public. Provision of these services and the
26 conduct of research shall be limited only by funds available for
27 these purposes. In addition to requesting appropriations from
28 the General Assembly to fund these functions, the Board of
29 Corporators of The Medical College of Pennsylvania shall make
30 good faith efforts to obtain funding from third party sources.

1 (3) The Medical College of Pennsylvania shall utilize all
2 space in the buildings known as the Eastern Pennsylvania
3 Psychiatric Institute consistent with the functions described in
4 this section. If The Medical College of Pennsylvania uses space
5 in the Eastern Pennsylvania Psychiatric Institute for functions
6 other than those described, it shall provide the Department of
7 Public Welfare with written documentation that an equivalent
8 amount of space is used in other facilities of The Medical
9 College of Pennsylvania for those functions.

10 (4) The Medical College of Pennsylvania may construct
11 buildings on vacant land of the leased premises if the buildings
12 are consistent with the academic health mission of The Medical
13 College of Pennsylvania.

14 Section 2327. Powers and Duties of the State Board of Public
15 Welfare.--The State Board of Public Welfare shall be an advisory
16 body to, and a consultative body of the Department of Public
17 Welfare with no power to approve or disapprove rules or
18 regulations, and shall have the power and its duty shall be:

19 (a) To participate in the development of broad outlines, of
20 policy and in the formulation of long-range programs and
21 objectives of the Department of Public Welfare,

22 (b) To interpret such programs and objectives to the public,
23 and

24 (c) To advise the Secretary of Public Welfare, the Governor
25 and the General Assembly, with respect to the policies,
26 programs, objectives and functioning of the Department of Public
27 Welfare.

28 Section 2328. Powers and Duties of Advisory Committees.--The
29 Advisory Committee for the Blind, the Advisory Committee for
30 General and Special Hospitals, the Advisory Committee for

1 Children and Youth, the Advisory Committee for Public Assistance
2 and the Advisory Committee for Mental Health and Mental
3 Retardation, shall, concerning matters within their respective
4 special fields of interest, have the power and their duty shall
5 be:

6 (a) To advise the appropriate major program unit of the
7 Department of Public Welfare. This advice shall include, but
8 shall not be limited to, such matters as standards of
9 eligibility, nature and extent of service, amounts of payments
10 to individuals, standards of approval, certification and
11 licensure of institutions and agencies, ways and means of
12 coordinating public and private welfare activities, and such
13 other matters as may, by law, require citizen review or may be
14 referred to the committees by the departmental units advised by
15 them; and the Advisory Committee for Mental Health and Mental
16 Retardation shall also have the power and duty to advise the
17 Governor and the Secretary of Public Welfare with regard to the
18 appointment of the Commissioner of Mental Health.

19 (b) To arrange for and conduct such public hearings as may
20 be required by law or which they deem necessary and advisable,

21 (c) To promote better public understanding of the programs
22 and objectives of the departmental units advised by them, and

23 (d) To make recommendations to the State Board of Public
24 Welfare on matters referred to the committees for consideration
25 and advice, or as may be required to promote the effectiveness
26 of the programs, of the departmental units advised by them.

27 Section 2333. Domestic Violence and Rape Victims Services.--

28 (a) The General Assembly finds that the public health and
29 safety is threatened by increasing incidences of domestic
30 violence and rape. Domestic violence programs and rape crisis

1 programs provide needed support services for victims and assist
2 in prevention through community education. Therefore, the
3 General Assembly finds that it is in the public interest for the
4 Commonwealth to establish a mechanism to provide financial
5 assistance to domestic violence centers and rape crisis centers
6 for the operation of domestic violence and rape crisis programs.

7 (b) Where any person after the effective date of this
8 section pleads guilty or nolo contendere to or is convicted of
9 any crime as herein defined, there shall be imposed, in addition
10 to all other costs, an additional cost in the sum of ten dollars
11 (\$10) for the purpose of funding the services as described in
12 this section. Such sum shall be paid over to the State Treasurer
13 to be deposited in the General Fund. Under no condition shall a
14 political subdivision be liable for the payment of the ten
15 dollars (\$10) in additional costs.

16 (c) The Department of Public Welfare shall make grants to
17 domestic violence centers and rape crisis centers for the
18 operation of domestic violence programs and rape crisis programs
19 consistent with this section. In awarding grants, the Department
20 of Public Welfare shall consider the population to be served,
21 the geographical area to be serviced, the scope of the services,
22 the need for services and the amount of funds provided from
23 other sources.

24 (d) The Department of Public Welfare shall make available at
25 cost to the public copies of applications that have been
26 submitted or approved for funding and reports on any fiscal or
27 programmatic reviews of funded programs.

28 (e) As used in this section, the following words and phrases
29 shall have the meanings given to them in this subsection:

30 "Crime" means an act committed in Pennsylvania which, if

1 committed by a mentally competent, criminally responsible adult,
2 who had no legal exemption or defense, would constitute a crime
3 as defined in and proscribed by Title 18 of the Pennsylvania
4 Consolidated Statutes (relating to crimes and offenses) or
5 enumerated in the act of April 14, 1972 (P.L.233, No.64), known
6 as "The Controlled Substance, Drug, Device and Cosmetic Act."
7 However, no act involving the operation of a motor vehicle which
8 results in injury shall constitute a crime for the purpose of
9 this section unless such injury was intentionally inflicted
10 through the use of a motor vehicle.

11 "Domestic violence" means the occurrence of one or more of
12 the following acts between family or household members:

13 (1) Intentionally, knowingly or recklessly causing or
14 attempting to cause bodily injury.

15 (2) Placing, by physical menace, another in fear of imminent
16 serious bodily injury.

17 "Domestic violence center" means an organization, or the
18 coordinating body of an organization, which has as its primary
19 purpose the operation of domestic violence programs.

20 "Domestic violence program" means a program which has as its
21 primary purpose the provision of direct services to victims of
22 domestic violence and their children, including, but not limited
23 to, victim advocacy, counseling, shelter, information and
24 referral, victim-witness, accompaniment, community education and
25 prevention.

26 "Rape crisis center" means an organization, or the
27 coordinating body of an organization, which has as its primary
28 purpose the operation of rape crisis programs.

29 "Rape crisis program" means a program which has as its
30 primary purpose the provision of direct services to victims of

1 sexual assault, including, but not limited to, crisis
2 intervention, counseling, victim advocacy, information and
3 referral, victim-witness and assistance, accompaniment through
4 the medical, police and judicial systems as well as providing
5 education and prevention programs on rape and sexual assaults.

6 "Sexual assault" means any conduct which is a crime under 18
7 Pa.C.S. Ch. 31 (relating to sexual offenses).

8 Section 2334. Medical Assistance Payments.--(a) It is the
9 general purpose of this section to provide for a continuum of
10 alcohol and drug detoxification and rehabilitation services to
11 persons eligible for medical assistance. Facilities serving as
12 appropriate treatment settings include hospital and nonhospital
13 drug detoxification and rehabilitation facilities, hospital and
14 nonhospital alcohol detoxification and rehabilitation
15 facilities, and hospital and nonhospital drug and alcohol
16 detoxification and rehabilitation facilities and outpatient
17 services licensed by the Office of Drug and Alcohol Programs of
18 the Department of Health. The General Assembly recognizes that
19 the fluctuating nature of alcohol and drug dependency, in
20 combination with the associated physical complications often
21 arising from long-term use of alcohol and drugs, necessitates
22 that a variety of treatment modalities and settings be made
23 available to persons eligible for medical assistance. The
24 availability of a new service in this area is in no way intended
25 to limit access to or funding of services available currently.

26 (b) Consistent with section 2301, the Department of Public
27 Welfare shall:

28 (1) Provide, on behalf of persons eligible for medical
29 assistance, medical assistance coverage for detoxification,
30 treatment and care in a nonhospital alcohol detoxification

1 facility, nonhospital drug detoxification facility, nonhospital
2 alcohol and drug detoxification facility, or a nonhospital
3 treatment facility which can provide services for either drug or
4 alcohol detoxification or treatment or for both, provided that
5 the facility is licensed by the Office of Drug and Alcohol
6 Programs in the Department of Health.

7 (2) Use criteria developed by the Office of Drug and Alcohol
8 Programs for governing the type, level and length of care or
9 treatment, including hospital detoxification, as a basis for the
10 development of standards for services provided under clause (1).

11 (3) Notwithstanding clause (1), provide by regulation for
12 gradual implementation of medical assistance coverage under this
13 subsection to client populations which shall be identified in
14 cooperation with the Department of Health. The regulations shall
15 provide for full implementation of clause (1) to all medical
16 assistance eligibles in phases over a period of time not to
17 exceed five years from the effective date of the regulations.
18 The program phases shall be structured so as to allow for
19 independent evaluation of each phase on an ongoing basis.
20 Initial regulations adopted pursuant to this subsection shall
21 not be subject to review pursuant to the act of June 25, 1982
22 (P.L.633, No.181), known as the "Regulatory Review Act," except
23 that the regulations may be reviewed under section 5(h) of that
24 act.

25 (c) The Department of Public Welfare, the Department of
26 Health and the Office of Drug and Alcohol Programs shall jointly
27 provide for an independent evaluation of the program authorized
28 by this section in accordance with specific evaluation criteria,
29 which shall include, but not be limited to: (i) comparison of
30 medical costs before and after program implementation; (ii)

1 employment history; and (iii) involvement with other programs of
2 the Department of Health, the Department of Public Welfare, the
3 Department of Corrections and any other appropriate agencies.

4 The evaluation shall be conducted in compliance with all
5 applicable Federal and State confidentiality requirements.

6 Section 2335. Admissions to Drug and Alcohol Facilities.--

7 (a) Drug or alcohol abusers and drug or alcohol dependent
8 persons shall be admitted to and treated in all facilities
9 licensed by the Department of Health and Office of Drug and
10 Alcohol Programs, at reasonable rates on the basis of medical or
11 psychotherapeutic need, and shall not be discriminated against
12 on the basis of medical assistance eligibility.

13 (b) As part of its licensure process, the Office of Drug and
14 Alcohol Programs shall review each facility's admission policies
15 for compliance and shall investigate complaints.

16 (c) The Office of Drug and Alcohol Programs may suspend or
17 revoke the license of any facility which fails to maintain an
18 admission policy consistent with the requirements of this
19 section and may impose a fine not to exceed one thousand dollars
20 (\$1,000) for each violation.

21 (d) Nothing in this section shall require any facility to
22 accept medical assistance eligible patients for whom payment is
23 not available pursuant to regulations adopted under section
24 2334(b)(3).

25 ARTICLE XXIII-A

26 POWERS AND DUTIES OF THE DEPARTMENT OF DRUG

27 AND ALCOHOL PROGRAMS

28 Section 2301-A. Powers and duties.

29 The Department of Drug and Alcohol Programs shall have the
30 power and its duty shall be:

1 (1) To develop and adopt a State plan for the control,
2 prevention, intervention, treatment, rehabilitation,
3 research, education and training aspects of drug and alcohol
4 abuse and dependence problems. The State plan shall include,
5 but not be limited to, provisions for:

6 (i) Coordination of the efforts of all State
7 agencies in the control, prevention, intervention,
8 treatment, rehabilitation, research, education and
9 training aspects of drug and alcohol abuse and dependence
10 problems so as to avoid duplications and inconsistencies
11 in the efforts of the agencies.

