

No. 1987-67

AN ACT

HB 942

Providing for the creation, operation and duties of the Vietnam Veterans Health Initiative Commission as an advisory commission to the Department of Health.

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

Section 1. Short title.

This act shall be known and may be cited as the Vietnam Veterans Health Initiative Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Commission.” The Vietnam Veterans Health Initiative Commission established pursuant to section 3.

“Department.” The Department of Health of the Commonwealth.

“Veteran.” A person who was a resident of this Commonwealth at the time of his entry into the armed forces of the United States or is a resident of this Commonwealth who served in the armed forces during the years 1961-1975.

Section 3. Vietnam Veterans Health Initiative Commission.

(a) Establishment.—There is hereby created within the department an advisory commission to be known as the Vietnam Veterans Health Initiative Commission. This commission is to obtain, study and disseminate information relating to health issues pertinent to Vietnam veteran residents of this Commonwealth.

(b) Membership.—The commission shall consist of 20 members. Members appointed by the Governor shall serve for an initial term ending June 30, 1991. The Governor shall appoint the Secretary of Health who shall serve as chairman, the Secretary of Public Welfare and the Adjutant General who shall serve as vice chairmen, the Chairman of the State Veterans' Commission, the President of the Pennsylvania War Veterans Council and 11 other members, of whom six shall be honorably discharged veterans of the Vietnam conflict with at least one veteran selected from each of the five geographical areas covered by the Governor's Veterans Outreach and Assistance Centers; at least one of these veterans shall be of the minority race and one veteran shall be a female. Of the remaining members to be appointed by the Governor, one shall be an epidemiologist, one shall be a specialist in public health, one shall be a clinical/medical specialist, one shall be a social service specialist and one shall be a mental health specialist. The Speaker of the House of Representatives and the President pro tempore of the Senate shall

each appoint two members of their respective houses, one from the majority party and one from the minority party, to the commission who shall serve during their respective terms of office.

(c) Vacancies.—Vacancies in membership of the commission and its offices shall be filled for the unexpired term in the same manner as the original appointment or election.

(d) Meetings.—The commission shall meet at least four times a year at the call of the chairman. The initial meeting of the commission shall be called by the chairman not later than August 1, 1987.

(e) Compensation and expenses.—The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this act.

Section 4. Powers and duties of the commission.

The commission shall have the following powers and duties:

(1) Determine what medical, administrative and social assistance is needed for veterans who may have suffered adverse health effects as a result of their Vietnam service and submit its findings and recommendations to the General Assembly for its consideration.

(2) Conduct an extensive outreach program which would coordinate and supplement the outreach efforts of the Federal Government, the Department of Military Affairs, the State Veterans' Commission, the Pennsylvania War Veterans Council, county directors of veterans affairs, the Governor's Veterans Outreach and Assistance Centers and all other organizations to inform veterans who may have suffered adverse health effects of any Federal or State assistance available to them.

(3) Assist the department in disseminating information to Vietnam veterans and their dependents relating to health studies which are being conducted by the Federal or State governments.

Section 5. Cooperation with other agencies.

To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the Commonwealth or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties under this act. The release of otherwise confidential information to the commission pursuant to this act shall be deemed an official purpose of the Commonwealth and an exception to laws providing for nondisclosure.

Section 6. Information to be confidential.

The commission shall not disclose information received pursuant to this act so as to divulge the identities of the persons to whom it relates except as is necessary to carry out the purposes of this act.

Section 7. Duties of department.

The department shall, in coordination with the Department of Public Welfare:

(1) Maintain a central data bank within the department for information collected on the health effects of exposure to Vietnam herbicides and

for the cataloging of existing scientific and medical effects of the exposure.

(2) Establish a reporting process for veterans who have indicated they have suffered adverse health, medical and mental effects as a result of their Vietnam service.

(3) Establish a continuing education program for all health professionals to assist them in understanding the potential risks and state-of-the-art knowledge with regard to detection, diagnosis and treatment of acute and chronic symptoms associated with Vietnam service.

(4) At the request of the commission, initiate studies on the health effects of Vietnam service.

Section 8. Reports to the Department of Health and the Department of Public Welfare.

(a) Voluntary reports.—A physician or mental health specialist who has primary responsibility for treating or assisting a veteran who may have suffered adverse health effects as a result of Vietnam service shall, at the request of the veteran, submit a report to the department on a form provided by the department. If there is no physician or mental health specialist having primary responsibility for treating the veteran, the hospital or facility providing treatment shall, at the request of the veteran, submit the report.

(b) Additional information.—The department may require the veteran to provide such other information as determined by the secretary of the department.

Section 9. Cooperation with commission.

The commission may request and shall receive from any department, division, board, bureau, commission or agency of the Commonwealth or of any political subdivision thereof such assistance and data as will enable it to properly carry out the activities and effectuate the purposes of this act. The commission may also enter into any contract for services as it deems necessary with a private agency or concern, or any academic institution, upon said terms and conditions as it deems appropriate. Information concerning patient and medical data provided to the commission pursuant to this section shall be kept confidential according to these provisions. Statistical information collected under this act is public information.

Section 10. Immunity from liability.

A physician, mental health specialist or hospital subject to this act who complies with this act may not be held civilly or criminally liable for providing the information required by this act.

Section 11. Report by commission.

The commission shall make an annual report to the General Assembly on the health status of Pennsylvania Vietnam veterans with recommendations concerning the effectiveness, impact and benefits derived from the special policies as provided for in this act. This report shall include complete information on the operation of the commission. The report shall be delivered on or before September 1 and shall contain evaluations of the policies and any legislation deemed necessary and proper to the House Federal-State Relations and Military and Veterans Affairs Committees and the Senate Military and Veterans Affairs Committee.

Section 12. Transfer of records.

All records of the Vietnam Herbicides Information Commission shall be transferred to the Vietnam Veterans Health Initiative Commission.

Section 13. Repeal.

The act of April 29, 1982 (P.L.355, No.99), known as the Vietnam Herbicides Information Act, is repealed.

Section 14. Expiration of act.

This act shall expire three years from the effective date of this act.

Section 15. Effective date.

This act shall take effect July 1, 1987, or immediately, whichever is later.

APPROVED—The 13th day of July, A. D. 1987.

ROBERT P. CASEY