

(\$300.00) for each offense, and in default of payment thereof, undergo imprisonment of not less than thirty days nor more than sixty days.

Effective date.

Section 10. This act shall take effect in sixty days.

APPROVED—The 25th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 373

AN ACT

Authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

Interstate Compact on Mental Health.

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

Section 1. The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any other state or states legally joining therein in form substantially as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

ARTICLE I.

Purposes.

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action to the benefit of the patients, their families and society as a whole. Further the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that on the contrary the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

ARTICLE II.

Definitions.

As used in this compact:

(1) "Sending states" shall mean a party state from which a patient is transported pursuant to the provisions

of the compact or from which it is contemplated that a patient may be so sent.

(2) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(3) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(4) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state for institutionalization or other care, treatment or supervision pursuant to the provisions of this compact.

(5) "After-care" shall mean care, treatment and services provided a patient as defined herein on convalescent status or conditional release.

(6) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare or the welfare of others or of the community.

(7) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs but shall not include mental illness as defined herein.

(8) "State" shall mean any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(9) "Court" shall mean the court of common pleas or other court of record having jurisdiction \*or law judge thereof of the county in which the patient is or resides.

### ARTICLE III.

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state, irrespective of his residence, settlement or citizenship qualifications.

Eligibility and transfer of patients and records; suitable places, priorities and reviews.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment

\*"of" in original

or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family character of the illness and probable duration thereof and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient furnished all available medical and other pertinent records concerning the patient, giving the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient, if said authorities so wish and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

#### ARTICLE IV.

(a) Whenever pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best inter-

After-care and transfer of patients and records.

est of the patient would be served \*thereby and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care and treatment that it employs for similar local patients.

#### ARTICLE V.

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found, pending disposition in accordance with law.

Escapes.

#### ARTICLE VI.

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact without interference.

Interstate transfer authority.

#### ARTICLE VII.

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

Institutional responsibility, and costs of transfer.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state or between a party state and its subdivisions as to the payment of costs or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in

\*"hereby" in original.

regard to costs for which such party state or subdivision thereto may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization care or treatment of the mentally ill or mentally deficient or any statutory authority pursuant to which such agreements may be made.

ARTICLE VIII.

Rights, duties and responsibilities of guardians; supplemental appointments; relief of guardian; consent to transfer.

(a) Nothing in this compact shall be construed to abridge, diminish or in any way impair the rights, duties and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall, upon being duly advised of the new appointment and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances: Provided, however, That in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment. No mentally ill or mentally deficient patient shall be transferred between party states until consent has been obtained from the person legally responsible for the patient's maintenance.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

ARTICLE IX.

Applicability of compact.

(a) No provision of this compact, except Article V., shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge or whose institutionalization is due to the commission of an offense for which,

in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

#### ARTICLE X.

(a) Each party state shall appoint a "compact administrator" who on behalf of his state shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence and other documents relating to any patient processed under the compact by his state, either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

Compact administrator.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE XI.

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

Supplementary agreements.

#### ARTICLE XII.

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

Force and effect.

#### ARTICLE XIII.

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the

Withdrawal from compact or supplementary agreement.

governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII. (b) as to costs, or from any supplementary agreement made pursuant to Article XI., shall be in accordance with the terms of such agreement.

#### ARTICLE XIV.

**Interpretation  
and severability.**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**Designation of  
Compact  
Administrator.**

Section 2. Pursuant to said compact, the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who acting jointly with like officers of other party states shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

**Compact  
Administrator  
authorized to  
enter into  
supplementary  
agreements.**

Section 3. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII. and XI. of the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this State or require or contemplate provision of any service by this State, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is

operated or whose department or agency will be charged with the rendering of such service.

Section 4. The compact administrator, subject to the approval of the Auditor General, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the compact or by any supplementary agreement entered into thereunder.

Payments of obligation by State.

Section 5. The compact administrator is hereby directed to consult with the immediate family of any proposed transferee.

Consultation with family.

Section 6. This compact shall apply only to patients who either are in institutions maintained by the Commonwealth of Pennsylvania, having been duly and properly committed or admitted pursuant to laws of the Commonwealth of Pennsylvania, or whose admission to an institution maintained by the Commonwealth is being sought by a sending state pursuant to this compact and shall not in any case apply to any patient of a private licensed institution.

Applicability.

Section 7. Duly authenticated copies of this act shall, upon its approval, be transmitted by the Secretary of the Commonwealth to the Governor of each state, the Attorney General and the Secretary of State of the United States and The Council of State Governments.

Distribution of authenticated copies.

Section 8. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 25th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 374

AN ACT

Amending the act of June 28, 1935 (P. L. 477), entitled, as amended, "An act providing for the payment of the salary, medical and hospital expenses of members of the State Police Force, of the enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, and the parole agents, enforcement officers and investigators of the Pennsylvania Board of Parole and of policemen, firemen and park guards by the Commonwealth of Pennsylvania, counties, cities, boroughs, towns and townships, who are injured in the performance of their duty; and providing that absence during such injury shall not reduce any usual sick leave period," extending the provisions thereof to members of the Delaware River Port Authority Police.

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

Law enforcement officers.