12 (ii) Coordination of all health and rehabilitation
13 efforts to deal with the problem of drug and alcohol
14 abuse and dependence, including, but not limited to,
15 those relating to vocational rehabilitation, manpower
16 development and training, senior citizens, law
17 enforcement assistance, parole and probation systems,
18 jails and prisons, health research facilities, mental
19 retardation facilities and community mental health
20 centers, juvenile delinquency, health professions,
21 educational assistance, hospital and medical facilities,
22 social security, community health services, education
23 professions development, higher education, Commonwealth
24 employees health benefits, economic opportunity,
25 comprehensive health planning, elementary and secondary
26 education, highway safety and the civil service laws.

27 (iii) Encouragement of the formation of local
28 agencies and local coordinating councils, promotion of
29 cooperation and coordination among such groups and
30 encouragement of communication of ideas and

1 recommendations from such groups to the Pennsylvania
2 Advisory Council on Drug and Alcohol Abuse.

3 (iv) Development of model drug and alcohol abuse and
4 dependence control plans for local government, utilizing
5 the concepts incorporated in the State plan. The model
6 plans shall be reviewed on a periodic basis, but not less
7 than once a year, and revised to keep them current. The
8 model plans shall specify how all types of community
9 resources and existing Federal and Commonwealth
10 legislation may be utilized.

11 (v) Assistance and consultation to local
12 governments, public and private agencies, institutions
13 and organizations and individuals with respect to the
14 prevention and treatment of drug and alcohol abuse and
15 dependence, including coordination of programs among
16 them.

17 (vi) Cooperation with organized medicine to
18 disseminate medical guidelines for the use of drugs and
19 controlled substances in medical practice.

20 (vii) Coordination of research, scientific
21 investigations, experiments and studies relating to the
22 cause, epidemiology, sociological aspects, toxicology,
23 pharmacology, chemistry, effects on health, dangers to
24 public health, prevention, diagnosis and treatment of
25 drug and alcohol abuse and dependence.

26 (viii) Investigation of methods for the more precise
27 detection and determination of alcohol and controlled
28 substances in urine and blood samples and by other means,
29 and publication on a current basis of uniform methodology
30 for such detections and determinations.

1 (ix) Any information obtained through scientific
2 investigation or research conducted pursuant to this act
3 shall be used in ways so that no name or identifying
4 characteristics of any person shall be divulged without
5 the approval of the department and the consent of the
6 person concerned. Persons engaged in research pursuant to
7 this section shall protect the privacy of individuals who
8 are the subject of such research by withholding from all
9 persons not connected with the conduct of such research
10 the names or other identifying characteristics of such
11 individuals. Persons engaged in the research shall
12 protect the privacy of such individuals and may not be
13 compelled in any State, civil, criminal, administrative,
14 legislative or other proceeding to identify such
15 individuals.

16 (x) Establishment of training programs for
17 professional and nonprofessional personnel with respect
18 to drug and alcohol abuse and dependence, including the
19 encouragement of such programs by local governments.

20 (xi) Development of a model curriculum, including
21 the provision of relevant data and other information, for
22 utilization by elementary and secondary schools for
23 instructing children and for parent-teachers'
24 associations, adult education centers, private citizen
25 groups or other State and local sources for instruction
26 of parents and other adults about drug and alcohol abuse
27 and dependence.

28 (xii) Preparation of a broad variety of educational,
29 prevention and intervention material for use in all
30 media, to reach all segments of the population, that can

1 be utilized by public and private agencies, institutions
2 and organizations in educational programs with respect to
3 drug and alcohol abuse and dependence.

4 (xiii) Establishment of educational courses,
5 including the provision of relevant data and other
6 information on the causes and effects of and treatment
7 for drug and alcohol abuse and dependence, for law
8 enforcement officials, including prosecuting attorneys,
9 court personnel, the judiciary, probation and parole
10 officers, correctional officers and other law enforcement
11 personnel, welfare, vocational rehabilitation and other
12 State and local officials, who come in contact with drug
13 abuse and dependence problems.

14 (xiv) Recruitment, training, organization and
15 employment of professional and other persons, including
16 former drug and alcohol abusers and dependent persons, to
17 organize and participate in programs of public education.

18 (xv) Treatment and rehabilitation services for male
19 and female juveniles and adults who are charged with,
20 convicted of or serving a criminal sentence for any
21 criminal offense under the laws of this Commonwealth.
22 Provision of similar services shall be made for juveniles
23 adjudged to be delinquent, dependent or neglected. These
24 services shall include, but are not limited to, emergency
25 medical services, inpatient services and intermediate
26 care, rehabilitative and outpatient services.

27 (xvi) Giving priority to developing community-based
28 drug or alcohol abuse treatment services in a cooperative
29 manner among State and local governmental agencies and
30 departments and public and private agencies, institutions

1 and organizations. Consideration shall be given to
2 supportive medical care, services or residential
3 facilities for drug or alcohol dependent persons for whom
4 treatment has repeatedly failed and for whom recovery is
5 unlikely.

6 (xvii) Establishment of a system of emergency
7 medical services for persons voluntarily seeking
8 treatment, for persons admitted and committed to
9 treatment facilities according to the procedural
10 admission and commitment provisions of the act of July 9,
11 1976 (P.L.817, No.143), known as the Mental Health
12 Procedures Act, and for persons charged with a crime
13 under Pennsylvania law. Upon the establishment of such
14 emergency medical services, the Department of Drug and
15 Alcohol Programs, by regulation, shall require that
16 appropriate emergency medical services be made available
17 to all drug and alcohol abusers who are arrested for a
18 crime under Pennsylvania law.

19 (xviii) Providing standards for the approval by the
20 relevant State agency for all private and public
21 treatment and rehabilitative facilities, which may
22 include, but are not limited to, State hospitals and
23 institutions, public and private general hospitals,
24 community mental health centers or their contracting
25 agencies and public and private drug or alcohol
26 dependence and drug and alcohol abuse and dependence
27 treatment and rehabilitation centers.

28 (xix) Grants and contracts for the prevention,
29 intervention and treatment of drug and alcohol
30 dependence. The grants and contracts may include

1 assistance to local governments and public and private
2 agencies, institutions and organizations for prevention,
3 intervention, treatment, rehabilitation, research,
4 education and training aspects of the drug and alcohol
5 abuse and dependence problems with the Commonwealth. Any
6 grant made or contract entered into by a department or
7 agency shall be pursuant to the functions allocated to
8 that department or agency by the State plan.

9 (xx) Preparation of general regulations for and
10 operation of programs supported with assistance.

11 (xxi) Establishment of priorities for deciding
12 allocation of the funds.

13 (xxii) Review the administration and operation of
14 programs, including the effectiveness of such programs in
15 meeting the purposes for which they are established and
16 operated, and make annual reports of the findings.

17 (xxiii) Evaluate the programs and projects carried
18 out and disseminate the results of such evaluations.

19 (xxiv) Establish such advisory committees as deemed
20 necessary to assist the department in fulfilling its
21 responsibilities.

22 (2) In developing the State plan initially, and prior to
23 its amendment annually, to hold a public hearing at least 30
24 days prior to the adoption of the initial State plan and
25 subsequent amendments and to afford all interested persons an
26 opportunity to present their views either orally or in
27 writing. The Department of Drug and Alcohol Programs, through
28 its staff, shall consult and collaborate with appropriate
29 Federal, State and local departments, boards, agencies and
30 governmental units, and with appropriate public and private

1 agencies, institutions, groups and organizations. Otherwise,
2 the promulgation of the State plan shall conform to the
3 procedure contained in the act of July 31, 1968 (P.L.769,
4 No.240), referred to as the Commonwealth Documents Law.

5 (3) In accordance with the State plan, to allocate the
6 responsibility for all services, programs and other efforts
7 provided for among the appropriate departments, agencies and
8 other State personnel. The department, through its employees,
9 shall have the power and its duty shall be to implement
10 compliance with the provisions of the State plan and to
11 coordinate all such efforts.

12 (4) To gather and publish statistics pertaining to drug
13 and alcohol abuse and dependence and promulgate regulations,
14 specifying uniform statistics to be obtained, records to be
15 maintained and reports to be submitted by public and private
16 departments, agencies, organizations, practitioners and other
17 persons with respect to drug and alcohol abuse and dependence
18 and related problems. Such statistics and reports shall not
19 reveal the identity of any patient or drug or alcohol-
20 dependent person or other confidential information.

21 (5) To establish an information center, which will
22 attempt to gather and contain all available published and
23 unpublished data and information on the problems of drug and
24 alcohol abuse and dependence. All Commonwealth departments
25 and agencies shall send to the Department of Drug and Alcohol
26 Programs any data and information pertinent to the cause,
27 prevention, diagnosis and treatment of drug and alcohol abuse
28 and dependence and the toxicology and pharmacology effects on
29 the health of drug and alcohol abusers and danger to the
30 public health of alcohol, drugs and controlled substances.

1 The Department of Drug and Alcohol Programs shall make such
2 data and information widely available.

3 (6) To require all appropriate State and local
4 departments, agencies, institutions and others engaged in
5 implementing the State plan to submit as often as necessary,
6 but no less often than annually, reports detailing the
7 activities and effects of the implementation and recommending
8 appropriate amendments to the State plan. The department may
9 direct a performance audit of any activity engaged in
10 pursuant to the State plan.

11 (7) To submit an annual report to the General Assembly
12 which shall specify the actions taken and services provided
13 and funds expended and an evaluation of their effectiveness.
14 The annual report shall also contain the current State plan.
15 The Department of Drug and Alcohol Programs shall submit such
16 additional reports as may be requested by the General
17 Assembly and recommendations to further the prevention,
18 treatment and control of drug and alcohol abuse and
19 dependence.

20 (8) To make provisions for facilities in each city or
21 region or catchment area which shall provide information
22 about the total Commonwealth drug and alcohol abuse and drug
23 and alcohol dependency programs and services.

24 (9) The department shall have the power to promulgate
25 the rules and regulations necessary to carry out the
26 provisions of this article.]

27 Section 5. The act is amended by adding an article to read:

28 ARTICLE XXIII-C

29 DEPARTMENT OF HEALTH AND HUMAN SERVICES

30 Section 2301-C. Purpose and legislative intent.

1 (a) Purpose.--It is the purpose of this article to more
2 effectively address the collaboration and service delivery of
3 health and human services which are of vital importance to this
4 Commonwealth by coordinating the services provided by the former
5 Department of Aging, the former Department of Drug and Alcohol
6 Programs, the former Department of Health and the former
7 Department of Human Services and establishing one agency to
8 administer the services.

9 (b) Intent.--In adopting this article to coordinate the
10 provision of health and human services, it is the intent of the
11 General Assembly to continue to:

12 (1) Promote and improve the efficient and effective
13 delivery of health and human services, including substance
14 use disorder and gambling addiction services and services to
15 advance the well-being of older Pennsylvanians.

16 (2) Appropriate State Lottery funds in accordance with
17 the act of August 26, 1971 (P.L.351, No.91), known as the
18 State Lottery Law.

19 Section 2302-C. Definitions.

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

23 "Area agency." The single local agency designated by the
24 department within each planning and service area to administer
25 the delivery of a comprehensive and coordinated plan of social
26 and other services and activities.

27 "Area plan." The plan submitted to the department by an area
28 agency describing the methods by which the department will
29 ensure a coordinated and comprehensive plan of social and other
30 services and activities in the planning and service area.

1 "Council." The Pennsylvania Council on Aging established
2 under section 2304-C.

3 "Department." The Department of Health and Human Services of
4 the Commonwealth.

5 "Domestic violence." The occurrence of one or more of the
6 following acts between family or household members, sexual or
7 intimate partners or persons who share biological parenthood:

8 (1) Intentionally, knowingly or recklessly causing or
9 attempting to cause bodily injury.

