

No. 1984-231

## AN ACT

HB 552

Amending the act of April 9, 1929 (P.L.177, No.175), 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 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," further providing for the salaries of the chairman and members of the Environmental Hearing Board and the powers and duties of the Department of Health.

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

Section 1. Section 709(m) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, added May 7, 1982 (P.L.383, No.111), is amended to read:

Section 709. Executive Board.—Subject to the provisions of this act, the Executive Board shall have the power:

\* \* \*

(m) In addition to those powers otherwise provided by law, to determine the salaries of the chairman and the other members of the Environmental Hearing Board which salaries shall not exceed ~~[\$37,500]~~ \$45,000 for the chairman and ~~[\$35,000]~~ \$42,500 for the other members.

Section 2. The act is amended by adding sections to read:

**Section 2120. Additional Powers and Duties of the Department.**—*The Department of Health shall have the power and its duty shall be to carry out those powers and duties conferred upon the Secretary of Health and the Department of Health under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." Notwithstanding any provision of "The Controlled Substance, Drug, Device and Cosmetic Act," loperamide hydrochloride is expressly deemed not to be a controlled substance within the meaning of section 4 of that act.*

**Section 2121. Exception to Certificate of Need.**—*Notwithstanding the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act," in 1982, the General Assembly found need for the construction of a hospital addition at the Milton S. Hershey Medical*

*Center. The Department of Health shall not require a certificate of need for the hospital addition authorized in section 1.B.II. of the act of December 6, 1982 (P.L.771, No.222), entitled "A supplement to the act of July 1, 1981 (P.L.142, No.47), entitled 'An act providing for the capital budget for the fiscal year 1981-1982,' itemizing public improvement and furniture and equipment projects to be constructed or acquired by the Department of General Services together with their estimated financial cost, authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services, stating the estimated useful life of the projects, repealing projects and making appropriations," and section 2(3)(xv)(K) and (L) of the act of May 18, 1984 (P.L.263, No.62), entitled "A supplement to the act of December 20, 1983 (P.L.288, No.76), entitled 'An act providing for the capital budget for the fiscal year 1983-1984,' itemizing public improvement projects, furniture and equipment projects, redevelopment assistance projects and transportation assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Community Affairs or the Pennsylvania Fish Commission, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; authorizing issuing officials to undertake limited temporary borrowing through negotiated settlements; and making an appropriation," nor shall a certificate of need for the development and construction of the hospital addition be required and such hospital addition shall be exempt from the certificate of need provisions of the "Health Care Facilities Act."*

Section 3. (a) The General Assembly amended the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, by the act of June 22, 1982 (P.L.573, No.166) and in effect by the acts of December 6, 1982 (P.L.771, No.222) and May 18, 1984 (P.L.263, No.62), to serve the following purposes:

(1) The amendment of June 22, 1982 (P.L.573, No.166) established a center to be managed and controlled by The Pennsylvania State University to provide comprehensive diagnostic and treatment services for persons with physical and neuro-developmental disabilities and transferred the functions and operations of the Commonwealth at the Elizabethtown Hospital For Children And Youth to The Pennsylvania State University to be performed as a part of the center. The purposes underlying this amendment were to remove the State government from the direct provision of health care services which was found to be inefficient and to enhance the delivery of health care services to the citizens of the Commonwealth.

(2) The amendments of December 6, 1982 (P.L.771, No.222) and May 18, 1984 (P.L.263, No.62) provided for the construction of a hospital addition, including a psychiatric unit and a center for rehabilitation of physical and neuro-developmental disabilities, at the Milton S. Hershey Medical

Center of The Pennsylvania State University. The purposes of this action were to establish an additional hospital facility for the center, to establish a hospital facility in central Pennsylvania to provide psychiatric services for the citizens of the Commonwealth, and to enhance the medical education opportunities provided by The Pennsylvania State University, which is the land grant university of the Commonwealth, by increasing the size and capacity of the hospital at the Milton S. Hershey Medical Center to approximately 500 beds.

(b) The General Assembly finds that the amendments of June 22, 1982 (P.L.573, No.166), December 6, 1982 (P.L.771, No.222) and May 18, 1984 (P.L.263, No.62) meet the obligations of the Commonwealth to its land grant university, serve the interest of the Commonwealth in eliminating unnecessary cost in the operation of State government and serve the interest of the Commonwealth in enhancing the quality of medical care for the citizens of the Commonwealth.

(c) Therefore, the General Assembly declares the projects for hospital additions at the Milton S. Hershey Medical Center of The Pennsylvania State University, as provided for in The Administrative Code of 1929, shall not be subject to the requirement of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and hereby enacts section 2121 of The Administrative Code of 1929.

Section 4. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1984.

DICK THORNBURGH