
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

249

Session of

1961

INTRODUCED BY MESSRS. PECHAN, BERGER, SARRAF,
STIEFEL, McCREESH AND KALMAN, FEBRUARY 20 1961.

REFERRED TO COMMITTEE ON STATE GOVERNMENT,
FEBRUARY 20, 1961.

AN ACT

Amending the act of April 9 1929 (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating a Department of Mental Health defining its powers and duties transferring State mental institutions and their boards of trustees into the department transferring powers and duties of the Department of Public Welfare and the Secretary of Public Welfare relating to mental health mental disease mental defects epilepsy and inebriety and the care and treatment of patients to the Department of Mental Health or the Commissioner of Mental Health and making appropriations

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows

1 Section 1 Section 201 act of April 9 1929 (P L 177) known as "The
2 Administrative Code of 1929" amended July 13 1957 (P L 852) is
3 amended to read

4 Section 201 Executive Officers Administrative Departments and
5 Independent Administrative Boards and Commissions The executive and
6 administrative work of this Commonwealth shall be performed by the
7 Executive Department consisting of the Governor Lieutenant Governor
8 Secretary of the Commonwealth Attorney General Auditor General
9 State Treasurer Secretary of Internal Affairs and Superintendent of
10 Public Instruction by the Executive Board and the Pennsylvania State
11 Police by the following administrative departments Department of
12 State Department of Justice Department of the Auditor General Treas-
13 ury Department Department of Internal Affairs Department of Public
14 Instruction Department of Military Affairs Insurance Department De-
15 partment of Banking Department of Agriculture Department of Forests
16 and Waters Department of Mines and Mineral Industries Department
17 of Highways Department of Health Department of Labor and Industry
18 Department of Public Welfare Department of Property and Supplies De-
19 partment of Revenue [and] Department of Commerce and Department
20 of Mental Health and by the following independent administrative boards

1 and commissions Pennsylvania Game Commission Pennsylvania Fish
2 Commission State Civil Service Commission Pennsylvania Public Utility
3 Commission and the Pennsylvania Historical and Museum Commission

4 All of the provisions of this act which apply generally to administra-
5 tive departments or generally except to the Department of the Auditor
6 General and the Treasury Department shall apply to the Executive
7 Board and to the Pennsylvania State Police

8 Section 2 Section 202 of the act is amended by amending as much
9 thereof as applies to the Department of Public Welfare amended Do-
10 cember 1 1959 (P L 1664) and December 21 1959 (P L 1944) and adding
11 before the last paragraph a new paragraph to read

12 Section 202 Departmental Administrative Boards Commissions and
13 Offices The following boards commissions and offices are hereby placed
14 and made departmental administrative boards commissions or offices as
15 the case may be in the respective administrative departments mentioned
16 in the preceding section as follows

17 * * *

18 In the Department of Public Welfare

19 Board of Trustees of Youth Development Center at Canonsburg

20 [Board of Trustees of Allentown State Hospital]

- 1 [Board of Trustees of Clarks Summit State Hospital
- 2 Board of Trustees of Danville State Hospital
- 3 Board of Trustees of Embreeville State Hospital
- 4 Board of Trustees of Farview State Hospital
- 5 Board of Trustees of Harrisburg State Hospital
- 6 Board of Trustees of Hollidaysburg State Hospital
- 7 Board of Trustees of Mayview State Hospital
- 8 Board of Trustees of Norristown State Hospital
- 9 Board of Trustees of Philadelphia State Hospital
- 10 Board of Trustees of Retreat 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 Ashland State Hospital
- 17 Board of Trustees of Blossburg State Hospital
- 18 Board of Trustees of Coaldale State Hospital
- 19 Board of Trustees of Connellsville State Hospital

- 1 [Board of Trustees of Dixmont State Hospital]
- 2 Board of Trustees of Hazleton State Hospital
- 3 Board of Trustees of Locust Mountain State Hospital
- 4 Board of Trustees of Nanticoke State Hospital
- 5 Board of Trustees of Philipsburg State Hospital
- 6 Board of Trustees of Scranton State Hospital
- 7 Board of Trustees of Shamokin State Hospital
- 8 [Board of Trustees of Laurelton State Village
- 9 Board of Trustees of Pennhurst State School
- 10 Board of Trustees of Polk State School
- 11 Board of Trustees of Selinsgrove State School]
- 12 Board of Trustees of Hamburg State School and Hospital
- 13 * * *
- 14 In the Department of Mental Health
- 15 Board of Trustees of Allentown State Hospital
- 16 Board of Trustees of Clarks Summit State Hospital
- 17 Board of Trustees of Danville State Hospital
- 18 Board of Trustees of Dixmont State Hospital