10 (2) Placing, by physical menace, another in fear of
11 imminent serious bodily injury.

12 "Domestic violence center." An organization, or the
13 coordinating body of an organization, which has as its primary
14 purpose the operation of domestic violence programs.

15 "Domestic violence program." A program which has as its
16 primary purpose the provision of direct services to victims of
17 domestic violence and their children, including, but not limited
18 to, victim advocacy, counseling, shelter, information and
19 referral, victim-witness, accompaniment, community education and
20 prevention.

21 "Domiciliary care." A protected living arrangement in the
22 community which provides a safe, supportive, homelike
23 residential setting for not more than three adults who are
24 unrelated to the provider of the living arrangement, who cannot
25 live independently in the community and who are placed in the
26 living arrangement by an area agency.

27 "Local authority." County commissioners or a county council.

28 "Long-term care." Services designed to provide diagnostic,
29 therapeutic, rehabilitative, supportive or maintenance services
30 for individuals who have chronic functional impairments in a

1 variety of institutional and noninstitutional care settings,
2 including the home.

3 "Older adult." An individual residing within this
4 Commonwealth who is at least 60 years of age or other
5 individuals as authorized by law.

6 "Older Americans Act of 1965." The Older Americans Act of
7 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.).

8 "Planning and service area." The geographic unit within this
9 Commonwealth authorized by the Older Americans Act of 1965 for
10 allocation of funds for the delivery of social services.

11 "Rape crisis center." An organization, or the coordinating
12 body of an organization, which has as its primary purpose the
13 operation of rape crisis programs.

14 "Rape crisis program." A program which has as its primary
15 purpose the provision of direct services to victims of sexual
16 assault, including, but not limited to, crisis intervention,
17 counseling, victim advocacy, information and referral, victim-
18 witness and assistance, accompaniment through the medical,
19 police and judicial systems as well as providing education and
20 prevention programs on rape and sexual assaults.

21 "Regional council." A regional council on aging established
22 under section 2304-C.

23 "Secretary." The Secretary of Health and Human Services of
24 the Commonwealth.

25 "Sexual assault." Conduct which is a crime under 18 Pa.C.S.
26 Ch. 31 (relating to sexual offenses).

27 "Single county authority." The agency designated by the
28 department to plan and coordinate substance use disorder
29 prevention, intervention and treatment services for a geographic
30 area that may consist of one or more counties and to administer

1 the provision of the services funded through the agency.

2 "Unit of general purpose local government." A county or
3 other unit which carries general government authority for an
4 area designated as a planning and service area under this act or
5 a combination of such units.

6 Section 2303-C. Administration.

7 (a) Continuation.--The department shall, except as provided
8 in this article, exercise the powers and perform the duties by
9 law vested in and imposed on the former Department of Drug and
10 Alcohol Programs, the former Department of Health, the former
11 Department of Aging, the former Department of Human Services and
12 the former Department of Public Welfare.

13 (b) Powers and duties.--In addition to such other powers and
14 duties that may be provided by this article or other law, the
15 department shall:

16 (1) Administer and enforce the laws of this Commonwealth
17 relating to the following:

18 (i) Mental health, intellectual disability, autism,
19 substance use disorder and gambling addiction.

20 (ii) The care, prevention, early recognition and
21 treatment of mental illness, emotional disturbance,
22 intellectual disability, autism, substance use disorder
23 and gambling addiction.

24 (iii) The licensing and regulation of facilities and
25 agencies with the primary functions of diagnosis,
26 treatment, care and rehabilitation of individuals with
27 mental illness, emotional disturbance, intellectual
28 disability, autism or substance use disorder.

29 (iv) The admission of individuals with mental
30 illness, intellectual disability, autism or substance use

1 disorder to facilities under subparagraph (iii) and the
2 transfer, discharge, escape, interstate rendition and
3 deportation of the individuals.

4 (v) The licensing, certification and regulation of
5 the following:

6 (A) health care facilities; and

7 (B) medical marijuana organizations.

8 (vi) The certification and regulation of the
9 following:

10 (A) laboratories;

11 (B) emergency medical services providers; and

12 (C) managed care organizations.

13 (vii) The issuance and enforcement of disease
14 control measures, including isolation orders and
15 quarantine orders.

16 (viii) The issuance of grants and contracts to aid
17 in the prevention and control of the spread of disease
18 and to ensure the health and welfare of the citizens of
19 this Commonwealth.

20 (ix) The collection, compilation and preservation of
21 vital statistics of the citizens of this Commonwealth.

22 (2) Protect the health of the people of this
23 Commonwealth and determine and employ the most efficient and
24 practical means for the prevention and suppression of
25 disease.

26 (3) Prevent, respond to and reduce the public health and
27 medical consequences of an emergency or a disaster.

28 (4) Promulgate the rules and regulations necessary to
29 carry out this article.

30 (c) Commissioner on Substance Abuse and Addiction.--There

1 shall be within the department a Commissioner on Substance Abuse
2 and Addiction Policy. The commissioner shall be appointed by the
3 Governor by and with the advice and consent of a majority of the
4 members elected to the Senate. The department shall provide
5 adequate staff and other support to the commissioner as needed.
6 The commissioner shall serve at the pleasure of the Governor.
7 The salary and other conditions of employment for the
8 commissioner shall be set by the Executive Board. The
9 commissioner shall:

10 (1) Advise the Governor and the secretary on substance
11 use disorder, gambling addiction and related policies.

12 (2) Participate in the decision-making process of the
13 department on policies relating to substance use disorder and
14 gambling addiction issues and in the decision-making process
15 of other executive branch agencies as directed by the
16 Governor.

17 (3) Coordinate the efforts of Commonwealth agencies in
18 the control, prevention, intervention, treatment,
19 rehabilitation, research, education and training aspects of
20 substance use disorders and gambling addiction to avoid
21 duplications and inconsistencies in the efforts of the
22 agencies.

23 (4) Consult with recognized experts on substance use
24 disorder and gambling addiction matters which are within the
25 jurisdiction of the department and other executive branch
26 agencies.

27 (5) Provide advice on substance use disorder and
28 gambling addiction issues to the secretary and to other
29 executive branch agencies.

30 (6) Coordinate educational, informational substance use

1 disorder and gambling addiction programs for the promotion of
2 wellness, public health and related medical issues in this
3 Commonwealth and serve as the primary advocate for these
4 programs.

5 (7) Serve as an ex officio member of the Pennsylvania
6 Advisory Council on Drug and Alcohol Abuse.

7 (8) Perform other duties as directed by the Governor.

8 (d) Physician General.--There shall be within the department
9 a Physician General. The Physician General shall be appointed by
10 the Governor by and with the advice and consent of a majority of
11 the members elected to the Senate. The department shall provide
12 adequate staff and other support to the Physician General as
13 needed. The Physician General shall be a graduate of an
14 accredited medical or osteopathic medical school and shall be a
15 practicing physician licensed by the Commonwealth. The Physician
16 General shall serve at the pleasure of the Governor. The salary
17 and other conditions of employment for the Physician General
18 shall be set by the Executive Board. The Physician General
19 shall:

20 (1) Advise the Governor and the secretary on health
21 policy.

22 (2) Participate in the decision-making process of the
23 department on policies relating to medical and public-health-
24 related issues and in the decision-making process of other
25 executive branch agencies as directed by the Governor.

26 (3) Review professional standards and practices in
27 medicine and public health which are related to matters
28 within the jurisdiction of the department and other executive
29 branch agencies.

30 (4) Consult with recognized experts on medical and

1 public health matters which are within the jurisdiction of
2 the department and other executive branch agencies.

3 (5) Provide advice on medical and public health issues
4 to the secretary and to other agencies.

5 (6) Coordinate educational, informational and other
6 programs for the promotion of wellness, public health and
7 related medical issues in this Commonwealth and serve as the
8 primary advocate for the programs.

9 (7) Consult with experts in this Commonwealth and other
10 jurisdictions regarding medical research, innovation and
11 development which relate to programs and issues of importance
12 to the department and the Commonwealth.

13 (8) Perform other duties as directed by the Governor.

14 (9) Serve as an ex officio member of the State Board of
15 Medicine, the State Board of Osteopathic Medicine and other
16 Commonwealth boards and commissions as may be provided by
17 law. The Physician General may provide a designee to serve in
18 the Physician General's stead.

19 (e) Commissioner on Aging.--There shall be within the Office
20 of the Governor a Commissioner on Aging. The Commissioner on
21 Aging shall be appointed by the Governor by and with the advice
22 and consent of the majority of the members elected to the
23 Senate. The Office of the Governor shall provide adequate staff
24 and other support to the Commissioner on Aging as needed. The
25 Commissioner on Aging shall serve at the pleasure of the
26 Governor. The salary and other conditions of employment for the
27 Commissioner on Aging shall be set by the Executive Board. The
28 Commissioner on Aging shall:

29 (1) Advise the Governor and the secretary on issues
30 impacting older adults.

1 (2) Participate in the decision-making process of the
2 department on policies relating to older adults and in the
3 decision-making process of other executive branch agencies as
4 directed by the Governor.

5 (3) Assist the department to develop the State plan on
6 aging and the State plan for Alzheimer's disease and related
7 disorders.

8 (4) Consult with recognized experts on issues impacting
9 older adults which are within the jurisdiction of the
10 department and other executive branch agencies.

11 (5) Coordinate educational, informational and other
12 programs for the promotion of wellness, public health and
13 related issues impacting older adults and serve as the
14 primary advocate for the programs.

15 (6) Perform other duties as directed by the Governor.

16 (7) Serve as the Executive Director of the Council on
17 Aging.

18 Section 2304-C. Pennsylvania Council on Aging.

19 (a) Establishment.--The Pennsylvania Council on Aging is
20 established in the Office of the Governor. The council shall
21 consist of an executive director and 21 members. Eleven members
22 of the council shall constitute a quorum for the conduct of the
23 business of the council. Absence of a member at three
24 consecutive meetings shall result in the member forfeiting the
25 member's seat, unless the member requests in writing and
26 receives approval from the chairperson for good cause.

27 (b) Executive director.--The executive director of the
28 council shall be appointed by the Governor and advise the
29 Governor and the secretary on policies, programs and services
30 for older adults.

1 (c) Composition and terms.--The following apply:

2 (1) The members of the council shall be nominated by the
3 Governor, subject to the advice and consent of a majority of
4 the members elected to the Senate, and shall represent, as
5 far as practicable, different geographical locations of this
6 Commonwealth. The following additional criteria shall apply
7 to members of the council:

8 (i) The chairperson of the regional councils on
9 aging established under subsection (g) shall be ex
10 officio members.

11 (ii) At least 11 members shall be older adults who
12 are residents of this Commonwealth.

13 (iii) At least one member shall be a representative
14 of a long-term care provider operating in this
15 Commonwealth.

16 (iv) At least one member shall be a representative
17 of an adult day-care provider operating in this
18 Commonwealth.

19 (2) The members shall serve staggered three-year terms,
20 on a schedule determined by the Governor upon appointment,
21 and shall serve until their successors are appointed and
22 qualified. Members shall be eligible for reappointment.

23 (d) Procedures.--The council shall provide for its
24 organization and procedures, including the selection of a
25 chairperson and other officers as deemed necessary.

26 (e) Compensation.--The members of the council shall receive
27 no compensation for their services on the council but shall be
28 reimbursed by the department for ordinary and necessary expenses
29 incurred in the performance of their duties.

30 (f) Meetings.--The council shall meet at least six times

1 each calendar year.

