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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **252** Session of  
1961

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INTRODUCED BY MR. McCREESH, FEBRUARY 20, 1961.

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

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**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 department boards and commissions defining the powers and duties of the Governor and other executive and administrative

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

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  
2 "The Administrative Code of 1929" amended July 13 1957 (P L 852)  
3 is amended to read

4 Section 201 Executive Officers Administrative Departments and In-  
5 dependent 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 State  
12 Department of Justice Department of the Auditor General Treasury  
13 Department Department of Internal Affairs Department of Public In-  
14 struction Department of Military Affairs Insurance Department Depart-  
15 ment of Banking Department of Agriculture Department of Forests and  
16 Waters Department of Mines and Mineral Industries Department of  
17 Highways Department of Health Department of Labor and Industry  
18 Department of Public Welfare Department of Property and Supplies  
19 Department of Revenue [and] Department of Commerce and Depart-  
20 ment of Mental Health and by the following independent administrative

1 boards and commissions Pennsylvania Game Commission Pennsylvania  
2 Fish Commission State Civil Service Commission Pennsylvania Public  
3 Utility Commission and the Pennsylvania Historical and Museum Com-  
4 mission

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

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

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

18 \* \* \*

19 In the Department of Public Welfare

- 1 Board of Trustees of the Youth Development Center at Canons-
- 2 burg
- 3 [Board of Trustees of Allentown State Hospital
- 4 Board of Trustees of Clarks Summit State Hospital
- 5 Board of Trustees of Danville State Hospital
- 6 Board of Trustees of Embreeville State Hospital
- 7 Board of Trustees of Farview State Hospital
- 8 Board of Trustees of Harrisburg State Hospital
- 9 Board of Trustees of Hollidaysburg State Hospital
- 10 Board of Trustees of Mayview State Hospital
- 11 Board of Trustees of Norristown State Hospital
- 12 Board of Trustees of Philadelphia State Hospital
- 13 Board of Trustees of Retreat State Hospital
- 14 Board of Trustees of Somerset State Hospital
- 15 Board of Trustees of Warren State Hospital
- 16 Board of Trustees of Wernersville State Hospital
- 17 Board of Trustees of Woodville State Hospital
- 18 Board of Trustees of Torrance State Hospital]
- 19 Board of Trustees of Ashland State Hospital
- 20 Board of Trustees of Bloomsburg State Hospital

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

- 1 Board of Trustees of Dixmont State Hospital
- 2 Board of Trustees of Embreeville State Hospital
- 3 Board of Trustees of Eastern Pennsylvania Psychiatric Institute
- 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 Laurelton State Village
- 17 Board of Trustees of Pennhurst State School
- 18 Board of Trustees of Polk State School
- 19 Board of Trustees of Selinsgrove State School

1 All of the foregoing departmental administrative boards and com-  
2 misions 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 advis-  
6 ory boards and commissions are placed in and made parts of the respec-  
7 tive 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

20 In the Department of Public Welfare

1 State Board of Public Welfare

2 Advisory Committee for the Aging

3 Advisory Committee for the Blind

4 Advisory Committee for General and Special Hospitals

5 Advisory Committee for Children and Youth

6 Advisory Committee for Public Assistance

7 [Advisory Committee for Mental Health]

8 In the Department of Property and Supplies

9 General Galusha-Pennypacker Monument Commission

10 In the Department of Mines

11 Coal Research Board

12 In the Department of Mental Health

13 Advisory Council on Mental Health

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

15 is amended to read

16 Section 206 Department Heads Each administrative department

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

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

19 subject at all times to the provisions of this act exercise the powers

1 and perform the duties by law vested in and imposed upon the depart-  
2 ment

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 and

17 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 the
- 17 Senate appoint
- 18 (a) The Secretary of the Commonwealth the Attorney General
- 19 the Superintendent of Public Instruction the Adjutant General the

