

No. 1996-87

AN ACT

HB 216

Amending the act of April 27, 1905 (P.L.312, No.218), entitled "An act creating a Department of Health, and defining its powers and duties," further providing for organization and for administrative powers and duties; and making repeals.

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

Section 1. Section 1 of the act of April 27, 1905 (P.L.312, No.218), entitled "An act creating a Department of Health, and defining its powers and duties," amended March 17, 1921 (P.L.37, No.18), is amended to read:

Section 1. Be it enacted, &c., [~~That the~~] *(a) The* Department of Health shall consist of a [~~Commissioner~~] *Secretary* of Health [~~and~~], an advisory board *and a Physician General*.

(b) The [Commissioner of Health] secretary shall be the head of the department, and shall be appointed by the Governor, with the advice and consent of the Senate. [~~He shall be a physician of at least ten years professional experience and a graduate of a legally constituted medical college.~~]

The term of the Commissioner first appointed hereunder shall expire on the first day of March, one thousand nine hundred and seven, and the term of office of every Commissioner thereafter appointed shall be four years, beginning on first day of March of the year in which he is appointed.

Upon the appointment and qualification of the Commissioner of Health, the terms of the members of the State Board of Health and the secretary of such board shall expire, and no appointments shall thereafter be made to those offices.] *The secretary shall be either a graduate of an accredited medical or osteopathic medical school who is a practicing physician licensed by the Commonwealth or an individual with professional experience in the field of public health, health services delivery or education or training of health service professionals. The secretary shall serve at the pleasure of the Governor.*

(c) There shall be an office of Physician General within the administrative structure of the department. The Physician General shall be appointed by the Governor by and with the advice and consent of the Senate. The department shall provide adequate staff and other support as needed. The Physician General shall be a graduate of an accredited medical or osteopathic medical school and shall be a practicing physician licensed by the Commonwealth. The Physician General shall serve at the pleasure of the Governor. The Physician General shall:

- (1) Advise the Governor and the secretary on health policy.*
- (2) Participate in the decision-making process of the department on policies relating to all medical and public health-related issues and in the decision-making process of other executive branch agencies as directed by the Governor.*
- (3) Review professional standards and practices in medicine and public health which are related to matters within the jurisdiction of the department and other executive branch agencies.*
- (4) Consult with recognized experts on medical and public health matters which are within the jurisdiction of the department and other executive branch agencies.*
- (5) Provide advice on medical and public health issues to the secretary and to other executive branch agencies.*
- (6) Coordinate educational, informational and other programs for the promotion of wellness, public health and related medical issues in this Commonwealth and serve as the primary advocate for these programs.*
- (7) Consult with experts in this Commonwealth and other states regarding medical research, innovation and development which relate to programs and issues of importance to the department and the Commonwealth.*
- (8) Perform such other duties as directed by the Governor.*
- (9) When the secretary is not a physician, serve as a voting member of the State Board of Medicine and the State Board of Osteopathic Medicine. The Physician General may provide a designee to serve in his or her stead. The salary and other conditions of employment shall be set by the Executive Board.*

(d) The [Department of Health] *department* shall have an official seal.
Section 2. Section 8 of the act is amended to read:

Section 8. *(a)* It shall be the duty of the [Commissioner] *Department* of Health to protect the health of the people of the State, and to determine and employ the most efficient and practical means for the prevention and suppression of disease.

(b) The [Commissioner] *Secretary* of Health shall cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose the [Commissioner] *secretary*, and any person authorized by him so to do, may, without fee or hindrance, enter, examine and survey all grounds, vehicles, apartments, buildings, and places within the State, and all persons so authorized by him shall have the powers and authority conferred by law upon constables.

(c) (1) *With the exception of the three State health centers selected for the review program established in paragraph (2), the department shall operate those public State health centers and provide at a minimum those public health services in effect as of July 1, 1995. Except as provided in paragraph (2), the department shall not enter into contracts with any additional private providers that would result in the elimination of any State*

health center nor reduce the scope of services currently provided nor reduce the number of centers.

(2) The department shall establish a review program to determine the feasibility and effectiveness of entering into contracts with local health care providers for the operation of State health centers or the provision of equivalent services. The program shall utilize the equivalent services provided by three existing State health centers on the effective date of this act, one of which shall be in an urban area of this Commonwealth, one of which shall be in a suburban area of this Commonwealth and one of which shall be in a rural area of this Commonwealth, as determined by the department. The review program shall begin on November 1, 1996, and shall continue for a period of twelve months.

(3) The department shall identify the State health centers under paragraph (2) and contract with one or more local health care providers for the operation of the centers or for the provision of equivalent services. The contract shall be effective November 1, 1996, and shall be for a period of twelve months. The contract shall provide for oversight by the department of all services provided under the review program.

(4) On or before December 31, 1997, the department shall submit a report to the General Assembly, which shall include, but not be limited to, the following:

(i) A review and analysis of the three health care centers or of the provision of equivalent services in the review program, including patient utilization and services provided.

(ii) An analysis of the performance of each local health care provider, including patient satisfaction with the provision of services.

(iii) A review of other delivery systems for health services in the community, both public and private.

(iv) A comparison of the cost and effectiveness of the operation of each of the three health care centers by the Commonwealth with the cost of the provision of equivalent services by local health care providers.

(v) Recommendations regarding continuation of the provision of the services previously provided by the three health care centers included in the study program by local health care providers.

(vi) Recommendations regarding the public and private operation of all remaining health care centers or the provision of equivalent services in this Commonwealth.

(d) The department shall maintain and operate a State Public Health Laboratory that shall assure the availability of reliable clinical laboratory services and laboratory-based information that are needed by clinicians and other health providers for proper diagnosis and treatment, prevention of disease and promotion of the health of the citizens of this Commonwealth. The State Public Health Laboratory shall arrange for and perform clinical tests to identify diseases and provide epidemiological and surveillance support. The State Public Health Laboratory shall not contract with outside

laboratories to perform testing in rabies, measles, rubella, Lyme disease, influenza and tuberculosis identification. The State Public Health Laboratory shall be administered and maintained in a manner in effect as of July 1, 1995.

(e) The department shall apportion this Commonwealth into dental health districts administered by a public health dentist within the department, who shall implement dental health policies and programs for the various counties and political subdivisions within this Commonwealth.

Section 3. The following acts and parts of acts are repealed insofar as they are inconsistent with this act:

Section 2.1 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

Section 3 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

Section 4. Section 8(c)(2) and (3) of the act shall expire December 31, 1997.

Section 5. This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 1996.

THOMAS J. RIDGE