2 (g) Powers and duties.--The council shall have the following
3 powers and duties:

4 (1) Assisting the department in the development of the
5 State plan on aging required by section 2322-C(a)(6).

6 (2) Reviewing and commenting on rules and regulations
7 relating to programs and services for older adults
8 promulgated by the department.

9 (3) Preparing and submitting to the Governor, secretary
10 and General Assembly, public reports evaluating the level and
11 quality of services and programs provided to older adults by
12 Commonwealth agencies, including recommendations for
13 improved, expanded or additional programs and services for
14 older adults.

15 (4) Conducting public hearings on matters affecting the
16 rights and interests of older adults, including matters
17 involving cases of neglect, abuse and age discrimination
18 against older adults in the administration of the laws of
19 this Commonwealth.

20 (5) Conducting studies in the areas of age
21 discrimination, health care, Medical Assistance program
22 policies affecting older adults, duration-of-stay contracts
23 for nursing homes, health-related insurance increases and, as
24 appropriate, other major issues affecting older adults. The
25 council shall report its findings and recommendations to the
26 Governor, secretary, General Assembly and public regarding
27 the appropriate actions and long-term strategy to address the
28 areas specified under this paragraph.

29 (6) Consulting with the secretary regarding the
30 operations of the department's programs and services for

1 older adults.

2 (7) Establishing up to five regional councils on aging,
3 each of which shall consist of 15 members who are residents
4 of the region to be served by a council and who shall not be
5 elected officials. The council shall determine the
6 composition, members' terms of offices, organization and
7 duties and responsibilities of the regional councils.

8 (8) Employing, with funds as are annually appropriated
9 by the General Assembly, sufficient staff and services to
10 carry out the powers and duties of the council and the
11 regional councils, as specified under this subsection.

12 Section 2304.1-C. Renal Disease Advisory Committee.

13 The Governor shall appoint a Renal Disease Advisory Committee
14 to consult with the department in the administration of the act
15 of June 23, 1970 (P.L.419, No.140), referred to as the Renal
16 Disease Treatment Act. The committee shall be composed of 11
17 persons representing hospitals and medical schools which
18 establish dialysis centers, voluntary agencies interested in
19 kidney diseases, local public health agencies, physicians
20 licensed to practice medicine in all of its branches and the
21 general public. The members of the committee shall serve for a
22 two-year period and may be reappointed. The committee shall
23 serve without compensation, but shall receive necessary travel
24 expenses. The chairman of the committee shall be elected by the
25 committee. The committee, with the approval of the secretary,
26 shall establish standards for the expenditure of State funds
27 which are provided for the support of persons suffering from
28 renal diseases to assure the availability of specialized
29 personnel, resources and equipment necessary to enable such
30 persons to function and to care for patients with severe uremia.

1 The secretary shall choose from a list provided by the advisory
2 committee the institutions which qualify under the standards
3 established to receive grants of State funds to provide care for
4 renal disease patients.

5 Section 2305-C. Substance use disorder.

6 (a) State plan.--The department shall develop and adopt a
7 State plan for the control, prevention, intervention, treatment,
8 rehabilitation, research, education and training aspects of
9 substance use disorders. The State plan shall include, but not
10 be limited to, provisions for all of the following:

11 (1) Coordination of the efforts of all Commonwealth
12 agencies in the control, prevention, intervention, treatment,
13 rehabilitation, research, education and training aspects of
14 substance use disorders for the purpose of preventing
15 duplications and inconsistencies in the efforts of the
16 agencies.

17 (2) Coordination of all health and rehabilitation
18 efforts to deal with substance use disorders, including, but
19 not limited to, those relating to vocational rehabilitation,
20 workforce development and training, older adults, law
21 enforcement assistance, parole and probation systems, jails
22 and prisons, health research facilities, facilities for
23 individuals with an intellectual disability and community
24 mental health centers, juvenile delinquency, health
25 professions, educational assistance, hospital and medical
26 facilities, social security, community health services,
27 education professions development, higher education,
28 Commonwealth employees health benefits, economic opportunity,
29 comprehensive health planning, elementary and secondary
30 education, highway safety and Federal and State civil service

1 laws.

2 (3) Encouragement of the formation of local agencies and
3 coordinating councils, promotion of cooperation and
4 coordination among the agencies and councils and
5 encouragement of communication of ideas and recommendations
6 from the agencies and councils to the Pennsylvania Advisory
7 Council on Drug and Alcohol Abuse.

8 (4) Development of model substance use disorder control
9 plans for local government, utilizing the concepts
10 incorporated in the State plan. The model plans shall be
11 reviewed on a periodic basis, but not less than once a year,
12 and revised to keep the model plans current. The model plans
13 shall specify how all types of community resources and
14 existing Federal and State law may be utilized.

15 (5) Assistance to and consultation with local
16 governments, public and private agencies, institutions and
17 organizations and individuals with respect to the prevention
18 and treatment of substance use disorders, including
19 coordination of programs.

20 (6) Cooperation with organized medicine to disseminate
21 medical guidelines for the use of drugs and controlled
22 substances in medical practice.

23 (7) Coordination of research, scientific investigations,
24 experiments and studies relating to the cause, epidemiology,
25 sociological aspects, toxicology, pharmacology, chemistry,
26 effects on health, dangers to public health, prevention,
27 diagnosis and treatment of substance use disorders.

28 (8) Investigation of methods for the more precise
29 detection and determination of alcohol and controlled
30 substances in urine and blood samples and by other means, and

1 publication on a current basis of a uniform methodology for
2 detections and determinations.

3 (9) The use of information obtained through scientific
4 investigation or research conducted under this section in a
5 manner so that the name or identifying characteristics of an
6 individual are not divulged without the approval of the
7 department and the consent of the individual. A person
8 engaged in research under this section shall protect the
9 privacy of an individual who is the subject of the research
10 by withholding from all persons not connected with the
11 conduct of the research the name or other identifying
12 characteristics of the individual. A person engaged in
13 research under this section may not be compelled in a State,
14 civil, criminal, administrative, legislative or other
15 proceeding to identify the individual who is the subject of
16 the research.

17 (10) Establishment of training programs for professional
18 and nonprofessional personnel with respect to substance use
19 disorders, including the encouragement of the programs by
20 local governments.

21 (11) Development of a model curriculum, including the
22 provision of relevant data and other information, for
23 utilization by elementary and secondary schools for
24 instructing children and for parent-teachers' associations,
25 adult education centers, private citizen groups or other
26 State and local sources for instruction of parents and other
27 adults about substance use disorders.

28 (12) Preparation of a broad variety of educational,
29 prevention and intervention material for use in the media
30 for the purpose of reaching all segments of the population

1 and which can be utilized by public and private agencies,
2 institutions and organizations in educational programs with
3 respect to substance use disorders.

4 (13) Establishment of educational courses, including the
5 provision of relevant data and other information on the
6 causes and effects of and treatment for substance use
7 disorders for law enforcement officials, including
8 prosecuting attorneys, court personnel, the judiciary,
9 probation and parole officers, correctional officers and
10 other law enforcement personnel, human services personnel,
11 vocational rehabilitation personnel and other State and local
12 officials, who come in contact with substance use disorder
13 problems.

14 (14) Recruitment, training, organization and employment
15 of professional and other persons, including individuals in
16 recovery from substance use disorders, to organize and
17 participate in programs of public education.

18 (15) Treatment and rehabilitation services for juveniles
19 and adults with substance use disorders who are charged with,
20 convicted of or serving a criminal sentence for a criminal
21 offense under the laws of this Commonwealth. Provision of
22 similar services shall be made for juveniles adjudged to be
23 delinquent, dependent or neglected. These services shall
24 include, but not be limited to, emergency medical services,
25 inpatient services and intermediate care, rehabilitative and
26 outpatient services.

27 (16) Giving priority to developing community-based
28 substance use disorder treatment services in a cooperative
29 manner among State and local governmental agencies and
30 departments and public and private agencies, institutions and

1 organizations. Consideration shall be given to supportive
2 medical care, services or residential facilities for
3 individuals with a substance use disorder for whom treatment
4 has repeatedly failed and for whom recovery is unlikely.

5 (17) Establishment of a system of emergency medical
6 services for individuals with substance use disorders and
7 who:

8 (i) voluntarily seek treatment;

9 (ii) are admitted and committed to treatment
10 facilities according to the procedural admission and
11 commitment provisions of the act of July 9, 1976
12 (P.L.817, No.143), known as the Mental Health Procedures
13 Act; or

14 (iii) are charged with a crime under the laws of
15 this Commonwealth.

16 (18) Providing standards for the licensure of or
17 approval for all private and public treatment and
18 rehabilitative facilities, which may include, but not be
19 limited to, State hospitals and institutions, public and
20 private general hospitals, community mental health centers or
21 their contracting agencies and public and private substance
22 use disorder treatment and rehabilitation centers.

23 (19) Grants and contracts for the prevention,
24 intervention and treatment of substance use disorders within
25 this Commonwealth. The grants and contracts may include
26 assistance to local governments and public and private
27 agencies, institutions and organizations for prevention,
28 intervention, treatment, rehabilitation, research, education
29 and training aspects of substance use disorders.

30 (20) Establishment of priorities for deciding allocation

1 of funds.

2 (21) The conduct of annual reviews and evaluations of
3 the administration and operation of programs of the
4 department relating to substance use disorders, including the
5 effectiveness of the programs in meeting the purposes for
6 which they are established and operated.

7 (22) Creation and dissemination of annual reports of the
8 reviews and evaluations conducted under paragraph (21).

9 (23) Establishment of advisory committees as deemed
10 necessary to assist the department in fulfilling its
11 responsibilities under this section.

12 (b) Public hearings.--Prior to the adoption of the State
13 plan or any amendment of the plan, the department shall hold a
14 public hearing to afford all interested persons an opportunity
15 to present their views either orally or in writing. The
16 department shall consult and collaborate in the conduct of the
17 hearings with appropriate Federal, Commonwealth and local
18 agencies, departments, boards, governmental units, public and
19 private agencies, institutions, groups and organizations. A
20 hearing to be conducted pursuant to this subsection shall be
21 held at least 30 days prior to the adoption or amendment of the
22 State plan.

23 (c) Implementation.--The department shall implement the
24 State plan adopted under this section, shall coordinate
25 responsibilities under the plan of other Commonwealth agencies
26 and shall monitor compliance with the State plan by relevant
27 Commonwealth and local agencies, departments, institutions and
28 others engaged in implementing the State plan. In connection
29 with such implementation, coordination and monitoring, the
30 department shall do the following:

1 (1) Allocate the responsibility for all services,
2 programs and other efforts provided for in the plan among the
3 appropriate Commonwealth agencies and departments.

4 (2) Gather and publish statistics pertaining to
5 substance use disorders and promulgate regulations that
6 specify uniform statistics to be obtained, records to be
7 maintained and reports to be submitted by public and private
8 departments, agencies, organizations, practitioners and other
9 persons with respect to substance use disorders and related
10 problems. The statistics and reports may not reveal the
11 identity of a patient or person with a substance use disorder
12 or other confidential information.

13 (3) Establish an information center that attempts to
14 gather and contain all available published and unpublished
15 data and information on substance use disorders and related
16 problems. All Commonwealth departments and agencies shall
17 send to the department data and information pertinent to the
18 cause, prevention, diagnosis and treatment of substance use
19 disorders and the toxicology and pharmacology effects on
20 persons with a substance use disorder, and the danger of
21 alcohol, drugs and controlled substances to the public
22 health. The department shall make the data and information
23 available on its publicly accessible Internet website.