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

9 \* \* \*

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

12 \* \* \*

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

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

18 \* \* \*

19 (i) The Advisory Council on Mental Health shall be appointed  
20 by the Governor on the advice of the Commissioner of Mental Health

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

10 \* \* \*

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

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

16 \* \* \*

17 (1) The following advisory committees are hereby created

18 Advisory Committee for the Aging

19 Advisory Committee for the Blind

1 Advisory Committee for General and Special Hospitals

2 Advisory Committee for Children and Youth

3 Advisory Committee for Public Assistance

4 [Advisory Committee for Mental Health]

5 \* \* \*

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

7 1957 (P L 852) and clause (c) added October 2 1959 (P L 1002) is

8 amended to read

9 Section 2302 Definitions As used in this article

10 (a) "State Institutions" shall mean and include all [penal reforma-

11 tory or correctional institutions hospitals for the insane or any other

12 institutions for feeble-minded or epileptic persons or] institutions

13 for juvenile delinquents and dependents and charitable institutions

14 within this Commonwealth maintained in whole by the Commonwealth

15 and whose boards of trustees are departmental administrative boards

16 within the Department of Public Welfare

17 (b) "Children's Institutions" shall mean any incorporated or unin-

18 corporated organization society corporation or agency public or private

19 which may receive or care for children other than children with mental

1 disorders or emotionally disturbed children or place them in foster family  
2 homes either at board wages or free or any individual who for hire  
3 gain or reward receives for care a child unless he is relate to such child  
4 by blood or marriage within the second degree or any individual not  
5 in the regular employ of the court or of an organization society associa-  
6 tion or agency duly certified by the department who in any manner be-  
7 comes a party to the placing of children in foster homes unless he is  
8 related to such children by blood or marriage within the second degree  
9 or is the duly appointed guardian thereof

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

15 (d) "Supervised Institution" shall mean any charitable institution  
16 within the Commonwealth which receives financial assistance from the  
17 Commonwealth either directly or indirectly and to which the Governor  
18 does not appoint any member of the board of inspectors managers  
19 trustees or directors [all houses or places within the Commonwealth in

1 which any person of unsound mind is detained whenever the occupant  
2 of owner of the house or person having charge of such person of un-  
3 sound mind receives any compensation for custody control or attendance  
4 other than as an attendant or nurse and also all institutions houses or  
5 places in which more than one such person is detained with or without  
6 compensation paid for custody or attendance] all children's institutions  
7 and maternity homes and hospitals within the Commonwealth all homes  
8 or hospitals for crippled children within the Commonwealth except the  
9 State Hospital for Crippled Children all [prisons jails] hospitals alms-  
10 houses or poorhouses maintained by any county city borough township  
11 or poor district of this Commonwealth and all institutions associations  
12 and societies within this Commonwealth into whose care the custody  
13 of delinquent dependent or neglected children may be committed and  
14 all houses and places maintained by such institutions associations or  
15 societies in which such children may be kept or detained

16 (c) "Institution for adults" shall mean any incorporated or unin-  
17 corporated public or private organization society or association includ-  
18 ing any agency of a county county institution district or municipality  
19 which provides for food shelter and some service to adults or which

1 provides rehabilitation training guidance or counselling to the blind  
2 or visually handicapped or to the physically [or mentally] handicapped  
3 including but limited to the following homes for the aged and infirm  
4 nursing homes convalescent homes placement agencies for adults gen-  
5 eral and special hospitals [and institutions for mentally ill and de-  
6 fective adults] rehabilitation centers having living-in arrangements  
7 workshops and facilities for the rehabilitation of the visually [mentally]  
8 or physically handicapped and all organizations for the prevention of  
9 blindness

10 Section 9 Subsection (d) of section 2304 sections 2308 2309 2313  
11 2313.1 2313.3 clause (5) of subsection (a) of section 2316 of the act  
12 are repealed

13 Section 10 Subsection (a) of section 2323 of the act added March  
14 20 1956 (P L 1302) and the first paragraph amended July 13 1957  
15 (P L 852) is amended to read