- 1 Board of Trustees of Embreeville State Hospital
- 2 Board of Trustees of Eastern Pennsylvania Psychiatric Institute
- 3 Board of Trustees of Farview State Hospital
- 4 Board of Trustees of Harrisburg State Hospital
- 5 Board of Trustees of Hollidaysburg State Hospital
- 6 Board of Trustees of Mayview State Hospital
- 7 Board of Trustees of Norristown State Hospital
- 8 Board of Trustees of Philadelphia State Hospital
- 9 Board of Trustees of Retreat State Hospital
- 10 Board of Trustees of Somerset State Hospital
- 11 Board of Trustees of Warren State Hospital
- 12 Board of Trustees of Wernersville State Hospital
- 13 Board of Trustees of Woodville State Hospital
- 14 Board of Trustees of Torrance State Hospital
- 15 Board of Trustees of Laurelton State Village
- 16 Board of Trustees of Pennhurst State School
- 17 Board of Trustees of Polk State School
- 18 Board of Trustees of Selinsgrove State School

1 All of the foregoing departmental administrative boards and com-
2 missions shall be organized or reorganized as provided in this act

3 Section 3 Section 203 of the act amended July 13 1957 (P L 852)
4 and December 21 1959 (P L 1944) is amended to read

5 Section 203 Advisory Boards and Commissions The following ad-
6 visory boards and commissions are placed in and made parts of the re-
7 spective administrative departments as follows

8 In the Department of Military Affairs

9 State Military Reservation Commission

10 State Veterans' Commission

11 In the Department of Forests and Waters

12 State Forest Commission

13 Flood Control Commission

14 In the Department of Health

15 Advisory Health Board

16 In the Department of Labor and Industry

17 Industrial Board

18 Advisory Council on Affairs of the Handicapped

19 Advisory Board on Problems of Older Workers

1 In the Department of Public Welfare

2 State Board of Public Welfare

3 Advisory Committee for the Aging

4 Advisory Committee for the Blind

5 Advisory Committee for General and Special Hospitals

6 Advisory Committee for Children and Youth

7 Advisory Committee for Public Assistance

8 [Advisory Committee for Mental Health]

9 In the Department of Property and Supplies

10 General Galusha-Pennypacker Monument Commission

11 In the Department of Mines

12 Coal Research Board

13 In the Department of Mental Health

14 Advisory Council on Mental Health

15 Section 4 Section 206 of the act amended July 13 1957 (P L 852)

16 is amended to read

17 Section 206 Department Heads Each administrative department

18 shall have as its head an officer who shall either personally by deputy

19 or by the duly authorized agent or employe of the department and

1 subject at all times to the provisions of this act exercise the powers and
2 perform the duties by law vested in and imposed upon the department

3 The following officers shall be the heads of the administrative
4 departments following their respective titles

5 Secretary of the Commonwealth of the Department of State

6 Attorney General of the Department of Justice

7 Auditor General of the Department of the Auditor General

8 State Treasurer of the Treasury Department

9 Secretary of Internal Affairs of the Department of Internal Affairs

10 Superintendent of Public Instruction of the Department of Public

11 Instruction

12 Adjutant General of the Department of Military Affairs

13 Insurance Commissioner of the Insurance Department

14 Secretary of Banking of the Department of Banking

15 Secretary of Agriculture of the Department of Agriculture

16 Secretary of Forests and Waters of the Department of Forests

17 and Waters

18 Secretary of Mines and Mineral Industries of the Department of

19 Mines and Mineral Industries

- 1 Secretary of Highways of the Department of Highways
- 2 Secretary of Health of the Department of Health
- 3 Secretary of Labor and Industry of the Department of Labor and
- 4 Industry
- 5 Secretary of Public Welfare of the Department of Public Welfare
- 6 Secretary of Property and Supplies of the Department of Property
- 7 and Supplies
- 8 Secretary of Revenue of the Department of Revenue
- 9 Secretary of Commerce of the Department of Commerce
- 10 Commissioner of Mental Health of the Department of Mental