24 (4) Conduct performance audits as the department deems
25 necessary of the activities engaged in by other Commonwealth
26 and local agencies, departments, institutions and others
27 engaged in implementing the State plan.

28 (d) Reporting requirements.--The following apply:

29 (1) All appropriate Commonwealth and local departments,
30 agencies, institutions and others engaged in implementing the

1 State plan shall submit to the department as often as
2 necessary, but no less often than annually, reports detailing
3 the activities and effects of the implementation and
4 recommending appropriate amendments to the State plan.

5 (2) The department shall submit an annual report to the
6 General Assembly that specifies the actions taken, services
7 provided and funds expended under the State plan together
8 with an evaluation of their effectiveness. The department
9 shall submit additional reports as may be requested by the
10 General Assembly and shall make recommendations to further
11 the prevention, treatment and control of substance use
12 disorders in this Commonwealth.

13 (3) The department shall facilitate the distribution
14 throughout this Commonwealth of information about all
15 Commonwealth substance use disorder programs and services.
16 Section 2306-C. Residential substance use disorder treatment
17 programs for women and children.

18 (a) Grants and contracts.--The department shall award grants
19 or enter into contracts to provide residential substance use
20 disorder treatment and related services for pregnant women,
21 women and their dependent children and women who do not have
22 custody of their children where there is a reasonable likelihood
23 that the children will be returned to the women if the women
24 participate satisfactorily in the treatment program. Grant or
25 contract money shall only be used for treatment and related
26 services provided to residents of this Commonwealth by providers
27 of substance use disorder treatment programs licensed by the
28 department that provide the following services:

29 (1) Residential treatment services for women and their
30 dependent children, subject to reasonable limitations on the

1 number and ages of the children, including, but not limited
2 to:

3 (i) Onsite substance use disorder education,
4 counseling and treatment.

5 (ii) Onsite individual, group and family counseling.

6 (iii) Onsite substance use disorder prevention and
7 education activities for children.

8 (iv) Onsite special counseling for children of women
9 with substance use disorders.

10 (v) Involvement with support groups for women and
11 children of women with substance use disorders.

12 (vi) Activities that enhance self-esteem and self-
13 sufficiency.

14 (2) Onsite parenting skills counseling and training.

15 (3) Access to school for children and women where
16 appropriate, including, but not limited to, securing
17 documents necessary for registration.

18 (4) Job counseling and referral to existing job training
19 programs.

20 (5) Onsite child care for children of women:

21 (i) who attend counseling, school or job training
22 programs;

23 (ii) who work or are looking for work; and

24 (iii) who need such services at other times as the
25 department deems appropriate.

26 (6) Referral for other needed services, including, but
27 not limited to, health care.

28 (7) Onsite structured reentry counseling and activities.

29 (8) Referral to outpatient counseling upon discharge
30 from the residential program.

1 (b) Information to single county authorities.--The
2 department shall advise a single county authority of those
3 programs in its jurisdiction that are being considered for
4 funding under this section and shall give the single county
5 authority an opportunity to comment on the funding proposals
6 prior to the department making a decision to award funding.

7 (c) Information to be provided to department.--

8 (1) Providers of treatment programs that receive funding
9 under this section shall collect and provide to the
10 department information concerning the number of women and
11 children denied treatment or placed on waiting lists and may
12 require such other data and information as the department
13 deems useful in determining the effectiveness of the
14 treatment programs.

15 (2) Records regarding identifiable individuals enrolled
16 in treatment programs funded under this section that are in
17 the possession of the department or a provider shall be
18 confidential.

19 (d) Limitation.--Contributions by counties or single county
20 authorities shall not be required as a condition for receiving
21 grants for programs funded under this section, but the
22 department may require counties or single county authorities to
23 make commitments to provide outpatient intervention, referral
24 and aftercare services to women whose residential treatment is
25 funded under this section upon completion of residential
26 treatment.

27 (e) Annual report required.--The department shall report
28 annually to the Governor and the General Assembly as to:

29 (1) The department's activities and expenditures under
30 this section.

1 (2) The activities of recipients of funds under this
2 section.

3 (3) The number of women and children served by programs
4 funded under this section.

5 (4) The number of women and children denied treatment or
6 placed on waiting lists by providers that receive funding for
7 programs under this section.

8 (5) The recommendations of the department.

9 Section 2307-C. Staff training and referral mechanisms.

10 The department shall:

11 (1) Establish, on a demonstration basis, programs to
12 train the staff of child protective services agencies,
13 counseling programs and shelters for victims of domestic
14 violence, recipients of funds under high risk maternity
15 programs or Federal maternal and child health care grants and
16 community health care centers in order to identify those
17 women for whom these agencies are already providing services
18 and who are in need of substance use disorder treatment.

19 (2) Establish referral networks and mechanisms between
20 the agencies referred to in paragraph (1) and single county
21 authorities and appropriate substance use disorder treatment
22 programs.

23 Section 2308-C. Medical assistance payments.

24 (a) Purpose.--The following shall apply:

25 (1) The purpose of this section is to provide for
26 alcohol and drug detoxification and rehabilitation services
27 to persons eligible for medical assistance.

28 (2) Facilities serving as appropriate treatment settings
29 shall include the following if they are licensed by the
30 department:

1 (i) hospital and nonhospital drug detoxification and
2 rehabilitation facilities;

3 (ii) hospital and nonhospital alcohol detoxification
4 and rehabilitation facilities;

5 (iii) hospital and nonhospital drug and alcohol
6 detoxification and rehabilitation facilities; and

7 (iv) outpatient services.

8 (3) The General Assembly recognizes that the fluctuating
9 nature of substance use disorder, in combination with the
10 associated physical complications often arising from long-
11 term substance use, requires the availability of a variety of
12 treatment modalities and settings for individuals eligible
13 for medical assistance. The availability of a new service in
14 this area is in no way intended to limit access to or funding
15 of services currently available.

16 (b) Responsibilities of the department.--The department
17 shall:

18 (1) Provide to individuals eligible for medical
19 assistance, if the facility is licensed by the department,
20 medical assistance coverage for detoxification, treatment and
21 care in the following facilities:

22 (i) a nonhospital alcohol detoxification facility;

23 (ii) nonhospital drug detoxification facility;

24 (iii) nonhospital alcohol and drug detoxification
25 facility; or

26 (iv) nonhospital treatment facility that can provide
27 services for either drug or alcohol detoxification or
28 treatment, or both.

29 (2) Use criteria adopted by the department for governing
30 the type, level and length of care or treatment, including

1 hospital detoxification, as a basis for the development of
2 standards for services provided under paragraph (1).

3 Section 2309-C. Public health.

4 (a) General rule.--The department shall have the following
5 powers and duties:

6 (1) Protect the health of the citizens of this
7 Commonwealth and determine and employ the most efficient and
8 practical means for the prevention and suppression of
9 disease.

10 (2) (i) Investigate conditions affecting the security
11 of life and health, in any locality, and, for that
12 purpose, enter, inspect and survey all grounds, vehicles,
13 apartments, buildings and other places within this
14 Commonwealth.

15 (ii) All persons authorized by the department to
16 conduct the activities under subparagraph (i) shall have
17 the powers and authority conferred by law upon
18 constables.

19 (3) Administer the health laws, regulations and
20 ordinances of a borough or a township if:

21 (i) the department determines that a condition
22 exists in the borough or township that is a menace to the
23 lives and health of residents of the borough or township
24 or of surrounding municipalities;

25 (ii) the department has knowledge that the borough
26 or township is without an existing or efficient board of
27 health, until a competent and efficient board of health,
28 as determined by the department, has been appointed and
29 is ready, able and willing to assume and carry out the
30 duties imposed upon it by law; or

1 (iii) the borough or township requests the
2 department to do so.

3 (4) Recover from a borough or township all expenses
4 incurred by the township in performing the duties of a board
5 of health of the borough or township under paragraph (3)(ii).

6 (5) Prescribe standard requirements for the medical
7 examination of public school students and public schools
8 throughout this Commonwealth and to appoint appropriate
9 inspectors for this purpose.

10 (6) Train, in appropriate facilities, qualified
11 Commonwealth, county and municipal employees in the field of
12 public health work.

13 (7) Designate the Health Care Policy Board to
14 adjudicate, in accordance with 2 Pa.C.S. (relating to
15 administrative law and procedure), appeals from any final
16 order, decision, decree, determination or ruling of the
17 department made under Chapters 7 and 8 of the act of July 19,
18 1979 (P.L.130, No.48), known as the Health Care Facilities
19 Act. The department shall promulgate regulations establishing
20 appeal procedures to be followed. Until such time as final
21 regulations have been promulgated, procedures set forth in 1
22 Pa. Code Part II (relating to general rules of administrative
23 practice and procedure) and 37 Pa. Code Ch. 197 (relating to
24 practice and procedure) shall be followed for these appeals.
25 An appeal filed with the Health Policy Board from any final
26 order, decision, decree, determination or ruling of the
27 department relating to licensure shall not act as a
28 supersedeas but, upon good cause shown, and where the
29 circumstances require it, the department or the board, or
30 both, shall have the power to grant a supersedeas.

1 (b) Public health laboratory.--

2 (1) The department shall maintain and operate a public
3 health laboratory that shall assure the availability of
4 reliable clinical laboratory services and laboratory-based
5 information that are needed by health providers for proper
6 diagnosis and treatment, prevention of disease and promotion
7 of the health of the citizens of this Commonwealth.

8 (2) The public health laboratory maintained and operated
9 under paragraph (1) shall arrange for or perform the
10 following clinical tests:

11 (i) to identify diseases and provide epidemiological
12 and surveillance support; and

13 (ii) for, but not limited to, rabies, measles,
14 rubella, Lyme disease, influenza and tuberculosis
15 identification.

16 (c) Dental health districts.--

17 (1) The department shall apportion this Commonwealth
18 into dental health districts administered by a public health
19 dentist within the department.

20 (2) The public health dentist administering a dental
21 health district under paragraph (1) shall implement dental
22 health policies and programs.

23 (d) Abatement of detrimental conditions.--The department
24 shall have power and authority to order conditions detrimental
25 to the public health or the causes of disease and mortality to
26 be abated and removed and to enforce quarantine orders. The
27 following shall apply:

28 (1) If the owner or occupant of a premises subject to an
29 order of the department under this subsection fails to comply
30 with the order, agents or employees of the department may

1 enter the premises and abate or remove the condition.

2 (2) The expense of the abatement or removal under
3 paragraph (1) shall be paid by the owner or occupant of the
4 premises subject to the order. The following shall apply:

5 (i) The expense shall be a lien upon the land on
6 which the condition existed, for which a claim may be
7 filed by the department, in the name of the Commonwealth,
8 in the court of common pleas for the county in which the
9 land is located.

10 (ii) A claim under subparagraph (i) must be filed
11 within six months from the date of completion of the work
12 of abatement or removal, subject to the same proceedings
13 for entry or revival of judgment and execution as are
14 provided by law for municipal liens.

15 (3) The department may maintain an action against an
16 owner or occupant, in the name of the Commonwealth, to
17 recover expenses related to abatement under paragraph (1) in
18 the same way as debts of like amounts are recoverable by law.

19 (4) Expenses recovered under this section by enforcement
20 of a lien or by other action shall be paid to the State
21 Treasurer, to be held and used as funds of the department.

22 (5) This subsection shall not apply to waters pumped or
23 flowing from coal mines or tanneries.

24 (e) Revocation or modification of action by a local board of
25 health.--The department may revoke or modify an order,
26 regulation, bylaw or ordinance of a local board of health,
27 concerning a matter which the department has determined affects
28 the public health beyond the territory over which the local
29 board has jurisdiction.

