

No. 1999-3

AN ACT

HB 319

Requiring public hearings before closing State mental health or mental retardation facilities.

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 Mental Health or Mental Retardation Facility Closure 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:

“Closure.” A decision to close or transfer operational control of a facility.

“Department.” The Department of Public Welfare of the Commonwealth.

“Facility.” A State-operated mental health or mental retardation facility.

“Reduction.” A reduction or decrease in resident/patient census or staff complement of 20%.

Section 3. Public hearing.

(a) Requirement.—Within 30 days after a closure announcement or reduction, the department must hold a public hearing in the county where the facility is located. In the case of a closure, the hearing shall be held within 30 days after the department announces a decision to close a facility. In the case of a reduction, the hearing shall be held within 30 days after the resident/patient census or staff reduction of 20% has occurred. Nothing in this act shall require the department to hold additional hearings regarding further reductions at the same facility.

(b) Subjects.—The hearing under subsection (a) must consider each of the following subjects which is relevant to the closure or reduction:

(1) Estimated timelines for the implementation of the closure or reduction.

(2) Types and array of available services for individuals with disabilities and their families.

(3) Rights of individuals with disabilities and their families.

(4) Process used to develop a community living plan.

(5) Individual and community monitoring and safeguards to protect health and safety.

(6) Responsibilities of State and local government.

(7) Process used to transfer ownership or reuse property.

(8) Other issues identified by the department which may affect individuals with disabilities and their families, employees and the community.

**Section 4. Noncompliance.**

If the department does not hold the hearing required under section 3, the department shall not implement closure of a facility or a plan for additional reductions.

**Section 5. Confidentiality.**

The department shall not release or discuss personal information at any hearing relating to an individual resident/patient, family member or employee of a facility. Personal information shall include names, addresses, county of residence, treatment or service plan or other similar information.

**Section 6. Applicability.**

(a) Closures and reductions.—This act shall apply to closures or reductions made after December 31, 1997. For the purposes of this section, the department shall have 30 days from the effective date of this act to comply with section 3.

(b) Residents.—Nothing in this act shall prevent or obstruct a resident/patient from exercising his or her lawful ability to enter or leave a facility at any time.

**Section 7. Effective date.**

This act shall take effect in 30 days.

APPROVED—The 28th day of April, A.D. 1999.

THOMAS J. RIDGE