11 Health

12 Section 5 Subsection (a) of section 207 of the act is amended by

13 amending the first paragraph amended July 13 1957 (P L 852) and

14 adding at the end of the subsection a new paragraph to read

15 Section 207 Appointment The Governor shall nominate and by

16 and with the advice and consent of two-thirds of all the members of

17 the Senate appoint

18 (a) The Secretary of the Commonwealth the Attorney General

19 the Superintendent of Public Instruction the Adjutant General the

20 Insurance Commissioner the Secretary of Banking the Secretary of

1 Agriculture the Secretary of Forests and Waters the Secretary of
2 Mines the Secretary of Highways the Secretary of Health the Com-
3 missioner of the Pennsylvania State Police the Secretary of Labor
4 and Industry the Secretary of Public Welfare the Secretary of Property
5 and Supplies the Secretary of Revenue the Secretary of Commerce
6 the Commissioner of Mental Health and the members of all independent
7 administrative boards and commissions

8 * * *

9 The Commissioner of Mental Health shall be a psychiatrist with
10 at least seven years' training and experience in the care of patients

11 * * *

12 Section 6 Section 448 of the act is amended by adding after clause
13 (h) a new clause to read

14 Section 448 Advisory Boards and Commissions The advisory boards
15 and commissions within the several administrative departments shall
16 be constituted as follows

17 * * *

18 (i) The Advisory Council on Mental Health shall be appointed
19 by the Governor on the advice of the Commissioner of Mental Health
20 and shall be composed of both laymen and professionals in the field of

1 mental health They shall serve for staggered terms not exceeding five
2 (5) years without compensation other than reimbursement of travel
3 and other actual expenses incurred in the performance of their duties
4 The Advisory Council shall have twenty (20) members of whom five (5)
5 shall be trustees of State mental institutions five (5) members of the
6 Pennsylvania Medical Society and ten (10) to be laymen The Advisory
7 Council shall select its own chairman and shall meet at least twice
8 a year at times and places of its own choice

9 * * *

10 Section 7 The first paragraph of clause (1) of section 448 of the
11 act added December 21 1959 (P L 1944) is amended to read

12 Section 448 Advisory Boards and Commissions The advisory boards
13 and commissions within the several administrative departments shall be
14 constituted as follows

15 * * *

16 (1) The following advisory committees are hereby created

17 Advisory Committee for the Aging

18 Advisory Committee for the Blind

19 Advisory Committee for General and Special Hospitals

20 Advisory Committee for Children and Youth

1 Advisory Committee for Public Assistance

2 [Advisory Committee for Mental Health]

3 * * *

4 Section 8 Section 2302 of the act clause (a) amended July 13 1957

5 (P L 852) and clause (e) added October 2 1959 (P L 1002) is amended to

6 read

7 Section 2302 Definitions As used in this article

8 (a) "State Institutions" shall mean and include all [penal reforma-
9 tory or correctional institutions hospitals for the insane or any other
10 institutions for feebleminded or epileptic persons or] institutions for
11 juvenile delinquents and dependents and charitable institutions within
12 this Commonwealth maintained in whole by the Commonwealth and
13 whose boards of trustees are departmental administrative boards within
14 the Department of Public Welfare

15 (b) "Children's Institutions" shall mean any incorporated or unin-
16 corporated organization society corporation or agency public or private
17 which may receive or care for children other than children with mental
18 disorders or emotionally disturbed children or place them in foster
19 family homes either at board wages or free or any individual who for
20 hire gain or reward receives for care a child unless he is related to such

1 child by blood or marriage within the second degree or any individual
2 not in the regular employ of the court or of an organization society
3 association or agency duly certified by the department who in any
4 manner becomes a party to the placing of children in foster homes unless
5 he is related to such children by blood or marriage within the second
6 degree or is the duly appointed guardian thereof

7 (c) "Maternity Home and Hospital" shall mean any house home
8 or place in which within a period of six months any person receives for
9 care or treatment during pregnancy or during or immediately after
10 parturition more than one woman except women related to such person
11 by blood or marriage within the second degree

12 (d) "Supervised Institution" shall mean any charitable institution
13 within the Commonwealth which receives financial assistance from the
14 Commonwealth either directly or indirectly and to which the Governor
15 does not appoint any member of the board of inspectors managers
16 trustees or directors [all houses or places within the Commonwealth in
17 which any person of unsound mind is detained whenever the occupant
18 or owner of the house or person having charge of such person of unsound
19 mind receives any compensation for custody control or attendance other
20 than as an attendant or nurse and also all institutions houses or places