30 (f) Civil penalty.--

1 (1) The department may impose a civil penalty on a
2 person that fails to comply with an order issued by the
3 department under this section, or that resists or interferes
4 with an agent or employee of the department in the
5 performance of the agent's or employee's duties in accordance
6 with the public health regulations and orders of the
7 department.

8 (2) A penalty under paragraph (1) shall be no more than
9 \$1,000 for the first offense, no more than \$2,000 for the
10 second offense and no more than \$5,000 for each subsequent
11 offense.

12 (g) Controlled substances.--The department shall have the
13 power and duty to carry out those powers and duties conferred
14 upon the former Secretary of Health and the former Department of
15 Health under the act of April 14, 1972 (P.L.233, No.64), known
16 as The Controlled Substance, Drug, Device and Cosmetic Act.
17 Notwithstanding any provision of The Controlled Substance, Drug,
18 Device and Cosmetic Act, loperamide hydrochloride is expressly
19 deemed not to be a controlled substance within the meaning of
20 section 4 of that act.

21 Section 2310-C. Newborn testing.

22 (a) General rule--The department shall permit a laboratory
23 certified under the Clinical Laboratories Improvement Act of
24 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to
25 perform screening testing of newborn infants in any state and
26 uses normal pediatric reference ranges to conduct the analysis
27 required by section 4(a) of the act of September 9, 1965
28 (P.L.497, No.251), known as the Newborn Child Testing Act, as an
29 alternative to the testing laboratory designated by the
30 department in accordance with section 5 of the Newborn Child

1 Testing Act.

2 (b) Testing requirements.--The testing performed by the
3 laboratory under subsection (a) must include testing for newborn
4 diseases as required by law or regulation and shall provide test
5 results and reports consistent with appropriate policies,
6 procedures, laws and regulations of the department.

7 (c) Blood samples.--A testing laboratory designated by the
8 department or permitted as an alternative under this section
9 shall not use or provide blood samples for scientific research
10 without the informed written consent of the parent or guardian
11 of the child.

12 Section 2311-C. Recovery of blood plasma proteins.

13 The department shall have the power and duty to:

14 (1) Maintain facilities, or contract with facilities,
15 for the recovery of outdated human whole blood and blood from
16 which the cells of certain proteins useful for immunization,
17 treatment, research and disaster stock-piling purposes have
18 been withdrawn.

19 (2) Make available to research institutions, physicians
20 and hospitals, upon request, blood plasma proteins for
21 research, immunization and treatment.

22 (3) Maintain facilities for the proper storage of blood
23 proteins for disaster purposes.

24 (4) Adopt standards for the efficient execution of a
25 blood plasma protein recovery program.

26 (5) Develop and employ the necessary procedures and
27 perform any and all things necessary to carry out the
28 purposes of this section.

29 (6) Collect and dispense money received from any source,
30 by gift or otherwise, for the purpose of carrying out the

1 provisions of this section.

2 Section 2312-C. Vital statistics.

3 The department shall have the power and duty to:

4 (1) Obtain, collect, compile and preserve all statistics
5 from all professionals whose information is deemed to be
6 necessary to ensure a complete registration of births,
7 deaths, marriages and diseases occurring within this
8 Commonwealth or other vital statistics.

9 (2) Prepare the necessary methods, forms and blanks for
10 obtaining and preserving records of births, deaths, marriages
11 and diseases in this Commonwealth.

12 (3) Ensure that the laws requiring the registration of
13 births, deaths, marriages and diseases are uniformly and
14 thoroughly enforced throughout this Commonwealth, along with
15 the prompt provision of registrations to the department.

16 (4) With the advice and concurrence of the Advisory
17 Health Board, promulgate regulations for the thorough
18 organization and efficiency of the registration of vital
19 statistics throughout the Commonwealth, and enforce
20 regulations.

21 (5) Issue birth and death certificates and burial or
22 removal permits as provided by law.

23 (6) Establish districts for the registration of vital
24 statistics and appoint registrars, deputies and sub-
25 registrars, as may be necessary, to obtain, collect, compile
26 and preserve the statistics which the department is required
27 to obtain, collect, compile and preserve. All local
28 registrars, deputies and sub-registrars, appointed under this
29 paragraph, shall perform the duties required of them by the
30 department and shall receive compensation as may be fixed by

1 law.

2 Section 2313-C. Health districts and officers.

3 The department may:

4 (1) Apportion this Commonwealth into health districts as
5 the department, with the approval of the Governor, decides.

6 (2) Appoint a health officer in each health district,
7 who shall:

8 (i) Under the direction of the department, handle
9 matters as delegated by law or by the secretary.

10 (ii) In connection with the management of the
11 sanitary affairs of the Commonwealth, cooperate with the
12 Department of Environmental Protection and with the
13 Department of Conservation and Natural Resources.

14 Section 2314-C. Quarantine.

15 The department shall have the power and duty to:

16 (1) In addition to diseases that may be declared by law
17 to be communicable, declare a disease to be communicable with
18 the approval of the Advisory Health Board and establish
19 regulations for the prevention of the spread of communicable
20 diseases as the department and the Advisory Health Board deem
21 necessary and appropriate.

22 (2) Issue and enforce an isolation and quarantine order,
23 to prevent the spread of a disease declared by law or by the
24 department to be a communicable disease.

25 (3) Administer and enforce the laws of this Commonwealth
26 with regard to vaccination and other means of preventing the
27 spread of a communicable disease.

28 Section 2315-C. Narcotic drugs.

29 The department shall have the power and duty to supervise the
30 enforcement and administration of laws regulating the

1 possession, control, dealing in, giving away, delivery,
2 dispensing, administering, prescribing and use of narcotic
3 drugs.

4 Section 2316-C. Advisory Health Board.

5 The Advisory Health Board shall have the power and duty:

6 (1) To advise the secretary on such matters as the
7 secretary may request.

8 (2) To advise the department regarding the department's
9 promulgation of rules and regulations as necessary for the
10 prevention of disease and for the protection of the lives and
11 health of the residents of this Commonwealth.

12 (3) To make and revise a list of communicable diseases
13 against which children shall be required to be immunized as a
14 condition of attendance at a public, private or parochial
15 school in this Commonwealth. The list shall be published by
16 the department together with rules and regulations
17 promulgated by the department that are necessary to ensure
18 that the immunization is timely, effective and properly
19 verified.

20 (4) To prescribe minimum health activities and minimum
21 standards of performance of health services for a political
22 subdivision.

23 Section 2317-C. Speech and hearing rehabilitation centers.

24 The department shall have the power and duty:

25 (1) To provide, maintain, administer and operate a
26 speech and hearing rehabilitation center:

27 (i) For the diagnosis and treatment of children with
28 or suspected of having hearing loss.

29 (ii) To provide auditory training for preschool
30 children.

1 (iii) To provide consultative services for hard of
2 hearing children of school age and the parents of the
3 children.

4 (2) The department may purchase services if it is not
5 feasible to provide and maintain a speech and hearing
6 rehabilitation center.

7 Section 2318-C. Cystic fibrosis program.

8 The department shall have the power and duty to conduct a
9 program of care and treatment of individuals suffering from
10 cystic fibrosis who are 21 years of age or older.

11 Section 2319-C. Investigators, subpoenas and warrants.

12 (a) Investigator.--The department may:

13 (1) Employ a competent person to:

14 (i) Render sanitary service and undertake or
15 supervise practical and scientific investigations and
16 examinations requiring expert skill.

17 (ii) Prepare plans and reports relative to an
18 investigation and examination under subparagraph (i).

19 (2) Purchase supplies and materials necessary to
20 carrying out the work of the department.

21 (b) Subpoena.--The department may issue a subpoena for the
22 examination, investigation and adjudication of the violation of
23 a statute or regulation administered by the department to secure
24 the attendance of an individual necessary to the matter or
25 proceeding and compel the individual to testify in a matter or
26 proceeding before the department.

27 (c) Order.--In the event of a public health emergency, as
28 determined by the Governor or the secretary, the department may
29 issue and deliver a disease control order to the appropriate law
30 enforcement organization for execution of the order. If required

1 by the order, the law enforcement organization shall
2 immediately, with or without a warrant, take the subject of the
3 disease control order to a facility or other location specified
4 in the order or ensure there is not ingress or egress from the
5 place of isolation or quarantine specified in the order, as
6 appropriate. The law enforcement organization may take
7 appropriate measures to enforce a disease control order against
8 each subject of the order. The law enforcement organization
9 shall provide a copy of the order to each subject of the order.
10 If it is impractical to provide a copy of the order to each
11 subject of the order, the law enforcement organization shall
12 communicate the order in any other manner reasonably likely to
13 reach the subjects of the order.

14 (d) Definition.--As used in this section, the term "public
15 health emergency" means an occurrence or imminent threat of a
16 disease or condition of public health importance with the
17 following characteristics:

18 (1) Is believed to be caused by any of the following:

19 (i) A bioterrorist event, a chemical attack or a
20 nuclear attack.

21 (ii) The appearance of a novel or previously
22 controlled or eradicated infectious agent or biological
23 toxin.

24 (iii) A natural disaster, an accidental chemical
25 release or a nuclear incident.

26 (iv) A disease outbreak or unusual expression of
27 illness.

28 (2) Poses a high probability of any of the following
29 harms in the affected population:

30 (i) A large number of deaths.

1 (ii) A large number of serious or long-term
2 disabilities.

3 (iii) Widespread exposure to an infectious or toxic
4 agent that poses a significant risk of substantial
5 present or future harm to a large number of individuals.

6 Section 2320-C. Cooperation in enforcing health laws.

7 A city, borough or township may cooperate with the following
8 in the administration and enforcement of this article and of the
9 rules and regulations of the department:

10 (1) The county in which the city, borough or township is
11 situated.

12 (2) Another political subdivision within the county.

13 (3) The department.

14 Section 2321-C. Anatomical gifts.

15 In addition to the powers and duties of the department
16 relating to anatomical gifts, the department shall continue the
17 rotation of referrals to tissue procurement providers started
18 under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

19 Adjustments to the rotation may be made to accommodate new,
20 quality tissue procurement providers accredited by the American
21 Association of Tissue Banks or a successor organization, as
22 adjudged under the guidelines published in 26 Pa.B. 2044 (April
23 27, 1996). A hospital may discontinue the rotation for cause.

24 Section 2322-C. Programs and services for older adults.

25 (a) Powers and duties.--The department shall have the power
26 and duty to:

27 (1) Evaluate the need for services for older adults
28 within this Commonwealth and determine the extent to which
29 public and private programs meet the need with special
30 emphasis on the needs and participation of older adults who

1 are members of minority communities.

2 (2) Assist with planning and provide consultation to
3 Commonwealth agencies with respect to services, programs and
4 activities which the agencies may furnish to older adults.

5 (3) Develop and periodically update, in consultation
6 with the council and the area agencies, a comprehensive plan
7 for coordinating all major Commonwealth services, programs
8 and activities which are directed towards an individual with
9 a chronic physical or mental impairment which necessitates
10 long-term care.

11 (4) Provide for services to older adults through area
12 agencies and other appropriate agencies, organizations and
13 institutions authorized under the Older Americans Act of
14 1965, related Federal acts and laws of this Commonwealth and
15 stimulate services and opportunities for older adults which
16 are not otherwise available.

17 (5) Function as the single State agency to receive and
18 disburse Federal funds under the Older Americans Act of 1965
19 and Commonwealth funds made available for providing services
20 to older adults.

21 (6) Develop and administer the State plan for the aging
22 required by Federal law.

