

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

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 19, 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 THE appropriation OF STATE FUNDS <--
12 or the receipt of Federal funds, shall establish FOR a Statewide <--
13 children's mental health ombudsman, SHALL ESTABLISH A STATEWIDE <--
14 CHILDREN'S MENTAL HEALTH OMBUDSMAN for the following purposes:

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

17 (2) Identifying barriers to effective mental health

1 treatment and proposed solutions.

2 (3) Monitoring and ensuring compliance with relevant  
3 statutes, regulations, rules and policies pertaining to  
4 children's behavioral health services.

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

15 (b) Within sixty days of the appropriation OF STATE FUNDS or <--  
16 receipt of Federal funds required under subsection (a) TO <--  
17 ESTABLISH A STATEWIDE CHILDREN'S MENTAL HEALTH OMBUDSMAN, the  
18 secretary shall designate an individual to act as the ombudsman  
19 who shall be qualified by training and experience to perform the  
20 duties of the ombudsman.

21 (C) THE OMBUDSMAN SHALL REPORT TO THE SECRETARY AND THE <--  
22 EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF ADVOCACY AND  
23 REFORM OR ITS SUCCESSOR.

24 (e) (D) The ombudsman shall serve for a term of five years <--  
25 and shall continue to hold office until a successor is  
26 appointed. the THE secretary may reappoint the ombudsman for one <--  
27 additional term. The secretary may remove the ombudsman only for  
28 neglect of duty, misconduct or inability to perform duties.

29 (d) (E) The secretary, in consultation with the ombudsman, <--  
30 the Deputy Secretary for Medical Assistance Programs and the <--

1 ~~Director of the Bureau of Children's Behavioral Health Services~~  
2 MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AND THE EXECUTIVE <--  
3 DIRECTOR OF THE GOVERNOR'S OFFICE OF ADVOCACY AND REFORM OR ITS  
4 SUCCESSOR, shall establish policies and procedures to facilitate  
5 the purposes of the ombudsman. The policies and procedures shall  
6 include procedures for filing complaints, investigating  
7 complaints and taking action to implement resolutions to  
8 complaints, including the use of State agency enforcement  
9 authority to resolve complaints as recommended by the ombudsman.

10 ~~(e)~~ (F) In ensuring that the goals of the ombudsman are met, <--  
11 the following shall apply:

12 (1) The ombudsman shall monitor the development and  
13 implementation of Federal, State and local statutes, regulations  
14 and policies regarding services and supports for children with  
15 mental health disorders, including the education of children  
16 with mental health disorders.

17 (2) The ombudsman shall maintain complete records of  
18 complaints received, the actions taken, findings, outcomes and  
19 recommendations in response to any complaints and other actions,  
20 including those taken by the Commonwealth and private agency  
21 responses to serious complaints.

22 (3) Each quarter, the ombudsman shall send a report to each  
23 government agency about which a complaint was THAT WAS THE <--  
24 SUBJECT OF A COMPLAINT received by the ombudsman during the  
25 relevant period, listing the complaints involving that agency  
26 which THAT were received during the past quarter, and. THE <--  
27 OMBUDSMAN shall meet regularly with the secretary, the Deputy  
28 Secretary for Medical Assistance Programs and the Director of <--  
29 the Bureau of Children's Behavioral Health Services MENTAL <--  
30 HEALTH AND SUBSTANCE ABUSE SERVICES AND THE EXECUTIVE DIRECTOR

1 OF THE GOVERNOR'S OFFICE OF ADVOCACY AND REFORM OR ITS SUCCESSOR  
2 and shall report on any Statewide problems that the ombudsman  
3 has identified and potential solutions.

4 (4) The ombudsman shall report annually, within one hundred  
5 twenty days of the end of the fiscal year, to the Governor, the  
6 President pro tempore of the Senate, the Speaker of the House of  
7 Representatives, the Majority Chairman and the Minority Chairman  
8 of the Aging and Youth Committee of the Senate, the Majority  
9 Chairman and the Minority Chairman of the Children and Youth  
10 Committee of the House of Representatives, the Majority Chairman  
11 and the Minority Chairman of the Education Committee of the  
12 Senate, the Majority Chairman and Minority Chairman of the  
13 Education Committee of the House of Representatives, the  
14 Majority Chairman and the Minority Chairman of the Health and  
15 Human Services Committee of the Senate, the Majority Chairman  
16 and the Minority Chairman of the Health Committee of the House  
17 of Representatives and the Majority Chairman and the Minority  
18 Chairman of the Human Services Committee of the House of  
19 Representatives, on the activities of the children's mental  
20 health ombudsman, including complaints that are relevant to the  
21 ombudsman and an analysis of patterns in complaints made through  
22 the ombudsman and shall make recommendations for legislation,  
23 policy or programmatic changes related to the protection of the  
24 rights of children with mental health disorders. The report  
25 shall be made available to the public and published on the  
26 department's publicly accessible Internet website.

27 ~~(f)~~ (G) The department shall MAY promulgate regulations  
28 necessary for the implementation of this section.

<--

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