1 in which more than one such person is detained with or without com-
2 pensation paid for custody or attendance] all children's institutions and
3 maternity homes and hospitals within the Commonwealth all homes
4 or hospitals for crippled children within the Commonwealth except the
5 State Hospital for Crippled Children all [prisons jails] hospitals alms-
6 houses or poorhouses maintained by any county city borough township
7 or poor district of this Commonwealth and all institutions associations
8 and societies within this Commonwealth into whose care the custody
9 of delinquent dependent or neglected children may be committed and
10 all houses and places maintained by such institutions associations or
11 societies in which such children may be kept or detained

12 (e) "Institution for adults" shall mean any incorporated or unin-
13 corporated public or private organization society or association including
14 any agency of a county county institution district or municipality which
15 provides for food shelter and some service to adults or which provides
16 rehabilitation training guidance or counselling to the blind or visually
17 handicapped or to the physically [or mentally] handicapped including
18 but limited to the following homes for the aged and infirm nursing
19 homes convalescent homes placement agencies for adults general and

1 special hospitals [and institutions for mentally ill and defective adults]
2 rehabilitation centers having living-in arrangements workshops and facili-
3 ties for the rehabilitation of the visually [mentally] or physically handi-
4 capped and all organizations for the prevention of blindness

5 Section 9 Subsection (d) of section 2304 sections 2308 2309 2313
6 2313.1 2313.3 clause (5) of subsection (a) of section 2316 of the act are
7 repealed

8 Section 10 Subsection (a) of section 2323 of the act added March
9 20 1956 (P L 1302) and the first paragraph amended July 13 1957
10 (P L 852) is amended to read

11 Section 2323 Study Classification and Assignment The Department
12 of Public Welfare shall have the power and its duty shall be

13 (a) To establish and administer a program designed to assist the
14 Juvenile Courts and other public and private agencies on their request
15 in the diagnosis and study of juvenile delinquents and of children with
16 [mental or] behavior problems and to recommend to them the most
17 appropriate disposition for the rehabilitation and treatment of such

1 children this program shall be based on review of local studies of the
2 children but when local studies indicate the need or when it is requested
3 may include residential study of the children in centers which the
4 department is hereby authorized to establish and operate

5 * * *

6 Section 11 The act is amended by adding after Article XXIII a
7 new article to read

8 Article XXIII-A

9 Powers and Duties of the Department of Mental Health and

10 Its Departmental Administrative and Advisory

11 Boards and Commissions

12 Section 2301-A Powers and Duties in General The Department of

13 Mental Health shall have power and its duty shall be

14 (a) To administer and enforce the laws of this Commonwealth
15 relative to the prevention of mental diseases mental defects epilepsy
16 and inebriety the admission and commitment of mental patients to
17 hospitals for mental diseases and institutions for mental defectives
18 and epilepsy and the transfer discharge escape interstate rendition and
19 deportation of mental patients

1 **(b) Subject to any inconsistent provisions in this act contained**
2 **approve or disapprove the advice and recommendations of the several**
3 **boards of trustees of State mental institutions other than the Board of**
4 **Trustees of the Eastern Pennsylvania Psychiatric Institute**

5 **(c) To exercise all powers and perform all duties relating to**
6 **mental health mental diseases mental defects epilepsy and inebriety**
7 **and the care and treatment of patients heretofore imposed upon or**
8 **required of the Department of Public Welfare and the Secretary of**
9 **Public Welfare**

10 **Section 2302-A Commissioner of Mental Health In addition to his**
11 **other powers and duties as head of the Department of Mental Health the**
12 **Commissioner of Mental Health shall develop plans and programs and**
13 **make recommendations with respect to the general policy of the Com-**
14 **monwealth's mental health program He shall initiate develop and carry**
15 **into effect plans and programs designed to prevent treat and cure the**
16 **mentally ill He shall appoint the superintendents of State mental institu-**
17 **tions who in turn shall assign appoint and dismiss personnel of the institu-**
18 **tions**

19 **Section 2303-A Definitions As used in this article**

1 (1) "State Mental Institutions" shall mean and include all institu-
2 tions and hospitals for the insane or any other institutions for feeble-
3 mined or epileptic persons and charitable institutions within this Com-
4 monwealth maintained in whole by the Commonwealth and whose boards
5 of trustees are departmental administrative boards within the Depart-
6 ment of Mental Health