23 (7) Serve as an advocate for older adults at each level
24 of government and provide consultation and assistance to the
25 area agencies, communities and civic groups developing local
26 services for older adults.

27 (8) Maintain a clearinghouse of information related to
28 the interests of older adults and provide technical
29 assistance and consultation to public and private agencies
30 with respect to programs and services for older adults.

1 (9) Prepare for the Governor an annual budget as may be
2 reasonably required to address the needs of the council and
3 the regional councils.

4 (10) Promote, utilizing wherever possible the area
5 agencies, community education regarding the problems of older
6 adults through institutes, publications and use of
7 communications media.

8 (11) Cooperate with area agencies and agencies of the
9 Federal government in studies and conferences designed to
10 examine the needs of the older adult population of this
11 Commonwealth and to assist in preparing programs and
12 developing facilities to meet those needs.

13 (12) Promote and support programs, studies and policies,
14 in cooperation with the Department of Labor and Industry, the
15 Department of Education, the Department of Community and
16 Economic Development and other agencies, which will enhance
17 the opportunity for continued work, education and training
18 for older adults and for preretirement assistance where
19 appropriate.

20 (13) Promote, through the use of area agencies and
21 direct grants, contracts and technical assistance, the
22 development of independent senior centers, service
23 organizations, clubs, associations and organizations
24 dedicated to the rights and needs of older adults when the
25 development of independent senior centers, service
26 organizations, clubs, associations and organizations are not
27 in conflict with State or area plans for older adults.

28 (14) Make recommendations for legislative action
29 concerning older adults to the Governor and the General
30 Assembly.

1 (15) In coordination with the area agencies and the
2 council, develop and conduct research, demonstration programs
3 and training programs to advance the interests of older
4 adults.

5 (16) Publish a description of the organization and
6 function of the department so that interested agencies and
7 individuals may be better able to solicit assistance from the
8 department.

9 (17) Administer and supervise a domiciliary care
10 program.

11 (18) Conduct, in cooperation with appropriate
12 Commonwealth and local public and private agencies, studies
13 and evaluations pertaining to the quality of life, health and
14 social needs, civil rights and status of older adults
15 residing in personal care homes and similar residencies and
16 report the findings and recommendations to the General
17 Assembly.

18 (19) (i) In cooperation with the area agencies and
19 Federal, Commonwealth and local organizations and
20 agencies, work toward the development of community-based
21 service and housing options designed to maintain impaired
22 and chronically ill older adults in the community and
23 avoid or delay institutional care as described in section
24 2325-C(b)(1).

25 (ii) To the extent that the needs of other adults
26 involve and overlap the needs of older adults addressed
27 by this paragraph, the department shall serve as an
28 advocate for adults of all ages.

29 (20) Develop and administer a system of preadmission
30 assessment for older adults who are at risk of needing

1 institutional care, if the Governor finds the system cost
2 effective.

3 (21) Develop and administer a system of managed
4 community-based long-term care for older adults who are
5 assessed as being clinically eligible for nursing home care
6 and who can be cared for within cost-of-care guidelines
7 established by the department, if the Governor finds the
8 system cost effective.

9 (22) Review all proposed Commonwealth program plans and
10 policies and administrative regulations that are published in
11 the Pennsylvania Bulletin for their impact on older adults.

12 (23) At the option of the secretary, administer special
13 transit programs for older adults as may be authorized by the
14 laws of this Commonwealth.

15 (24) Serve as an advocate for the needs of adults with
16 disabilities as the needs involve and overlap the needs and
17 services of older adults.

18 (25) Review the activities of regulatory agencies of the
19 Commonwealth which affect the full and fair utilization of
20 Commonwealth and community resources for programs and
21 benefits for older adults and initiate programs which will
22 help assure the utilization.

23 (26) Conduct periodic studies and evaluations pertaining
24 to the quality of care and related services for consumers of
25 long-term care services and report the findings to the
26 General Assembly.

27 (27) Conduct an ongoing Statewide prescription drug
28 education program designed to inform older adults of the
29 dangers of prescription drug abuse and misuse.

30 (28) Establish and administer a State Long-Term Care

1 Ombudsman Program, including providing resources to area
2 agencies or other contractors to investigate and resolve
3 complaints related to the health, safety or rights of older
4 adults who are consumers of long-term care services and to
5 prepare and submit to the General Assembly an annual report
6 containing data and findings regarding the types of problems
7 experienced and complaints investigated.

8 (29) Collaborate with the Department of Community and
9 Economic Development and the Pennsylvania Housing Finance
10 Agency in the location, design, management and services of
11 housing built for older adults and upon request provide
12 technical assistance to local housing authorities, nonprofit
13 housing and community groups, redevelopment authorities and
14 other groups with a special emphasis on programs on utility
15 costs, rehabilitation and maintenance of the homes of older
16 adults.

17 (30) Provide for services to adults under 60 years of
18 age whose needs for services are similar to those for which
19 the department is responsible with respect to older adults
20 and as may be specifically authorized by law.

21 (b) Objective.--The objectives of the programs and services
22 for older adults are as follows:

23 (1) To effect the maximum feasible coordination of, and
24 eliminate duplication in, the Commonwealth's administration
25 of certain Federal and State programs for older adults.

26 (2) To further promote the efficient delivery of certain
27 social and other services to older adults.

28 (3) To promote the creation and growth of independent
29 clubs and associations of older adults and related activities
30 which assist older adults in maintaining lives of

1 independence and dignity, involvement in the social, economic
2 and political affairs of their communities and dignified and
3 efficient assistance when disabled or impaired.

4 Section 2323-C. Planning and service areas.

5 (a) Establishment.--The geographical planning and service
6 areas established by the authority of the secretary under the
7 Older Americans Act of 1965 and in effect as of July 1, 2017,
8 shall remain in effect and not be reduced by size or number,
9 except as prohibited by Federal law.

10 (b) Designated area agencies.--For each planning and service
11 area there shall be one area agency designated by the department
12 in accordance with the Older Americans Act of 1965 to serve as a
13 focal point in the community for the coordination of services
14 for older adults and for the issues and concerns of aging. An
15 area agency designated by the department must be one of the
16 following:

17 (1) An established office of aging.

18 (2) An office or agency of a unit of general purpose
19 local government, which is designated for this purpose by the
20 chief elected officials of the unit of general purpose local
21 government.

22 (3) An office or agency designated by the chief elected
23 officials of a combination of units of general purpose local
24 government to act on behalf of the combination for this
25 purpose.

26 (4) A public or nonprofit private agency in a planning
27 and service area which is under the supervision or direction
28 for this purpose of the designated Commonwealth agency,
29 which can engage in the planning or provision of a broad
30 range of social services within the planning and service area

1 and which can provide adequate assurance, as determined by
2 the department, that it will have the ability to develop and
3 administer an area plan.

4 (c) Designation and redesignation.--The secretary, in
5 consultation with the Commissioner on Aging, may redesignate or
6 designate new area agencies based on regulations promulgated by
7 the department. The regulations shall include criteria of
8 efficiencies, appropriateness and equity and shall provide for
9 public hearings on redesignation conducted in the affected
10 planning and service areas. The determinations of redesignation
11 shall be executed not less than 100 days prior to the beginning
12 of the fiscal year of the local authority. A designation or
13 redesignation may only occur under the following circumstances:

14 (1) Changes are made in established planning and service
15 area boundaries as provided under subsection (a).

16 (2) A currently designated area agency is incapable of
17 carrying out the approved area plan.

18 (3) A currently designated area agency is unable or
19 unwilling to continue as the area agency.

20 (4) Removal of an area agency designation is requested
21 by the local authority with cause shown.

22 (5) As required under 45 CFR Pt. 1321 (relating to
23 grants to State and community programs on aging).

24 (d) Removal.--The removal of an area agency designation and
25 the designation of a new area agency shall be carried out under
26 regulations promulgated by the department, in consultation with
27 the Commissioner on Aging, and consistent with the Older
28 Americans Act of 1965 and Federal regulations.

29 Section 2324-C. (Reserved).

30 Section 2325-C. Area agencies and powers and duties.

1 (a) Authority.--The area agency shall have the authority to
2 act as an advocate at all levels of government and within the
3 community at large for the interests of older adults within the
4 planning and service area. The area agency shall develop a
5 comprehensive area plan to coordinate services for older adults
6 within the planning and service area as the department may
7 prescribe by regulation. The area plan shall make provision for
8 the following:

9 (1) Information about and referral to advocacy programs.

10 (2) Social service case management and casework services
11 including protective services and placement services.

12 (3) Transportation services.

13 (4) Legal counseling and representation.

14 (5) In-home services including personal care and health-
15 related services.

16 (6) Assistance to secure adequate housing and health
17 services.

18 (7) Other services required by Federal law and other
19 services and activities designated by the department or
20 identified as critical needs by the area agency and the area
21 agency advisory board. The State plan on aging and grants and
22 contracts provided by the department shall reasonably
23 accommodate the locally designated priorities and critical
24 needs.

25 (8) The establishment of an affiliated network of
26 multiservice centers and neighborhood centers for older
27 adults. Each center shall provide those services required by
28 the department in accordance with regulations promulgated by
29 the department, which regulations shall provide for the
30 maximum involvement of members of the centers and sponsoring

1 organizations in the identification and prioritization of
2 services and activities to be conducted in the centers.

3 (b) Duties.--

4 (1) The area agency shall be responsible for working
5 toward the development, in cooperation with Commonwealth and
6 local organizations and agencies, of community-based service
7 and housing options designed to maintain impaired and
8 chronically ill older adults in the community and avoid or
9 delay institutional care. System development activities shall
10 include, but not be limited to, coordinating area plans for
11 the provision, expansion and effective administration of:

12 (i) Personal care and health-related services
13 provided to older adults in their homes.

14 (ii) Housing options including service-assisted
15 housing and personal care homes.

16 (iii) Special supports to caregivers who care for
17 impaired older adults.

18 (iv) Adult day-care services, respite services and
19 other community-based services to support care by
20 caregivers.

21 (v) The promotion of informal community supports.

22 (vi) Geriatric assessment and nursing home screening
23 programs.

24 (vii) Special services to protect the health, safety
25 and welfare of older adults who lack the capacity to
26 protect themselves.

27 (viii) Special advocacy efforts to promote greater
28 awareness of, and more effective response to, the
29 problems of individuals with Alzheimer's disease and
30 other related brain disorders.

1 (2) To the extent that the needs of other adults involve
2 and overlap the needs of older adults addressed under this
3 subsection, the area agency shall serve as an advocate for
4 adults of all ages.

5 (c) Priority.--The area agency shall give priority of
6 services to older adults with the greatest need and least
7 resources. The following factors shall be considered when
8 identifying older adults entitled to priority:

9 (1) Severe restriction of ability to carry out daily
10 activities or other functional disabilities.

11 (2) Living alone in a private apartment or home.

12 (3) Seventy-five years of age or older.

13 (4) Low income.

14 (5) The availability of services to minorities in
15 proportion to their numbers consistent with the provisions of
16 the act of October 27, 1955 (P.L.744, No.222), known as the
17 Pennsylvania Human Relations Act.

18 (6) Inadequate housing.

19 (7) Lack of access to recreational and social
20 activities.

21 (d) Preference.--The area agency shall provide preference in
22 filling all jobs for older adults in accordance with the
23 regulations promulgated by the department.

24 (e) Contracting.--Consistent with the Older Americans Act of
25 1965 and rules, regulations and guidelines of the department,
26 the area agency may grant to or contract with a public or
27 private agency for the provision of social services. The area
28 agency is authorized to use the services, equipment, personnel
29 and facilities of Federal and Commonwealth agencies, with or
30 without reimbursement, and on a similar basis to cooperate with

1 other public and private agencies, and instrumentalities, in the
2 use of services, equipment and facilities.