16 Section 2323 Study Classification and Assignment The Depart-  
17 ment of Public Welfare shall have the power and its duty shall be

18 (a) To establish and administer a program designed to assist the

1 Juvenile Courts and other public and private agencies on their request  
2 in the diagnosis and study of juvenile delinquents and of children with  
3 [mental or] behavior problems and to recommend to them the most  
4 appropriate disposition for the rehabilitation and treatment of such chil-  
5 dren this program shall be based on review of local studies of the chil-  
6 dren but when local studies indicate the need or when it is requested  
7 may include residential study of the children in centers which the de-  
8 partment is hereby authorized to establish and operate

9 \* \* \*

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

12 Article XXIII-A

13 Powers and Duties of the Department of Mental Health and

14 Its Departmental Administrative and Advisory

15 Boards and Commissions

16 Section 2301-A Powers and Duties in General The Department  
17 of Mental Health shall have power and its duty shall be

18 (a) To administer and enforce the laws of this Commonwealth  
19 relative to the prevention of mental diseases mental defects epilepsy

1 and inebriety the admission and commitment of mental patients to  
2 hospitals for mental diseases and institutions for mental defectives  
3 and epilepsy and the transfer discharge escape interstate rendition and  
4 deportation of mental patients

5 (b) Subject to any inconsistent provisions of this act contained  
6 approve or disapprove the advice and recommendations of the several  
7 boards of trustees of State mental institutions other than the Board of  
8 Trustees of the Eastern Pennsylvania Psychiatric Institute

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

13 Section 2302-A Commissioner of Mental Health In addition to his  
14 other powers and duties as head of the Department of Mental Health  
15 the Commissioner of Mental Health shall develop plans and programs  
16 and make recommendations with respect to the general policy of the  
17 Commonwealth's mental health program He shall initiate develop and  
18 carry into effect plans and programs designed to prevent treat and cure  
19 the mentally ill He shall appoint the superintendents of State mental

1 institutions who in turn shall assign appoint and dismiss personnel of the  
2 institutions

3 Section 2303-A Definitions As used in this article

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

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

17 Section 2304-A Supervisory Powers The Department of Mental  
18 Health shall have supervision over

19 (a) All State mental institutions

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

1       (c) All children's institutions within this Commonwealth in which  
2 mentally defective mentally retarded or emotionally disturbed children  
3 are treated .

4       Section 2305-A Visitations and Inspections The Department of  
5 Mental Health shall have the power and its duty shall be

6       (a) To make and enforce rules and regulations for a visitation ex-  
7 amination and inspection of all supervised mental institutions

8       (b) To visit and inspect at least once in each year all State and  
9 supervised mental institutions to inquire and examine into their methods  
10 of instruction discipline detention care or treatment the care treatment  
11 government or management of their inmates or those committed thereto  
12 or being detained treated or residing therein the official conduct of their  
13 inspectors trustees managers directors or other officer or officers charged  
14 with their management by law or otherwise or having the management  
15 care custody or control thereof the buildings grounds premises and equip-  
16 ment thereof or connected therewith and all and every matter and thing  
17 relating to their usefulness administration and management and to the  
18 welfare of the inmates thereof or those committed thereto or being de-  
19 tained treated or residing therein

1        For these purposes the Commissioner of Mental Health or other  
2 inspector or agent of the department shall have free and full access to the  
3 grounds premises and buildings of and to all the records books or papers  
4 of or relating to any such State or supervised mental institution and full  
5 opportunity to interrogate or interview any inmate thereof or any person  
6 or persons committed to or being detained treated or residing therein  
7 and all persons connected with any such State or supervised mental in-  
8 stitution as officers or charged with the management thereof by law or  
9 otherwise or in any way having the care custody control or management  
10 thereof or connected therewith as employees are hereby directed and re-  
11 quired to give to the Commissioner of Mental Health or to such officer  
12 inspector or agent of the department such means facilities and opportun-  
13 ity for such visitation examination inquiry and interrogation as is hereby  
14 provided and required or as the department by its duly ordained rules or  
15 regulations may require