7 (2) "Supervised Mental Institution" shall mean all houses or places
8 within the Commonwealth in which any person of unsound mind is
9 detained whenever the occupant or owner of the house or person having
10 charge of such person of unsound mind receives any compensation for
11 custody control or attendance other than as an attendant or nurse and
12 also all institutions houses or places in which more than one such person
13 is detained with or without compensation paid for custody or attendance

14 Section 2304-A Supervisory Powers The Department of Mental
15 Health shall have supervision over

16 (a) All State mental institutions

17 (b) All supervised mental institutions as defined in this article

18 (c) All children's institutions within this Commonwealth in which
19 mentally defective mentally retarded or emotionally disturbed children
20 are treated

1 Section 2305-A Visitations and Inspections The Department of

2 Mental Health shall have the power and its duty shall be

3 (a) To make and enforce rules and regulations for a visitation

4 examination and inspection of all supervised mental institutions

5 (b) To visit and inspect at least once a year all State and super-

6 vised mental institutions to inquire and examine into their methods of

7 instruction discipline detention care or treatment the care treatment

8 government or management of their inmates or those committed thereto

9 or being detained treated or residing therein the official conduct of

10 their inspectors trustees managers directors or other officer or officers

11 charged with their management by law or otherwise or having the

12 management care custody or control thereof the buildings grounds

13 premises and equipment thereof or connected therewith and all and

14 every matter and thing relating to their usefulness administration and

15 management and to the welfare of the inmates thereof or those com-

16 mitted thereto or being detained treated or residing therein

17 For these purposes the Commissioner of Mental Health or other

18 inspector or agent of the department shall have free and full access

19 to the grounds premises and buildings of and to all the records books

1 or papers of or relating to any such State or supervised mental institu-
2 tion and full opportunity to interrogate or interview any inmate thereof
3 or any person or persons committed to or being detained treated or
4 residing therein and all persons connected with any such State or
5 supervised mental institution as officers or charged with the manage-
6 ment thereof by law or otherwise or in any way having the care custody
7 control or management thereof or connected therewith as employes
8 are hereby directed and required to give to the Commissioner of Mental
9 Health or to such officer inspector or agent of the department such
10 means facilities and opportunity for such visitation examination inquiry
11 and interrogation as is hereby provided and required or as the depart-
12 ment by its duly ordained rules or regulations may require

13 (c) Whenever upon the visitation examination and inspection of
14 any State or supervised mental institution any condition is found to
15 exist therein which in the opinion of the department is unlawful un-
16 hygienic or detrimental to the proper maintenance and discipline of
17 such State or supervised mental institution or to the proper mainte-
18 nance custody safety and welfare of the inmates thereof or of the
19 persons committed thereto or being treated detained or residing therein
20 to direct the officer or officers charged by law with or in any way having

1 or exercising the control government or management of such State or
2 supervised mental institution to correct the said objectionable condi-
3 tion in the manner and within the time specified by the department
4 whereupon it shall be the duty of such officer or officers to comply
5 with the direction of the department If such officer or officers shall
6 fail to comply with such direction the department may request the
7 Department of Justice to institute appropriate legal proceeding to en-
8 force compliance therewith or the department may withhold any State
9 money available for such institution until such officer or officers comply
10 with such direction

11 (d) To cause to be visited and examined any person found by an
12 inquisition to be insane and to authorize such visiting and examining
13 by an officer or agent of the department or any board of visitors or
14 by a physician and to apply to the court having jurisdiction over the
15 committee or guardian of such insane person or to a judge of a court
16 of common pleas of the county in which the insane person is a resi-
17 dent or detained to make such orders for the maintenance custody or
18 care of the insane person and for the care and disposition of the property
19 of the insane person as the case may require

1 Section 2306-A Appointment of Visitorial Bodies The Department
2 of Mental Health shall have the power to appoint a board of three
3 or more members in any county of the Commonwealth to act without
4 compensation as a board of visitors to visit any supervised mental
5 institution in such county in aid of and as the representative of the
6 department such board to make a report of such visitation as the de-
7 partment may require It shall be the duty of the officers or other persons
8 having charge of such supervised mental institution to afford full
9 facilities for such board to make an examination and inspection thereof