3 Section 2326-C. Area Agency Advisory Councils.

4 In each planning and service area, an advisory council of at
5 least 15 members shall be appointed to advise the area agency
6 with regard to the needs of older adults residing in the
7 planning and service area and the area agency's responses to
8 those needs. The composition and responsibility of each area
9 agency advisory council shall be consistent with the provisions
10 of the Older Americans Act of 1965 and the regulations of the
11 department. At a minimum, the regulations shall require that
12 each council be composed of a majority of older adults. The
13 councils shall be given the maximum possible opportunity to
14 influence local programs and policies and advocacy roles within
15 area agency programs and local communities. Area agencies shall
16 provide advisory councils with funds necessary to carry out
17 their functions.

18 Section 2327-C. Area agencies and reports and plans.

19 (a) Comprehensive area plan on aging.--Each area agency
20 shall submit to the department a comprehensive area plan on
21 aging which clearly explains the area agency's objectives for
22 providing services to the older adults of the planning and
23 service area. If the format is approved by the department, the
24 plan may be submitted as part of a coordinated county human
25 service plan.

26 (b) Annual report.--Each area agency shall submit to the
27 department an annual report which describes and evaluates its
28 programs and services after the close of each year of funding by
29 the department.

30 Section 2328-C. Allocation of resources.

1 (a) Allocation.--The area agency shall receive a basic
2 allocation of resources, consisting of Federal and Commonwealth
3 funds weighted by the proportion of poor older adults who reside
4 in the planning and service area in relation to the total number
5 of poor older adults who reside in this Commonwealth utilizing
6 poverty threshold income standards as determined by the United
7 States Office of Management and Budget. Each area agency shall
8 be held harmless to the amount of Commonwealth funds received in
9 the preceding program year.

10 (b) Additional allocations.--The department may allocate
11 additional resources to area agencies based upon:

12 (1) the total number of older adults who reside within
13 the planning and service area;

14 (2) the availability of transportation services;

15 (3) the rural-urban distribution of older adults and
16 attendant rural program cost differentials;

17 (4) the need for social and medical services; and

18 (5) the amount of funds provided by the authorities for
19 older adults and other special circumstances as determined by
20 the department.

21 (c) Distribution.--Funds appropriated to carry out the
22 provisions of this article shall be distributed to local
23 authorities or nonprofit agencies as grants or cost
24 reimbursement for services to older adults if there is an
25 acceptable plan in accordance with section 2325-C.

26 Section 2329-C. Evaluation.

27 The department shall continually review and evaluate the
28 activities of area agencies and the impact and effectiveness of
29 all programs under this article. The department shall ensure
30 that evaluations, including an onsite evaluation, be made

1 annually of all area agency activities and programs. A written
2 report of the findings of the evaluation shall be submitted to
3 the area agency subject to the evaluation and within 30 days
4 shall be available to the public. In all evaluations, the
5 department shall obtain the views of program beneficiaries
6 concerning strengths and weaknesses of the program. Other
7 departments and agencies of the Commonwealth shall make
8 available to the department information necessary for the
9 evaluations. Annually the department shall submit to the
10 Governor and the General Assembly a report on its activities
11 including statistical data reflecting services and activities
12 provided older persons during the preceding fiscal year.

13 Section 2330-C. Demonstration programs.

14 In recognition of the need for expanded knowledge and
15 experience concerning the status of older adults, the department
16 may establish research and demonstration programs for the
17 purpose of:

18 (1) Studying current living conditions and needs of
19 older adults, with special emphasis on adults with low
20 income, medical and functional disabilities, advanced age and
21 isolated living situations.

22 (2) Studying existing methods and alternatives for
23 providing services, programs and opportunities to older
24 adults.

25 (3) Identifying those factors of particular detriment or
26 benefit to the welfare of older adults.

27 (4) Developing new approaches and alternatives for
28 living arrangements, social services, institutional care,
29 health services, legal representation and the coordination of
30 community services for older adults.

1 Section 2331-C. Domestic violence and rape victim services.

2 (a) Findings.--The General Assembly finds that the public
3 health and safety is threatened by increasing incidences of
4 domestic violence and rape. Domestic violence programs and rape
5 crisis programs provide needed support services for victims and
6 assist in prevention through community education. It is in the
7 public interest of the Commonwealth to establish a mechanism to
8 provide financial assistance to domestic violence centers and
9 rape crisis centers for the operation of domestic violence
10 programs and rape crisis programs.

11 (b) Imposition of additional cost.--A person who, after the
12 effective date of this section, pleads guilty or nolo contendere
13 to or is convicted of a crime, in addition to all other costs,
14 shall pay an additional cost of \$10 for the purpose of funding
15 services under this section. The money shall be paid to the
16 State Treasurer to be deposited in the General Fund. A political
17 subdivision shall not be liable for the payment of the \$10 in
18 additional costs.

19 (c) Grants.--The department shall award grants to domestic
20 violence centers and rape crisis centers for the operation of
21 domestic violence programs and rape crisis programs consistent
22 with this section. In awarding grants, the department shall
23 consider the population to be served, the geographic area to be
24 served, the scope of the services, the need for services and the
25 amount of funds provided from other sources.

26 (d) Applications.--The department shall make available to
27 the public, at cost, copies of applications that have been
28 submitted or approved for funding under this section and reports
29 on fiscal or programmatic reviews of funded programs.

30 (e) Definition.--As used in this section, the term "crime"

1 shall mean an act committed in this Commonwealth which, if
2 committed by a mentally competent, criminally responsible adult,
3 who had no legal exemption or defense, would constitute a crime
4 as defined in and proscribed by 18 Pa.C.S. (relating to crimes
5 and offenses) or enumerated in the act of April 14, 1972
6 (P.L.233, No.64), known as The Controlled Substance, Drug,
7 Device and Cosmetic Act. The term shall not include an act
8 involving the operation of a motor vehicle which results in
9 injury unless the injury was intentionally inflicted through the
10 use of a motor vehicle.

11 Section 2332-C. Human services advisory committees.

12 (a) Advisory committees.--The department shall appoint and
13 maintain the following advisory committees which shall include
14 representatives of public and private agencies, recipients of
15 services, family members, service providers and advocates:

16 (1) A medical assistance advisory committee.

17 (2) An income maintenance advisory committee.

18 (3) An intellectual disabilities and autism advisory
19 committee.

20 (4) A mental health advisory committee.

21 (5) A child welfare advisory committee.

22 (b) Powers and duties.--An advisory committee shall have the
23 power and duty to:

24 (1) Advise the appropriate major program unit within the
25 department. This advice shall include, but shall not be
26 limited to, the following:

27 (i) Standards of eligibility.

28 (ii) Nature and extent of service.

29 (iii) Amounts of payments to individuals.

30 (iv) Standards of approval, certification and

1 licensure of institutions and agencies.

2 (v) The coordination of public and private human
3 services activities.

4 (vi) Other matters as may, by law, require citizen
5 review or may be referred to the committees.

6 (2) Arrange for and conduct public hearings as may be
7 required by law or which an advisory committee deems
8 necessary and advisable.

9 (3) Promote better public understanding of the programs
10 and objectives of the departmental units advised by them.

11 (4) Carry out the functions of advisory committees as
12 otherwise provided by law.

13 (c) Mental health advisory committee.--The mental health
14 advisory committee shall have the power and duty to advise the
15 Governor and the secretary with regard to the appointment of the
16 Commissioner of Mental Health under the act of July 9, 1987
17 (P.L.207, No.32).

18 Section 6. Transfers shall be effectuated as follows:

19 (1) The functions, personnel, allocations,
20 appropriations, equipment, supplies, records, contracts,
21 grants, agreements, rights and obligations of the Department
22 of Aging, the Department of Drug and Alcohol Programs, the
23 Department of Health, the Department of Human Services or the
24 Department of Public Welfare shall be transferred to the
25 Department of Health and Human Services. Upon completion, the
26 transfers under this paragraph shall have the same effect as
27 if the subjects of transfers had originally been those of the
28 Department of Health and Human Services.

29 (2) Personnel transferred under paragraph (1) shall
30 retain the same employment status held prior to transfer.

1 This paragraph includes:

2 (i) Civil Service classification.

3 (ii) Seniority.

4 (iii) Benefits.

5 (iv) Perquisites.

6 (3) Activities initiated under Articles XXI, XXII-A,
7 XXIII or XXIII-A of the act or under the act of April 27,
8 1905 (P.L. 312, No. 218), entitled, "An act creating a
9 Department of Health, and defining its powers and duties,"
10 shall continue and remain in full force and effect and may be
11 completed under Article XXIII-C of the act.

12 (4) Orders, regulations, rules and decisions which were
13 made under Articles XXI, XXII-A, XXIII or XXIII-A of the act
14 or under Act 218 of 1905 and which are in effect on the
15 effective date of section 8 of this act shall remain in full
16 force and effect until revoked, vacated or modified under
17 Article XXIII-C of the act.

18 (5) Contracts, grants, agreements, obligations and
19 collective bargaining agreements entered into under Articles
20 XXI, XXII-A, XXIII or XXIII-A of the act or under Act 218 of
21 1905 are not affected nor impaired by repeals under this act.

22 (6) If a State government entity includes membership by
23 more than one secretary under section 7(2), the Secretary of
24 Health and Human Services shall serve as one affected member
25 and shall designate the other affected members.

26 Section 7. The following apply to references:

27 (1) A reference in a statute or regulation to the
28 Department of Aging, the Department of Drug and Alcohol
29 Programs, the Department of Health, the Department of Human
30 Services or the Department of Public Welfare shall be deemed

1 a reference to the Department of Health and Human Services.

2 (2) A reference in a statute or regulation to the
3 Secretary of Aging, the Secretary of Drug and Alcohol
4 Programs, the Secretary of Health, the Secretary of Human
5 Services or the Secretary of Public Welfare shall be deemed a
6 reference to the Secretary of Health and Human Services.

7 Section 8. Repeals are as follows:

8 (1) The General Assembly declares that the repeal under
9 paragraph (2) is necessary to effectuate the addition of
10 Article XXIII-C of the act.

11 (2) The act of April 27, 1905 (P.L.312, No.218),
12 entitled, "An act creating a Department of Health, and
13 defining its powers and duties."

14 (3) Section 805 of the act of July 19, 1979 (P.L.130,
15 No.48), known as the Health Care Facilities Act.

16 (4) Section 4 of the act of June 23, 1970 (P.L.419,
17 No.140), referred to as the Renal Disease Treatment Act.

18 Section 9. The Secretary of Aging, the Secretary of Drug and
19 Alcohol Programs, the Secretary of Health and the Secretary of
20 Human Services and the employees of the Department of Aging, the
21 Department of Drug and Alcohol Programs, the Department of
22 Health and the Department of Human Services shall cooperate in
23 the transfers under section 6 of this act and other transition
24 activities required to implement Article XXIII-C of the act.
25 Upon completion of those transfers and transition activities
26 deemed necessary to implement Article XXIII-C of the act, the
27 Governor shall submit a notice to that effect for publication in
28 the Pennsylvania Bulletin.

29 Section 10. This act shall take effect as follows:

30 (1) The following provisions shall take effect

1 immediately:

2 (i) Section 6(1), (2), (3), (4) and (5) of this act.

3 (ii) Section 9 of this act.

4 (iii) This section.

5 (2) The remainder of this act shall take effect upon

6 publication of the notice under section 9 of this act.