16        (c) Whenever upon the visitation examination and inspection of  
17 any State or supervised mental institution any condition is found to exist  
18 therein which in the opinion of the department is unlawful unhygienic or  
19 detrimental to the proper maintenance and discipline of such State or  
20 supervised mental institution or to the proper maintenance custody safety

1 and welfare of the inmates thereof or of the persons committed thereto  
2 or being treated detained or residing therein to direct the officer or  
3 officers charged by law with or in any way having or exercising the con-  
4 trol government or management of such State or supervised mental in-  
5 stitution to correct the said objectionable condition in the manner and  
6 within the time specified by the department whereupon it shall be the  
7 duty of such officer or officers to comply with the direction of the depart-  
8 ment If such officer or officers shall fail to comply with such direction  
9 the department may request the Department of Justice to institute ap-  
10 propriate legal proceeding to enforce compliance therewith or the de-  
11 partment may withhold any State money available for such institution  
12 until such officer or officers comply with such direction

13 (d) To cause to be visited and examined any person found by an  
14 inquisition to be insane and to authorize such visiting and examining by  
15 an officer or agent of the department or any board of visitors or by a  
16 physician and to apply to the court having jurisdiction over the com-  
17 mittee or guardian of such insane person or to a judge of a court of com-  
18 mon pleas of the county in which the insane person is a resident or de-  
19 tained to make such orders for the maintenance custody or care of the

1 insane person and for the care and disposition of the property of the in-  
2 sane person as the case may require

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

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

20 Section 2308-A Rules and Regulations The Department of Mental

1 Health shall have the power to make and enforce rules and regulations  
2 as follows

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

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

1       (c) Regulating the forms to be observed warranting the commit-  
2 ment transfer of custody and discharge of all insane persons other than  
3 those committed by order of a court of record and as to these with  
4 the consent of the presiding judge of the court under whose order the  
5 person is detained .

6       (d) For the approval of psychopathic wards maintained by hos-  
7 pitals for the reception and care of persons suffering with mental dis-  
8 orders

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

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

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

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

1        (d) To transfer a committed insane person from a licensed private  
2 hospital or institution to a State or licensed county hospital and vice  
3 versa

4        (e) To apply to the proper court for the removal to a hospital for  
5 the insane of any person imprisoned in a penitentiary or prison and  
6 believed to be insane

7        (f) To transfer a committed inmate from one type of institution  
8 under the supervision of the department to another type of institution  
9 under its supervision

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

14       The cost of the transfer or removal and of the maintenance of  
15 any insane person transferred by or under the direction or under the  
16 application of the Commissioner of Mental Health or other officer of the  
17 department pursuant hereto shall be borne and paid in the manner pro-  
18 vided by law in the case of any such transfer or removal

19       All traveling expenses of indigent insane persons discharged by

1 order of the department from any State hospital for the insane from  
2 the hospital to their respective homes shall be paid by the hospital the  
3 amount thereof to be refunded to such hospital from the appropriation  
4 for the care and relief of such indigent insane then current

5 (h) To order and compel the parole or discharge of any person  
6 detained in any place as insane or of unsound mind other than a person  
7 committed after trial and conviction for crime or by order of court but  
8 the department shall not make any such order unless notice be given to  
9 the person having charge of the building in which and to the person or  
10 persons at whose instance the patient is detained and reasonable oppor-  
11 tunity given to them to justify a further detention and the department  
12 has caused the case of the patient to be personally attended and examined  
13 by its officer or agent

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

16 (a) To advise the Governor with regard to the appointment of the  
17 Commissioner of Mental Health

18 (b) To advise assist and make recommendations with respect to  
19 the general policies and operations of the Commonwealth's mental  
20 health program