10 Section 2307-A Recommendations The Department of Mental
11 Health shall have the power and its duty shall be from time to time
12 to recommend and bring to the attention of the officers or other persons
13 having the management of the State and supervised mental institu-
14 tions such standards and methods as may be helpful in the government
15 and administration of such institutions and for the betterment of the
16 inmates therein whereupon it shall be the duty of such officers or other
17 persons to adopt and put into practice such standards and methods

18 Section 2308-A Rules and Regulations The Department of Mental
19 Health shall have the power to make and enforce rules and regulations
20 as follows

1 (a) Providing for the licensing of all houses or places in which
2 any person can be lawfully detained as an insane person or a person
3 of unsound mind upon compensation paid to or received by the owner
4 or occupant of such house or place directly or indirectly for the care
5 of such insane person or person of unsound mind and also of all houses
6 places or institutions in which more than one insane person or person of
7 unsound mind is detained or resides other than a jail or prison with
8 the right to exempt any State institution institution under municipal
9 authority or any other institution

10 (b) To insure the proper care and treatment of persons of un-
11 sound mind detained in any house place or institution whether licensed
12 or not to guard against the improper or unnecessary detention of such
13 persons to regulate the manner of their detention and the restraints
14 imposed and all matters relative to their welfare to regulate their
15 means of communication with relatives friends and other persons out-
16 side the house place or institution of detention and to insure to them
17 the admission of all proper visitors being members of their families
18 or personal agents or attorneys

19 (c) Regulating the forms to be observed warranting the commit-
20 ment transfer of custody and discharge of all insane persons other than

1 those committed by order of a court of record and as to these with
2 the consent of the presiding judge of the court under whose order the
3 person is detained

4 (d) For the approval of psychopathic wards maintained by hospitals
5 for the reception and care of persons suffering with mental disorders

6 Section 2309-A Transfers Parole or Discharge of Patients The
7 Department of Mental Health shall have the power

8 (a) To apply to the proper court for the transfer or removal of
9 insane persons from county or district poorhouses almshouses hospitals
10 or in the custody of the directors or overseers of the poor to the State
11 hospitals for the insane

12 (b) To transfer the indigent insane from State hospitals for the
13 insane to the almshouses poorhouses or prisons of the several counties
14 charged with their maintenance

15 (c) To transfer patients or inmates from one State hospital for the
16 insane to another such hospital

17 (d) To transfer a committed insane person from a licensed private
18 hospital or institution to a State or licensed county hospital and vice
19 versa

20 (e) To apply to the proper court for the removal to a hospital for

1 the insane of any person imprisoned in a penitentiary or prison and be-
2 lieved to be insane

3 (f) To transfer a committed inmate from one type of institution
4 under the supervision of the department to another type of institution
5 under its supervision

6 (g) To investigate and be heard before an order is made in any
7 case to remove to any place of custody other than a hospital any criminal
8 confined in a hospital by order of any court or any lunatic committed to
9 a hospital after an acquittal of crime

10 The cost of the transfer or removal and of the maintenance of any
11 insane person transferred by or under the direction or upon the applica-
12 tion of the Commissioner of Mental Health or other officer of the de-
13 partment pursuant hereto shall be borne and paid in the manner pro-
14 vided by law in the case of any such transfer or removal

15 All traveling expenses of indigent insane persons discharged by
16 order of the department from any State hospital for the insane from
17 the hospital to their respective homes shall be paid by the hospital the
18 amount thereof to be refunded to such hospital from the appropriation
19 for the care and relief of such indigent insane then current

20 (h) To order and compel the parole or discharge of any person de-

1 tained in any place as insane or of unsound mind other than a person
2 committed after trial and conviction for crime or by order of court but
3 the department shall not make any such order unless notice be given to
4 the person having charge of the building in which and to the person or
5 persons at whose instance the patient is detained and reasonable oppor-
6 tunity given to them to justify a further detention and the department
7 has caused the case of the patient to be personally attended and ex-
8 amined by its officer or agent

9 Section 2310-A Advisory Council on Mental Health The Advisory
10 Council on Mental Health shall have the power and its duty shall be

11 (a) To advise the Governor with regard to the appointment of the
12 Commissioner of Mental Health

13 (b) To advise assist and make recommendations with respect to the
14 general policies and operations of the Commonwealth's mental health
15 program

16 (c) To aid in increasing public understanding of and formulating
17 plans for furthering the purposes and intention of this amending act

