

No. 1988-152

AN ACT

HB 585

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 composition, powers and duties and reestablishment of the Board of the Ben Franklin Partnership Fund; further providing for benefits for nonhospital alcohol and drug detoxification and treatment; and increasing the indebtedness of the Pennsylvania Energy Development Authority.

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

Section 1. Section 448(n) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended December 6, 1982 (P.L.774, No.223), is amended to read:

Section 448. Advisory Boards and Commissions.—The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

* * *

(n) There is hereby created in the Department of Commerce a Board of the Ben Franklin Partnership Fund which shall consist of the Secretaries of Commerce, Environmental Resources and Agriculture, the Director of the Governor's Office of Policy and Planning and the Executive Director of the **[Governor's Energy Council or their designees] Pennsylvania Energy Office**, the chairman of the Milrite Council, **[four members of the General Assembly appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives with no more than one member of each House from each party being appointed] two members of the Senate appointed by the President pro tempore of the Senate, one of whom shall be a member of the majority party of the Senate and one of whom shall be a member of the minority party of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the majority party of the House of Representatives and one of whom shall be a member of the minority party of the House of Repre-**

sentatives, and five additional members to be appointed by the Governor at least one of whom shall represent organized labor and at least one of whom shall be an owner of a small business. *The Secretaries of Commerce, Environmental Resources and Agriculture, the Director of the Governor's Office on Policy and Planning, the Executive Director of the Pennsylvania Energy Office, the chairman of the Milrite Council and the members of the General Assembly shall be authorized to designate officers or employes from their respective agencies to act in their stead in the conduct of the business of the board.* The chairman of this board shall be the Secretary of Commerce.

All members shall be appointed for terms of four years, such terms to run concurrent with that of the Governor. Any member appointed to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

The board members shall receive no compensation for their services but shall be reimbursed for their expenses actually incurred by them in the performance of their duties under this act.

The Department of Commerce shall provide an executive director and all other staff services to the board, including liaison between the board and science and engineering research, business, labor, development and education agencies and related organizations, and between the foundation and other agencies of the Commonwealth. The board may adopt bylaws dealing with the organization, meetings, activities and other such considerations as it may deem appropriate and consistent with its powers and duties.

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

Section 2334. Medical Assistance Payments.—(a) It is the general purpose of this section to provide for a continuum of alcohol and drug detoxification and rehabilitation services to persons eligible for medical assistance. Facilities serving as appropriate treatment settings include hospital and nonhospital drug detoxification and rehabilitation facilities, hospital and nonhospital alcohol detoxification and rehabilitation facilities, and hospital and nonhospital drug and alcohol detoxification and rehabilitation facilities and outpatient services licensed by the Office of Drug and Alcohol Programs of the Department of Health. The General Assembly recognizes that the fluctuating nature of alcohol and drug dependency, in combination with the associated physical complications often arising from long-term use of alcohol and drugs, necessitates that a variety of treatment modalities and settings be made available to persons eligible for medical assistance. The availability of a new service in this area is in no way intended to limit access to or funding of services available currently.

(b) Consistent with section 2301, the Department of Public Welfare shall:

(1) Provide, on behalf of persons eligible for medical assistance, medical assistance coverage for detoxification, treatment and care in a nonhospital alcohol detoxification facility, nonhospital drug detoxification facility, nonhospital alcohol and drug detoxification facility, or a nonhospital treatment facility which can provide services for either drug or alcohol detoxification

or treatment or for both, provided that the facility is licensed by the Office of Drug and Alcohol Programs in the Department of Health.

(2) Use criteria developed by the Office of Drug and Alcohol Programs for governing the type, level and length of care or treatment, including hospital detoxification, as a basis for the development of standards for services provided under clause (1).

(3) Notwithstanding clause (1), provide by regulation for gradual implementation of medical assistance coverage under this subsection to client populations which shall be identified in cooperation with the Department of Health. The regulations shall provide for full implementation of clause (1) to all medical assistance eligibles in phases over a period of time not to exceed five years from the effective date of the regulations. The program phases shall be structured so as to allow for independent evaluation of each phase on an ongoing basis. Initial regulations adopted pursuant to this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," except that the regulations may be reviewed under section 5(h) of that act.

(c) The Department of Public Welfare, the Department of Health and the Office of Drug and Alcohol Programs shall jointly provide for an independent evaluation of the program authorized by this section in accordance with specific evaluation criteria, which shall include, but not be limited to: (i) comparison of medical costs before and after program implementation; (ii) employment history; and (iii) involvement with other programs of the Department of Health, the Department of Public Welfare, the Department of Corrections and any other appropriate agencies. The evaluation shall be conducted in compliance with all applicable Federal and State confidentiality requirements.

