
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2187 Session of
2020

INTRODUCED BY GALLOWAY, T. DAVIS, ULLMAN, SCHLOSSBERG, KENYATTA,
CALTAGIRONE, HILL-EVANS, HOHENSTEIN, MURT, KINSEY,
YOUNGBLOOD, CIRESI, FRANKEL, DeLUCA, HOWARD AND JOHNSON-
HARRELL, JANUARY 10, 2020

REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 10, 2020

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in children and youth,
4 providing for Statewide children's mental health ombudsman.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Human Services Code, is amended by adding a section to
9 read:

10 Section 710. Statewide Children's Mental Health Ombudsman.--

11 (a) The secretary, subject to appropriation or the receipt of
12 Federal funds, shall establish a Statewide children's mental
13 health ombudsman for the following purposes:

14 (1) Advocating on behalf of children with mental health
15 disorders.

16 (2) Identifying barriers to effective mental health
17 treatment and proposed solutions.

18 (3) Monitoring and ensuring compliance with relevant

1 statutes, regulations, rules and policies pertaining to
2 children's behavioral health services.

3 (4) Receiving, investigating and resolving through
4 administrative action, as described under subsection (d),
5 complaints filed by a child or by individuals legally authorized
6 to act on behalf of the child, or by an individual, organization
7 or government agency that has reason to believe that an entity
8 regulated by the Commonwealth has engaged in activities,
9 practices or omissions that constitute violations of applicable
10 court orders, statutes or regulations or that may have an
11 adverse effect upon the health, safety, welfare or rights of
12 children.

13 (b) Within sixty days of the appropriation or receipt of
14 Federal funds required under subsection (a), the secretary shall
15 designate an individual to act as the ombudsman who shall be
16 qualified by training and experience to perform the duties of
17 the ombudsman.

18 (c) The ombudsman shall serve for a term of five years and
19 shall continue to hold office until a successor is appointed.
20 the secretary may reappoint the ombudsman for one additional
21 term. The secretary may remove the ombudsman only for neglect of
22 duty, misconduct or inability to perform duties.

23 (d) The secretary, in consultation with the ombudsman, the
24 Deputy Secretary for Medical Assistance Programs and the
25 Director of the Bureau of Children's Behavioral Health Services,
26 shall establish policies and procedures to facilitate the
27 purposes of the ombudsman. The policies and procedures shall
28 include procedures for filing complaints, investigating
29 complaints and taking action to implement resolutions to
30 complaints, including the use of State agency enforcement

1 authority to resolve complaints as recommended by the ombudsman.

2 (e) In ensuring that the goals of the ombudsman are met, the
3 following shall apply:

4 (1) The ombudsman shall monitor the development and
5 implementation of Federal, State and local statutes, regulations
6 and policies regarding services and supports for children with
7 mental health disorders, including the education of children
8 with mental health disorders.

9 (2) The ombudsman shall maintain complete records of
10 complaints received, the actions taken, findings, outcomes and
11 recommendations in response to any complaints and other actions,
12 including those taken by the Commonwealth and private agency
13 responses to serious complaints.

14 (3) Each quarter, the ombudsman shall send a report to each
15 government agency about which a complaint was received by the
16 ombudsman during the relevant period, listing the complaints
17 involving that agency which were received during the past
18 quarter, and shall meet regularly with the secretary, the Deputy
19 Secretary for Medical Assistance Programs and the Director of
20 the Bureau of Children's Behavioral Health Services and shall
21 report on any Statewide problems that the ombudsman has
22 identified and potential solutions.

23 (4) The ombudsman shall report annually, within one hundred
24 twenty days of the end of the fiscal year, to the Governor, the
25 President pro tempore of the Senate, the Speaker of the House of
26 Representatives, the Majority Chairman and the Minority Chairman
27 of the Aging and Youth Committee of the Senate, the Majority
28 Chairman and the Minority Chairman of the Children and Youth
29 Committee of the House of Representatives, the Majority Chairman
30 and the Minority Chairman of the Education Committee of the

1 Senate, the Majority Chairman and Minority Chairman of the
2 Education Committee of the House of Representatives, the
3 Majority Chairman and the Minority Chairman of the Health and
4 Human Services Committee of the Senate, the Majority Chairman
5 and the Minority Chairman of the Health Committee of the House
6 of Representatives and the Majority Chairman and the Minority
7 Chairman of the Human Services Committee of the House of
8 Representatives, on the activities of the children's mental
9 health ombudsman, including complaints that are relevant to the
10 ombudsman and an analysis of patterns in complaints made through
11 the ombudsman and shall make recommendations for legislation,
12 policy or programmatic changes related to the protection of the
13 rights of children with mental health disorders. The report
14 shall be made available to the public and published on the
15 department's publicly accessible Internet website.

16 (f) The department shall promulgate regulations necessary
17 for the implementation of this section.

18 Section 2. This act shall take effect in 90 days.
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