18 Section 2311-A Boards of Trustees of State Mental Institutions

19 (1) The powers and duties of the boards of trustees of each State mental
20 institution within the Department of Mental Health caring for the

1 mentally ill feeble-minded mentally retarded mentally deficient and
2 juvenile delinquents shall be only as defined in this section

3 (a) To advise assist and make recommendations to the superinten-
4 dent with respect to the management and operation of the institution
5 and with respect to any plans or programs for its improvement

6 (b) To keep under review all matters pertaining to the welfare and
7 well-being of patients and to make recommendations to the superin-
8 tendent with respect thereto

9 (c) To advise and make recommendations to the Commissioner of
10 Mental Health with regard to the selection and appointment of a super-
11 intendent in case of a vacancy

12 (d) To advise and make recommendations to the superintendent
13 with regard to his selection of employes of the institution

14 (e) To develop and further means and methods of establishing
15 proper relations and understanding between the institution (and its pro-
16 gram) and the community in which it is located and generally to provide
17 liaison between the institution and the community in order better to
18 serve the interests and needs of both

19 (f) To make recommendations to the Advisory Council on Mental

1 Health on matters of policy and program emerging from its intimate
2 knowledge and experience of mental health programs in operation

3 (2) The provisions of this section shall be applicable to the boards
4 of trustees in all of the State mental institutions within the Depart-
5 ment of Mental Health caring for mentally ill feeble-minded mentally
6 retarded mentally deficient and juvenile delinquents but shall not apply
7 to the Board of Trustees of the Eastern Pennsylvania Psychiatric In-
8 stitute

9 Section 2312-A Approval of Plans and Mortgages The Department
10 of Mental Health shall have the power and its duty shall be

11 (a) To approve or disapprove all plans for the erection or sub-
12 stantial alteration of any State or supervised mental institution receiving
13 aid from the Commonwealth

14 (b) To investigate and report to the Auditor General upon every
15 application to the Auditor General made by any institution corporation
16 or unincorporated association caring for mentally ill feeble-minded
17 mentally retarded mentally deficient patients or inmates desiring to give
18 a mortgage under the provisions of the act approved April 29 1915 (P L
19 201) entitled "An act making mortgages given by benevolent charitable
20 philanthropic educational and eleemosynary institutions corporations or

1 unincorporated associations for permanent improvements and refunding
2 purposes prior liens to the liens of the Commonwealth for the appropria-
3 tion of moneys providing a method for the giving of such mortgages and
4 fixing the duties of the Auditor General and Board of Public Charities
5 in connection therewith"

6 Section 2313-A State Institutions With regard to State mental in-
7 stitutions the department shall have the power and its duty shall be

8 (a) To determine the capacity of such institutions

9 (b) To determine and designate the type of persons to be received
10 by such institutions the proportion of each type to be received therein
11 and the districts from which persons shall be received by such institu-
12 tions

13 (c) To issue requisitions upon the Auditor General for warrants to
14 be drawn by the Auditor General upon the State Treasurer in favor of
15 such institutions for the payment out of moneys specifically appropriated
16 to the department for the purpose of the expenses of administering
17 operating and maintaining and developing such State mental institu-
18 tions

19 (d) To require the submission to the department of any contract

1 for repairs alterations or equipment which any such State institution
2 desires to make and to approve or disapprove such proposed contract No
3 such contract shall be valid without the approval of the department as
4 evidenced by the signature of the Commissioner of Mental Health

5 Section 2314-A Stores at State Mental Institutions With regard
6 to State mental institutions the department shall have the power to
7 authorize the construction of separate buildings or the addition to or
8 improvement of existing buildings for the purpose of operating and
9 conducting therein a store or canteen for the convenience and benefit
10 of the inmates or patients of such institutions out of moneys appropri-
11 ated therefor by the General Assembly or from moneys derived from
12 the operation of any such stores or from grants or gifts offered for such
13 particular purpose.