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

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

4       (1) The powers and duties of the boards of trustees of each State mental  
5 institution within the Department of Mental Health caring for the  
6 mentally ill feeble-minded mentally retarded mentally deficient and  
7 juvenile delinquents shall be only as defined in this section

8       (a) To advise assist and make recommendations to the superintendent  
9 with respect to the management and operation of the institution and  
10 with respect to any plans or programs for its improvement

11       (b) To keep under review all matters pertaining to the welfare  
12 and well-being of patients and to make recommendations to the super-  
13 intendent with respect thereto

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

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

19       (e) To develop and further means and methods of establishing

1 proper relations and understanding between the institution (and its  
2 program) and the community in which it is located and generally to  
3 provide liaison between the institution and the community in order  
4 better to serve the interest and needs of both

5 (f) To make recommendations to the Advisory Council on Mental  
6 Health on matters of policy and program emerging from its intimate  
7 knowledge and experience of mental health programs in operation

8 (2) The provisions of this section shall be applicable to the boards  
9 of trustees in all of the State mental institutions within the Department  
10 of Mental Health caring for mentally ill feeble-minded mentally retarded  
11 mentally deficient and juvenile delinquents but shall not apply to the  
12 Board of Trustees of the Eastern Pennsylvania Psychiatric Institute

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

15 (a) To approve or disapprove all plans for the erection or substantial  
16 alteration of any State or supervised mental institution receiving aid  
17 from the Commonwealth

18 (b) To investigate and report to the Auditor General upon every  
19 application to the Auditor General made by any institution corporation  
20 or unincorporated association caring for mentally ill feeble-minded

1 mentally retarded mentally deficient patients or inmates desiring to  
2 give a mortgage under the provisions of the act approved April 29  
3 1915 (P I. 201) entitled "An act making mortgages given by benevolent  
4 charitable philanthropic educational and oleemosynary institutions cor-  
5 porations or unincorporated associations for permanent improvements  
6 and refunding purposes prior liens to the liens of the Commonwealth  
7 for the appropriation of moneys providing a method for the giving of  
8 such mortgages and fixing the duties of the Auditor General and Board  
9 of Public Charities in connection therewith"

10 Section 2313-A State Institutions With regard to State mental  
11 institutions the department shall have the power and its duty shall be

12 (a) To determine the capacity of such institutions

13 (b) To determine and designate the type of persons to be received  
14 by such institutions the proportion of each type to be received therein  
15 and the districts from which persons shall be received by such institu-  
16 tions

17 (c) To issue requisitions upon the Auditor General for warrants to  
18 be drawn by the Auditor General upon the State Treasurer in favor of  
19 such institutions for the payment out of moneys specifically appropriated

1 to the department for the purpose of the expenses of administering  
2 operating and maintaining and developing such State mental institutions

3 (d) To require the submission to the department of any contract for  
4 repairs alterations or equipment which any such State institution desires  
5 to make and to approve or disapprove such proposed contract No such  
6 contract shall be valid without the approval of the department as evi-  
7 denced by the signature of the Commissioners of Mental Health.

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

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

1        Section 2315-A Utility Services for State Mental Institutions For  
2 the purpose of providing utility services for State mental insitutions  
3 the department may execute such agreements and contracts as it may  
4 deem necessary therefor with any political subdivision or any authority  
5 to provide utility services and for defraying the Commonwealth's  
6 share of the expenses and charges to be incurred in establishing and  
7 contracting with an authority or political subdivision for the purpose  
8 of acquiring holding constructing improving maintaining and operat-  
9 ing sewage systems water supply systems electric power gas steam or  
10 other utility systems

11        Payment of the costs of such expenses charges and services shall  
12 be made from appropriations to the department for such purposes in  
13 accordance with the agreement made by the department

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

16        (a) Whenever the General Assembly shall have specifically appro-  
17 priated money to the department for the purpose to issue requisitions  
18 upon the Auditor General for warrants to be drawn by the Auditor