Section 2335. Admissions to Drug and Alcohol Facilities.—(a) Drug or alcohol abusers and drug or alcohol dependent persons shall be admitted to and treated in all facilities licensed by the Department of Health and Office of Drug and Alcohol Programs, at reasonable rates on the basis of medical or psychotherapeutic need, and shall not be discriminated against on the basis of medical assistance eligibility.

(b) As part of its licensure process, the Office of Drug and Alcohol Programs shall review each facility's admission policies for compliance and shall investigate complaints.

(c) The Office of Drug and Alcohol Programs may suspend or revoke the license of any facility which fails to maintain an admission policy consistent with the requirements of this section and may impose a fine not to exceed one thousand dollars (\$1,000) for each violation.

(d) Nothing in this section shall require any facility to accept medical assistance eligible patients for whom payment is not available pursuant to regulations adopted under section 2334(b)(3).

Section 3. Section 2503-B(c) and (d) of the act, amended December 6, 1982 (P.L.774, No.223), are amended to read:

Section 2503-B. Duties and Powers of the Board of the Ben Franklin Partnership Fund.—* * *

(c) The board may enter into a matching grant program, involving consortiums of college or university and private sector organizations for the purposes of establishing, operating and promoting advanced technology centers throughout the Commonwealth. Such centers shall receive no more than fifty per centum (50%) of their financial support from this board. Applicants for funds provided under this section shall secure financial commitments from profit and nonprofit groups and organizations, including the Federal government or local political subdivisions and shall be required to submit applications in accordance with policies and criteria issued by the board. *The board shall utilize adequate financial controls, including a program of audits, to implement the matching grant program.* Such centers shall utilize to the extent possible, existing or new private businesses operating or willing to operate in the fields of expertise needed to accomplish the purposes of the center. Eligible purposes which the board may fund under this matching grant program include, but are not limited to:

(1) Development and strengthening of joint research and development efforts including facilities for advanced technologies activities, equipment, personnel, land and related activities, which will lead to new technologies which will create or preserve jobs.

(2) Providing training and curriculum development related to advanced technology in order to provide a skilled work force to secure employment in advanced technology industries.

(3) Technical assistance and technology transfer activities on an areawide or Statewide basis to transfer research and development activities into the marketplace.

(4) Assistance through small business incubators, including, but not limited to space, services and technical assistance.

(5) Market development, feasibility studies and other activities related to increasing jobs in advanced technology industries.

(6) Staff support for advanced technology councils or other mechanisms to encourage labor, business, university and governmental linkages in promoting advanced technology industrial diversification.

(7) Facilitate establishment of technology parks, which will serve as locations for facilities devoted to research and development and technology-intensive light manufacturing.

(d) The Ben Franklin Partnership Fund, together with its statutory functions and duties, shall terminate and go out of existence on December 31, [1988] 1998, unless reestablished or continued by the General Assembly. Evaluation and review, termination, reestablishment and continuation of the agency shall be conducted pursuant to the provisions of the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

Section 4. Section 2807-C(a) of the act, amended July 20, 1983 (P.L.52, No.26), is amended to read:

Section 2807-C. Authority Indebtedness.—(a) The authority shall have the power and hereby is authorized from time to time, by resolution of the authority and subject to the written approval of the Governor, to issue its negotiable bonds in such principal amount as, in the opinion of the author-

ity, shall be necessary to provide sufficient funds for any of its corporate purposes, the establishment of reserves to secure such bonds and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. The authority may issue its bonds to provide financial assistance for projects only after the authority has first identified and approved such projects. The aggregate principal amount of bonds and notes of the authority shall not exceed **[\$200,000,000]** **\$300,000,000** outstanding at any one time.

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Section 5. (a) This act, with respect to the Board of the Ben Franklin Partnership Fund, shall constitute the legislation necessary to reestablish the board under the act of December 22, 1981 (P.L.508, No.142), known as the *Sunset Act*.

(b) Persons who are members of the Board of the Ben Franklin Partnership Fund, on the effective date of this act, shall continue to serve on the board provided for in this act until their current terms expire and until their successors are duly appointed and qualified.

(c) All rules, regulations and bylaws promulgated by the Board of the Ben Franklin Partnership Fund shall remain in full force and effect until amended or rescinded by the board, provided that the board shall immediately initiate action to rescind or amend any rule, regulation or bylaw that is in conflict with the provisions of this act or to promulgate additional rules, regulations or bylaws which may be required to implement the provisions of this act.

Section 6. Section 2 (sections 2334 and 2335) shall terminate on December 31, 1993, subject to the provisions of the act of December 22, 1981 (P.L.508, No.142), known as the *Sunset Act*.

Section 7. This act shall take effect January 1, 1989.

APPROVED—The 15th day of December, A. D. 1988.

ROBERT P. CASEY