14 Whenever any such construction addition or improvement is made
15 for such purpose the same shall become the property of the Common-
16 wealth regardless of the source of the funds used in connection there-
17 with

18 Section 2315-A Utility Services for State Mental Institutions For
19 the purpose of providing utility services for State mental institutions
20 the department may execute such agreements and contracts as it may

1 deem necessary therefor with any political subdivision or any authority
2 to provide utility services and for defraying the Commonwealth's share
3 of the expenses and charges to be incurred in establishing and contract-
4 ing with an authority or political subdivision for the purpose of acquiring
5 holding constructing improving maintaining and operating sewage
6 systems water supply systems electric power gas steam or other utility
7 systems

8 Payment of the costs of such expenses charges and services shall
9 be made from appropriations to the department for such purposes in
10 accordance with the agreement made by the department

11 Section 2316-A Care of the Indigent The Department of Mental
12 Health shall have the power and its duty shall be

13 (a) Whenever the General Assembly shall have specifically appro-
14 priated money to the department for the purpose to issue requisitions
15 upon the Auditor General for warrants to be drawn by the Auditor
16 General upon the State Treasurer in favor of such hospitals homes and
17 institutions as shall conform to at least the minimum standards of plant
18 equipment service administration and care and treatment necessary for

1 the proper care and treatment of patients or inmates as required by
2 the rules and regulations of the department or established by law in
3 amounts computed upon the per diem rates of payment established by
4 law for free service to indigent persons as follows

5 (1) The care of delinquent and defective children in homes or
6 institutions

7 (2) The care treatment and removal of insane persons in county hos-
8 pitals for the insane or private institutions licensed by the department

9 (b) To approve requisitions issued by hospitals homes or institutions
10 to which the General Assembly shall have appropriated money for the
11 care and treatment of indigent insane persons if such hospitals homes
12 or institutions shall conform to at least the minimum standards of plant
13 equipment service administration and care and treatment necessary for
14 the proper care and treatment of patients or inmates as required by the
15 rules and regulations of the department or established by law and if such
16 requisitions are in the amounts to which such hospitals homes or institu-
17 tions are entitled according to law

18 (c) To establish rules and regulations not inconsistent with law
19 prescribing minimum standards of plant equipment service administra-

1 tion and care and treatment for State-aided mental institutions and for
2 determining the number of free days of care and treatment rendered
3 to indigent persons by hospitals homes or institutions

4 Section 2317-A Study Classification and Assignment of Juveniles
5 The Department of Mental Health shall have the power and its duty
6 shall be

7 (a) To establish and administer a program designed to assist the
8 juvenile courts and other public and private agencies on their request in
9 the diagnosis and study of children with mental problems or emotionally
10 disturbed children and to recommend to them the most appropriate
11 disposition for the rehabilitation and treatment of such children This
12 program shall be based on review of local studies of the children but
13 when local studies indicate the need or when it is requested may include
14 residential study of the children in centers which the department is
15 hereby authorized to establish and operate

16 The three diagnostic and evaluation centers now operated and
17 maintained by the Department of Public Welfare are hereby transferred
18 to and shall hereafter to operated by the Department of Mental Health

19 (b) To accept custody of children committed by the juvenile courts
20 for study and on the basis of its review of local studies of each child and

1 any additional residential studies as are deemed necessary to recom-
2 mend to the court that the child be placed in a State institution or a
3 supervised institution or to recommend any other placement or treatment
4 which may be indicated The department may recommend that the court
5 transfer any child from one type of care to another or return him to
6 his home for trial periods Notice of any transfer shall be sent by the
7 department promptly to the parents guardian or nearest relative of the
8 child The department may also recommend the discharge of a child
9 from its custody but any decision with respect thereto shall remain the
10 sole responsibility of the committing court

11 Section 12 All of the State mental institutions now operated by the
12 Department of Public Welfare are hereby transferred to and shall
13 hereafter be operated by the Department of Mental Health and all
14 personnel of such institutions and all appropriations contracts agree-
15 ments equipment files and obligations of the Department of Public Wel-
16 fare respecting such institutions are hereby transferred to the Depart-
17 ment of Mental Health with the same force and effect as if said con-
18 tracts agreements and obligations of the Department of Public Welfare
19 had been incurred or entered into by the Department of Mental Health

1 and the balances remaining in any such appropriations are hereby appro-
2 priated to the Department of Mental Health for the same purpose as
3 expressed in the act making them

4 All personnel equipment files and records of the Department of
5 Public Welfare employed in the performance of the powers and duties
6 transferred by this act are hereby transferred to the Department of
7 Mental Health and the balances of any appropriations for the payment
8 of salaries and other expenses in connection therewith are hereby
9 appropriated to the Department of Mental Health for the same purpose
10 as expressed in the act making them

11 Section 13 This act shall take effect June 1 1961

We certify that this bill has passed the Senate and the House of Representatives.

.....
Chief Clerk, Senate

.....
President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor