

Veto No. 1998-3

HB 2261

December 23, 1998

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I hereby disapprove and publicly proclaim and file with the Secretary of the Commonwealth my disapproval of House Bill 226, Printer's Number 4163. This legislation requires the Department of Public Welfare to hold a hearing when the department announces a decision to close a mental health or mental retardation facility or to reduce the facility census or employee complement by 10% or more. The hearing must be conducted in the county where the facility is located within 30 days of the date the announcement is made.

The bill shall apply retroactively to decisions made after December 31, 1997. The department is required to hold hearings on all announced closings or reductions in complement occurring between December 31, 1997, and the effective date of the act within 60 days.

The Commonwealth has the responsibility to operate our mental health and mental retardation facilities and a duty to protect the health, safety and welfare of the residents of those facilities. National trends indicate that the number of people living in mental health and mental retardation facilities will continue to decline. The same trend exists in Pennsylvania. Therefore, the department must be given reasonable latitude to manage the resources allocated for these facilities. While I would be willing to consider a requirement that public hearings be held in cases of significant downsizing or closure, the 10% threshold in the bill is too narrow.

In smaller facilities, public hearings could encompass decisions that are part of the normal operation of the facility and could compromise the privacy of individuals, families or employees. Individuals frequently exercise their right to leave independent of any management decision. Therefore, the 10% requirement may be triggered unexpectedly, impeding the planned departure of residents because the Department of Public Welfare "allowed" the departure.

Any time a facility is closed, families are naturally concerned about the welfare of their children or other family members who are residents. While the department strives to keep family members informed regarding all aspects of a patient's treatment and placement, a public hearing may not be the best way to achieve these goals. For small facilities, it is more appropriate for the facility to meet individually with the families of patients.

When a facility is closed or downsized, it is my commitment that every effort will be made to ensure continuing care, to inform the public and to work with communities to respond to the changes. I am prepared to work with the General Assembly to develop a proposal that balances all of these duties and concerns. However, to require public hearings upon a 10% reduction in staff or patient population adopts an unreasonable threshold, particularly when a small number of individuals are impacted.

For these reason, I hereby disapprove House Bill 2261 and public proclaim and file my objections to this legislation with the Secretary of the Commonwealth.

THOMAS J. RIDGE