1 General upon the State Treasurer in favor of such hospitals homes and  
2 institutions as shall conform to at least the minimum standards of  
3 plant equipment service administration and care and treatment neces-  
4 sary for the proper care and treatment of patients or inmates as re-  
5 quired by the rules and regulations of the department or established  
6 by law in amounts computed upon the per diem rates of payment estab-  
7 lished by law for free service to indigent persons as follows

8 (1) The care of delinquent and defective children in homes or  
9 institutions

10 (2) The care treatment and removal of insane persons in county  
11 hospitals for the insane or private institutions licensed by the depart-  
12 ment

13 (b) To approve requisitions issued by hospitals homes or institu-  
14 tions to which the General Assembly shall have appropriated money  
15 for the care and treatment of indigent insane persons if such hospitals  
16 homes or institutions shall conform to at least the minimum standards  
17 of plant equipment service administration and care and treatment neces-  
18 sary for the proper care and treatment of patients or inmates as re-  
19 quired by the rules and regulations of the department or established

1 by law and if such requisitions are in the amounts to which such hos-  
2 pitals homes or institutions are entitled according to law

3 (c) To establish rules and regulations not inconsistent with law pre-  
4 scribing minimum standards of plant equipment service administration  
5 and care and treatment for State-aided mental institutions and for deter-  
6 mining the number of free days of care and treatment rendered to  
7 indigent persons by hospitals homes or institutions

8 Section 2317-A Study Classification and Assignment of Juveniles  
9 The Department of Mental Health shall have the power and its duty  
10 shall be

11 (a) To establish and administer a program designed to assist the  
12 juvenile courts and other public and private agencies on their request in  
13 the diagnosis and study of children with mental problems or emotionally  
14 disturbed children and to recommend to them the most appropriate dis-  
15 position for the rehabilitation and treatment of such children This pro-  
16 gram shall be based on review of local studies of the children but when  
17 local studies indicate the need or when it is requested may include resi-  
18 dential study of the children in centers which the department is hereby  
19 authorized to establish and operate

1        The three diagnostic and evaluation centers now operated and main-  
2 tained by the Department of Public Welfare are hereby transferred to  
3 and shall hereafter be operated by the Department of Mental Health

4        (b) To accept custody of children committed by the juvenile courts  
5 for study and on the basis of its review of local studies of each child and  
6 any additional residential studies as are deemed necessary to recommend  
7 to the court that the child be placed in a State institution or a supervised  
8 institution or to recommend any other placement or treatment which may  
9 be indicated The department may recommend that the court transfer any  
10 child from one type of care to another or return him to his home for  
11 trial periods Notice of any transfer shall be sent by the department  
12 promptly to the parents guardian or nearest relative of the child The  
13 department may also recommend the discharge of a child from its custody  
14 but any decision with respect thereto shall remain the sole responsibility  
15 of the committing court

16        Section 12 All of the State mental institutions now operated by  
17 the Department of Public Welfare are hereby transferred to and shall  
18 hereafter be operated by the Department of Mental Health and all  
19 personnel of such institutions and all appropriations contracts agree-  
20 ments equipment files and obligations of the Department of Public Wel

1 fare respecting such institutions are hereby transferred to the Depart-  
2 ment of Mental Health with the same force and effect as if said contracts  
3 agreements and obligations of the Department of Public Welfare had  
4 been incurred or entered into by the Department of Mental Health and  
5 the balances remaining in any such appropriations are hereby appro-  
6 priated to the Department of Mental Health for the same purpose as ex-  
7 pressed in the act making them

8 All personnel equipment files and records of the Department of Pub-  
9 lic Welfare employed in the performance of the powers and duties  
10 transferred by this act are hereby transferred to the Department of  
11 Mental Health and the balances of any appropriations for the payment  
12 of salaries and other expenses in connection therewith are hereby ap-  
13 propriated to the Department of Mental Health for the same purpose as  
14 expressed in the act making them

15 Section 13 This act shall take effect June 1 1961

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

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1861.

.....  
Governor