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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1269 Session of  
2022

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INTRODUCED BY KANE, FONTANA, COLLETT, COMITTA, MENSCH,  
CAPPELLETTI, COSTA, KEARNEY AND SANTARSIERO, JUNE 14, 2022

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REFERRED TO AGING AND YOUTH, JUNE 14, 2022

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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 for a Statewide children's  
13 mental health ombudsman, shall establish a Statewide children's  
14 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  
18 treatment and proposed solutions.

19 (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 (e),  
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 of State funds or  
14 receipt of Federal funds required to establish a Statewide  
15 children's mental health ombudsman, the Executive Director of  
16 the Governor's Office of Advocacy and Reform shall designate an  
17 individual to act as the ombudsman who shall be qualified by  
18 training and experience to perform the duties of the ombudsman.

19 (c) The ombudsman shall report to the executive director.

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

26 (e) The executive director, in consultation with the  
27 ombudsman and the Deputy Secretary for Mental Health and  
28 Substance Abuse Services, shall establish policies and  
29 procedures to facilitate the purposes of the ombudsman. The  
30 policies and procedures shall include procedures for filing

1 complaints, investigating complaints and taking action to  
2 implement resolutions to complaints, including the use of State  
3 agency enforcement authority to resolve complaints as  
4 recommended by the ombudsman.

5 (f) In ensuring that the goals of the ombudsman are met, the  
6 following shall apply:

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

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

17 (3) Each quarter, the ombudsman shall send a report to each  
18 government agency that was the subject of a complaint received  
19 by the ombudsman during the relevant period, listing the  
20 complaints involving that agency that were received during the  
21 past quarter. The ombudsman shall meet regularly with the  
22 secretary, the Deputy Secretary for Mental Health and Substance  
23 Abuse Services and the executive director and shall report on  
24 any Statewide problems that the ombudsman has identified and  
25 potential solutions.

26 (4) The ombudsman shall report annually, within one hundred  
27 twenty days of the end of the fiscal year, on the activities of  
28 the ombudsman, including complaints that are relevant to the  
29 ombudsman and an analysis of patterns in complaints made through  
30 the ombudsman and shall make recommendations for legislation,

1 policy or programmatic changes related to the protection of the  
2 rights of children with mental health disorders. The report  
3 shall be made available to the public and published on the  
4 department's publicly accessible Internet website and submitted  
5 to the following:

6 (i) The Governor.

7 (ii) The President pro tempore of the Senate.

8 (iii) The Speaker of the House of Representatives.

9 (iv) The chairperson and minority chairperson of the Aging  
10 and Youth Committee of the Senate.

11 (v) The chairperson and minority chairperson of the Children  
12 and Youth Committee of the House of Representatives.

13 (vi) The chairperson and minority chairperson of the  
14 Education Committee of the Senate.

15 (vii) The chairperson and minority chairperson of the  
16 Education Committee of the House of Representatives.

17 (viii) The chairperson and minority chairperson of the  
18 Health and Human Services Committee of the Senate.

19 (ix) The chairperson and minority chairperson of the Health  
20 Committee of the House of Representatives.

21 (x) The chairperson and minority chairperson of the Human  
22 Services Committee of the House of Representatives.

23 (g) The department may promulgate regulations necessary for  
24 the implementation of this section.

25 (h) As used in this section, the term "executive director"  
26 means the Executive Director of the Governor's Office of  
27 Advocacy and Reform.

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