

Section 1413. Suspension for Nonpayment of Judgments; Exceptions.—

* * *

(c) Any person whose license, registration or nonresident's operating privilege has been suspended, or is about to be suspended, or shall become subject to suspension under the provisions of this article, may be relieved from the effect of such judgment as hereinbefore prescribed in this article, if such person can present to or file with the secretary proper evidence that a bond or insurance policy as provided for in this article was in force and effect at the time of the accident resulting in the judgment, and is or should be available for the satisfaction of the judgment to the extent provided for in this article; however, if the bond or insurance policy is not available because the insurance company or surety company has gone into receivership or bankruptcy, such person shall only be required to present to or file with the secretary proper evidence that a bond or insurance policy was in force and effect at the time of the accident.

APPROVED—The 9th day of June, A. D. 1967.

RAYMOND P. SHAFER

No. 21

AN ACT

HB 199

To consolidate, editorially revise, and codify the public welfare laws of the Commonwealth.

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¹ "Public" not in original.

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

ARTICLE I
PRELIMINARY PROVISIONS

Section 101. Short Title.—This act shall be known and may be cited as the “Public Welfare Code.”

Section 102. Definitions.—Subject to additional definitions contained in subsequent articles of this act, the following words when used in this act shall have, unless the context clearly indicates otherwise, the meanings given them in this section:

“Department” means the Department of Public Welfare of this Commonwealth.

“Secretary” means the Secretary of Public Welfare of this Commonwealth.

ARTICLE II
GENERAL POWERS AND DUTIES
OF THE DEPARTMENT OF PUBLIC WELFARE

Section 201. State Participation in Cooperative Federal Programs.—The department shall have the power:

(1) With the approval of the Governor, to act as the sole agency of the State when applying for, receiving and using Federal funds for the financing in whole or in part of programs in fields in which the department has responsibility.

(2) With the approval of the Governor, to develop and submit State plans or other proposals to the Federal government, to promulgate regulations, establish and enforce standards and to take such other measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance.

(3) To make surveys and inventories of existing facilities and services as required in connection with such State plans, and to assess the need for construction, modernization or additional services and to determine priorities with respect thereto.

Section 202. Approval of Plans and Mortgages.—The department shall have the power, and its duty shall be:

(1) To approve or disapprove all plans for the erection or substantial alteration of any State or supervised institution as defined in section 901 receiving aid from the Commonwealth.

(2) To investigate, and report to the Auditor General, upon every application to the Auditor General made by any institution, corporation, or unincorporated association, desiring to give a mortgage under the provisions of the act of April 29, 1915 (P. L. 201), entitled “An act making mortgages, given by benevolent, charitable, philanthropic, educational, and eleemosynary institutions, corporations, or unincorporated associations, for permanent improvements and refunding purposes, prior liens to the liens of the Commonwealth for the appropriation of moneys; providing a method for the giving of such mortgages, and fixing the duties of the Auditor General and Board of Public Charities in connection therewith.”

Section 203. Promotion of Local Planning Bodies.—The department shall have the power to assist in the establishment of local social

welfare planning bodies, such as councils of social agencies.

Section 204. Consultation to Local Agencies.—The department shall have the power to provide consultation to local public officials and voluntary organizations in the establishment and operation of public and private social welfare programs in fields in which the department has responsibility.

Section 205. Grants and Subsidies to Local Agencies.—On the basis of formulae which include public or voluntary support, the department shall have the power to disburse Federal and State funds, appropriated for the purpose, as grants and subsidies to programs in fields in which the department has responsibility if they meet the department's standards.

Section 206. Purchase of Services.—The department shall have the power:

(1) Whenever the General Assembly shall have appropriated money to the department for public welfare purposes, to purchase necessary services for individuals entitled to such services at rates not exceeding those charged the general public or actual cost; such services may be purchased directly from agencies or institutions conforming to minimum standards established by the department or by law or the department may reimburse local public agencies which purchase such services from such agencies or institutions. Except for day care services, this clause shall not be interpreted to include the direct provision by the department of services to dependent or neglected children.

(2) To establish rules and regulations not inconsistent with law prescribing minimum standards of plant, equipment, service, administration and care and treatment for agencies and institutions furnishing service to individuals paid for, in whole or in part, by money appropriated to the department by the General Assembly, and when not otherwise established by law, fixing per diem or other rates for services furnished by such agencies or institutions.

Section 207. Payment to Certain Facilities from Special Appropriations.—The department shall have the power, and its duty shall be, whenever the General Assembly shall have specifically appropriated money to the department for the purpose, to issue requisitions upon the Auditor General for warrants, to be drawn by the Auditor General upon the State Treasurer, in favor of such hospitals, homes and institutions as shall conform to at least the minimum standards of plant, equipment, service, administration and care and treatment necessary for the proper care and treatment of patients or inmates, as required by the rules and regulations of the department, or established by law, in amounts computed upon the per diem rates of payment established by law for free care and treatment to indigent, sick, injured or crippled persons.

Section 208. Reciprocal Agreements on Interstate Transfer and Support of Indigent Persons.—With respect to persons of the classes provided for in Article IV relating to public assistance herein and with respect to persons for whom the counties and the county insti-

tution districts are responsible under other provisions of law, the department, subject to the approval of the Attorney General, is authorized to enter into reciprocal agreements with corresponding agencies of other states regarding the interstate transportation of poor and indigent persons and to arrange with the proper officials in this State for the acceptance, transfer and support of persons receiving public aid in other states in accordance with the terms of such reciprocal agreements. This State shall not, nor shall any political subdivision of this State, be committed to the support of persons who are not, in the opinion of the department entitled to public support by the laws of this State. All such reciprocal agreements respecting persons for whom the counties and the county institution districts are responsible under other provisions of law, entered into by the department, shall be binding upon the counties and the county institution districts of this State.

Section 209. Consent to Care in a Public Institution.—(a) It shall be unlawful for any person, public official, corporation, association or institution to bring or send or cause to be brought or sent into the Commonwealth of Pennsylvania an inmate of any public institution outside of the Commonwealth of Pennsylvania for the purpose of placing such inmate in any public institution administered or supervised by the department, without first obtaining the written consent of the department.

(b) Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or undergo imprisonment for a term not exceeding six months, or both.

Section 210. Training Program; Purpose and Method; Contract for Employment.—(a) For the purpose of assuring the department qualified employes in technical and professional fields requiring special training and experience, the department may, subject to the approval of the Governor, establish a program to train otherwise qualified State employes as follows: registered nurses in psychiatric nursing or nursing education; college graduates in clinical psychology, occupational therapy, physical therapy and social work. Such training shall be limited to those occupational fields in which recruitment experience indicates that a serious shortage of trained persons exists.

Such program may be carried out internally by the department, in schools or through other outside agencies in conjunction therewith, and the department may pay tuition, fees and traveling expenses and salary, or portion thereof, as may be agreed on as part of such program, and it may accept and use funds provided by the Federal government to finance all or any part of such program. Regulations issued by the Executive Board shall provide for the judicious and properly controlled administration of such training program.

Nothing in this section shall be construed to affect the attendance at short term meetings and conferences.

(b) Before commencing a training program resulting in absence

from regular duties for a period of thirty full working days or more within a twelve month period, the employe receiving such training shall sign a valid and binding contract of employment with the Commonwealth of Pennsylvania through the department. Under such contract, approved as to form and legality by the Department of Justice, the employe shall promise to return to regular State employment and perform those services for which he received training, for the department for a period at least equal to the length of time spent in training; provided that at the election of the department such equivalent service may be performed in the employ of a county or municipal agency under the supervision of the department. In no case shall the return to regular employment be for less than one year. Such employe shall be required to perform continuous service for or on behalf of the Commonwealth during periods of the year when he is not enrolled for training. In consideration of these promises the department in which such person is employed shall agree to provide for the training of such persons so long as such person's training is deemed necessary by the department and valuable for the performance of the work of the department and so long as the person maintains an academic standing satisfactory to the proper authorities of the department, the school or other agency conducting the training program.

Nothing in this section shall prevent the Commonwealth from recovering damages in a civil action for breach of any contract executed pursuant to this act.

No employe under the provisions of this section shall be disqualified by reason of his minority and, for the purpose of contracting for employment with the department, such person shall be deemed to have full legal capacity to act and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto.

ARTICLE III STATE INSTITUTIONS IN THE DEPARTMENT OF PUBLIC WELFARE

(a) General ¹ Provisions

Section 301. Definition.—As used in this article:

“State institutions” means and includes all hospitals for the mentally ill or any other institutions for mentally retarded or epileptic persons, or for juvenile delinquents and dependents, and charitable institutions, within this Commonwealth, maintained in whole by the Commonwealth, and whose boards of trustees are departmental administrative boards within the department.

Section 302. Supervision.—The department shall have supervision over all State institutions as provided in Article IX.

Section 303. Determination of Capacity; Type of Persons Received.—With regard to State institutions, the department shall have the power and its duty shall be:

- (1) To determine the capacity of such institutions;

¹ “Provision” in original.

(2) Except as otherwise provided by law, to determine and designate the type of persons to be received by such institutions, the proportion of each type to be received therein and the districts from which persons shall be received by such institutions.

Section 304. Payment of Costs.—With regard to State institutions, the department shall have the power and its duty shall be to issue requisitions upon the Auditor General for warrants, to be drawn by the Auditor General upon the State Treasurer, in favor of such institutions, for the payment, out of moneys specifically appropriated to the department for the purpose, of the expenses of administering, operating, maintaining and developing such State institutions.

Section 305. Contracts.—With regard to State institutions, the department shall have the power and its duty shall be to require the submission to the department of any contract for repairs, alterations or equipment, which any such State institution desires to make and to approve or disapprove such proposed contract. No such contract shall be valid, without the approval of the department as evidenced by the signature of the secretary.

Section 306. Stores or Canteens.—With regard to State institutions, the department shall have the power to authorize the construction of separate buildings, or the addition to or improvement of existing buildings, for the purpose of operating and conducting therein a store or canteen for the convenience and benefit of the inmates or patients of such institutions, out of moneys appropriated therefor by the General Assembly, or from moneys derived from the operation of any such stores, or from grants or gifts offered for such particular purpose.

Whenever any such construction, addition, or improvement is made for such purpose, the same shall become the property of the Commonwealth, regardless of the source of the funds used in connection therewith.

Section 307. Utility Services.—For the purpose of providing utility services for State institutions, the department may execute such agreements and contracts as it may deem necessary therefor with any political subdivision or any authority to provide utility services, and for defraying the Commonwealth's share of the expenses and charges to be incurred in establishing and contracting with an authority or political subdivision for the purpose of acquiring, holding, constructing, improving, maintaining, and operating sewage systems, water supply systems, electric power, gas, steam, or other utility systems.

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

Section 308. Leases.—The department shall have the power to lease, for a period not to exceed ten years, with the right to renewal for one further term not to exceed ten years, on such terms as may be considered reasonable by the secretary, a portion of the lands of the Commonwealth at any institution under its supervision to any municipi-

pality or municipalities adjacent thereto for the use by the municipality or municipalities in common with the State institution for disposal of garbage, refuse and ashes, by depositing them in compact layers of controlled depth and width in trenches or depressions and covering each layer promptly on all sides with a compact layer of clean earth or other inorganic material of sufficient thickness to exclude rodents and to prevent the escape of odors or outbreak of fires, such method of disposal being commonly known as sanitary land fill.

Section 309. Religious Ministration.—Residents of all State institutions in the department shall have the right to religious freedom, and to be visited by a clergyman of any denomination. Religious services rendered by a clergyman shall be personal to the patient desiring them, and shall not interfere with the established order of religious services in the State institution.

Section 310. Ex Officio Visitation.—The Governor, the judges of the several courts of the Commonwealth and the members of the Legislature shall have the right by virtue of their office to visit State institutions.

Section 316. Boards of Trustees of General Hospitals; Powers and Duties.—The board of trustees of each of the State general hospitals shall have general direction and control of the property and management of such institution. It shall have the power, and its duty shall be:

(1) Subject to the approval of the Governor, to elect a superintendent of the hospital, who shall, subject to the authority of the board, administer the institution in all its departments;

(2) On nomination by the superintendent from time to time, to appoint such officers and employes as may be necessary;

(3) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(4) Subject to the approval of the secretary, to make such bylaws, rules, and regulations for the management of the institution as it may deem wise.

(5) When only a part of a hospital is used as a geriatric center, the responsibilities of the board of trustees of such hospital shall continue to extend to the entire institution.

Section 317. Boards of Trustees of Other State Institutions; Powers and Duties.—(a) The powers and duties of the boards of trustees of each State institution within the department caring for the mentally ill, feeble-minded, mentally retarded, mentally deficient, geriatric center patients and juvenile delinquents, shall be only as defined in this section:

(1) To advise, assist and make recommendations to the superintendent with respect to the management and operation of the institution and with respect to any plans or programs for its improvement.

(2) To keep under review all matters pertaining to the welfare and

well-being of patients and juvenile delinquents and to make recommendations to the superintendent with respect thereto.

(3) To advise and make recommendations to the Commissioner of Mental Health or the secretary, as the case may be, with regard to the selection and appointment of a superintendent in case of a vacancy.

(4) To advise and make recommendations to the superintendent with regard to his selection of employes of the institution.

(5) To develop and further means and methods of establishing proper relations and understanding between the institution (and its program) and the community in which it is located; and, to provide liaison between the institution and the community in order better to serve the interests and needs of both.

(6) To make recommendations to the Advisory Committee for Mental Health, Advisory Committee for the Aging, and the Advisory Committee for Children and Youth, as the case may be, on matters of policy and program emerging from their intimate knowledge and experience of mental health, geriatric and juvenile delinquency programs in operation.

(b) The provisions of this section shall be applicable to the boards of trustees in all of the State mental institutions, geriatric centers and youth development centers within the department caring for mentally ill, feeble-minded, mentally retarded, mentally deficient, and geriatric center patients and juvenile delinquents, as the case may be, but shall not apply to the Board of Trustees of the Eastern Pennsylvania Psychiatric Institute.

(b) General Hospitals

Section 321. Purposes.—The State general hospitals are declared to be hospitals for the care and treatment of the ill, without any restrictions other than those now or hereafter imposed by law upon all general hospitals, and except as each individual institution is restricted by the limitations of its facilities and equipment.

Section 322. Charges.—The department shall have the power and its duty shall be, subject to the approval of the proper board of trustees, to fix and establish charges for all services rendered by any State general hospital.

Section 323. Gifts and Donations.—Gifts or donations to State general hospitals shall be used only for the purpose specified by the donor or, if no purpose is specified, such gifts or donations may be used for such hospital for such purposes as the board of trustees of such hospital may determine.

The department shall not withhold any moneys allocated or fail to allocate any money to any State general hospital for the reason that such hospital has received a gift or donation from another source.

(c) Geriatric Centers

Section 331. Purposes.—The department shall have the power to provide in State institutions to be known as geriatric centers either or both of the following:

(1) Public nursing home care as defined in Article IV relating to

public assistance for persons who are sixty-five years of age or over and who because they continue to need medical or other necessary health care, are admitted immediately upon discharge from State mental institutions;

(2) Inpatient or outpatient diagnostic, screening or preventive services for persons for whom, because of physical or mental infirmity usually associated with senescence, admission is being sought in an institution providing long-term care and the cost of whose care in the long-term institution will be paid wholly or partially from funds administered by the department. Geriatric centers shall not constitute, nor shall they be operated as, institutions for tuberculosis or mental diseases.

Section 332. Conversion of Institutions.—With the approval of the Governor, the secretary may convert any State general hospital or distinct part of such hospital to a geriatric center as provided in this article. The department may also convert all or part of any State mental institution to a geriatric center.

Section 333. Charges.—Charges for care in a geriatric center shall be established by the department.

(d) Youth Development Centers for Delinquent Juveniles

Section 341. Purposes.—The purpose of the youth development centers is to promote and safeguard the social well-being and general welfare of minors of this Commonwealth by providing social services and facilities for the rehabilitation of delinquent minors who require care, guidance and control.

Section 342. Appointment of Superintendent.—The secretary shall appoint a superintendent of each youth development center.

Section 343. Commitments, Transfer of Juveniles.—(a) The board of trustees shall receive into custody in the State facilities assigned to their jurisdiction by the department for care, guidance and control, those minors under the age of eighteen years committed by juvenile courts. Such minors may remain committed until they attain the age of twenty-one years.

(b) Whenever any minor is committed to a youth development center under the jurisdiction of the department, there shall be attached to the commitment order a copy of any investigation report and a summary of any testimony upon which the adjudication of the court was founded. The department may thereafter, for reasons of health, security or morale, transfer such minor to any other youth development center or forestry camp under its jurisdiction or may place him in a foster boarding home at the expense and under the supervision of the youth development center. In any such transfer, the order of commitment shall accompany the minor. The department shall notify the committing court promptly of any transfer and shall furnish the court an explanation, in writing, of the reasons for the transfer.

Section 344. Employment of Juveniles.—(a) Whenever, in the judgment of the superintendent of a youth development center, the

rehabilitation of a committed minor will be served by his full or partial employment off the grounds of the center, the superintendent may consent to such employment; provided, that the terms of employment do not violate applicable labor or wage laws and that the minor returns to the center, or to his foster boarding home, each day after work.

(b) From the net earnings of a minor, employed as permitted by this section, the superintendent of the youth development center shall transmit twenty-five percent thereof to the Department of Revenue for deposit in the State Treasury as partial compensation for the State's share in the cost of his care and shall transmit twenty-five percent to the county from which he was committed as similar partial compensation. The superintendent shall allow the minor reasonable pocket money from the balance and shall conserve the remainder to be paid to the minor on his release or discharge.

Section 345. Release with Counseling.—Whenever, in the judgment of the superintendent of a youth development center, a committed minor is ready for release, but is in need of continued counseling from the center, the superintendent shall so advise the court. If the court approves, the minor shall be released and the center shall provide counseling to him until the court approves its discontinuance or his discharge.

Section 346. Care and Maintenance; Charges.—The department shall pay all expenses for the care and maintenance of minors committed to any youth development center under its jurisdiction out of appropriations made to the department for such purposes. The department shall establish a per capita daily rate for the care and maintenance of minors in each youth development center, based on operating expenses including a reasonable allowance for depreciation of plant and equipment; and, the county from which any minor was committed shall reimburse the Commonwealth for such care and maintenance in an amount, uniformly established by the department, not to exceed fifty percent of the daily rate. Amounts due from counties shall be paid to the Department of Revenue by orders to be drawn by the duly authorized agent of the Department of Revenue at each youth development center on the treasurers of such counties, who shall accept and pay the same to the Department of Revenue. Promptly after the last calendar day of each month the agent of the Department of Revenue shall mail accounts to the commissioners of such counties as may have become liable to the Commonwealth during the month under the provisions of this section. These accounts shall be duly sworn or affirmed to, and it shall be the duty of said commissioners, immediately upon receipt of such accounts, to notify the treasurers of their respective counties of the amounts of said accounts, with instructions to pay promptly to the Department of Revenue the amounts of said orders when presented. It shall then be the duty of such county treasurers to make such payments as instructed by their respective county commissioners.

(e) Forestry Camps for Delinquent Juveniles

Section 351. Purpose.—It is hereby declared to be the legislative intent to promote the welfare of this Commonwealth by making available facilities for the rehabilitation, reeducation, treatment and training of male youth.

Section 352. Facilities.—The Department of Forests and Waters, at the request of the department shall provide and maintain facilities to be used for forest conservation and for the education and training of male youth. In cooperation with the Fish Commission and with the Game Commission, the Department of Forests and Waters shall plan useful projects for conservation, recreation, dams or flood control in State forests and State park lands, and shall supply personnel to supervise work on these projects.

Section 353. Selection, Acceptance and Return of Campers; Commitment Order.—The department may select as campers young men fifteen to eighteen years of age, who have been committed to any youth development center or whose commitment as campers is recommended by a classification and assignment center of the department and whose rehabilitation will be furthered by forestry work.

The department may also accept as campers, boys, fifteen to eighteen years of age, who have been committed to an institution and whose transfer to a camp is recommended by the institution and approved by the committing juvenile court. The department may return campers to the institution from which they were received for reasons of health, security or morale. The committing juvenile court shall be notified promptly of such action and a full explanation in writing shall be provided the committing court and the institution. No forestry camp shall receive a boy as a camper unless an order of commitment accompanies him. When a boy is transferred from a forestry camp to an institution, the order of commitment shall accompany him.

Section 354. Reimbursing the State; Compensating Campers.—The county from which each boy was committed shall reimburse the Commonwealth for his care at a rate not exceeding fifty percent of the per diem operating expenses for each such boy. For purposes of this section for determining reimbursement to the Commonwealth, operating expenses shall not include compensation to campers for services rendered to the Commonwealth. The department shall establish rules and regulations respecting circumstances under which compensation may be paid and the amount of such compensation.

ARTICLE IV

PUBLIC ASSISTANCE

(a) Legislative Intent; Definitions

Section 401. Legislative Intent.—It is hereby declared to be the legislative intent to promote the welfare and happiness of all the people of the Commonwealth, by providing public assistance to all of its needy and distressed; that assistance shall be administered promptly and humanely with due regard for the preservation of family life, and without discrimination on account of race, religion or

political affiliation; and that assistance shall be administered in such a way and manner as to encourage self-respect, self-dependency and the desire to be a good citizen and useful to society.

Section 402. Definitions.—As used in this article:

“Assistance” means assistance in money, services, goods, shelter, burial or medical or other health care, including nursing home care, medical assistance for the aged, and purchased hospital and post hospital care, provided from or with State, Federal, county, county institution district or municipal funds, for needy persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living, and for needy homeless or transient persons.

“Benefit period” means, with respect to any individual, a period of consecutive days beginning with the first day not included in a previous benefit period, on which he is furnished inpatient hospital care, and ending with the last day of the first sixty-day period thereafter during each day of which he is not an inpatient in a hospital.

“Cost of geriatric center care,” means the average per patient, per diem or per visit operating expense of providing geriatric center care.

“Cost of inpatient hospital care,” means the average per patient, per diem, operating expense of providing ward care as determined by the Auditor General, excluding expenses of medical education, capital improvement and construction and other expenses not directly related to inpatient care.

“Cost of public nursing home care” means the average per patient, per diem, operating expense of providing such care, as determined by the Auditor General, excluding expenses of medical education, capital improvement and construction and other expenses not directly related to public nursing home care.

“Federal-State blind pension” means assistance paid as aid to the blind in accordance with the provisions of the Federal Social Security Act and this article.

“General assistance” means assistance granted under the provisions of section 432 (2) of this act.

“Geriatric center care,” means public nursing home care or inpatient or outpatient diagnostic, screening or preventive services in a geriatric center operated by the department.

“Inpatient hospital care” means care as a bed patient in a medical institution which is primarily engaged in providing, by or under the supervision of physicians, diagnostic services and therapeutic services for medical or surgical diagnosis, treatment and care of injured, disabled or sick persons, exclusive of any institution or distinct part of an institution at least twenty-five percent of whose patients remain in the institution for six months or more, and exclusive of any institution or distinct part of an institution which is certified by the department to provide public nursing home care as assistance as defined in this article.

“Post hospital care in nonpublic nursing homes” means nursing

home care not in excess of sixty days during any twelve-month period in a nonpublic nursing home as prescribed by a responsible physician and initiated within five days following inpatient hospital care under the provisions of this article, and incident thereto.

“Public nursing home care” means inpatient treatment and care, other than inpatient hospital care, in a public medical institution or distinct part of a public medical institution.

(b) Departmental Powers and Duties as to Public Assistance

Section 403. Regulations as to Assistance.—The department shall establish rules, regulations and standards, consistent with the law, as to eligibility for assistance and as to its nature and extent. Whenever a recipient of public assistance, as a prerequisite to receiving assistance or otherwise, has been required to encumber in favor of the Commonwealth any property, or to give any bond, note or other obligation in any sum to secure the repayment of moneys received as assistance or for any other purposes, and such bonds, notes, judgments, mortgages or other obligations are thereafter assigned by the Commonwealth to any third party, the assignee shall not be entitled to collect, and the person liable for the payment of the lien or obligation shall not be liable for the payment of, any amount greater than the amount the assignee paid for the assignment, notwithstanding the face amount of such lien or obligation. This provision shall not be effective as to the collection of interest accruing after the date of the assignment or costs of collection.

Section 404. Regulations for Protection of Information.—(a) The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of public assistance from improper publication, and to restrict the use of information furnished to other agencies or persons to purposes connected with the administration of public assistance. Upon request by any adult resident of the Commonwealth, the department may furnish the address and amount of assistance with respect to persons about whom inquiry is made; but, information so obtained shall not be used for commercial or political purposes; and, no information shall be furnished regarding any person's application for, or receipt of, medical assistance for the aged.

(2) To protect the rights and interests of persons about whom personal or confidential information is in its possession.

(b) The regulations shall not prevent or interfere with investigations by proper authorities as to the rights of persons to receive assistance or as to the amounts of assistance received.

Section 405. Regulations as to Community Work and Training.—The department shall establish rules, regulations and standards, consistent with the Federal Social Security Act and regulations issued thereunder, for administration by local boards of community work and training programs for employable recipients of assistance. The conditions applicable to work performed by employable recipients of general assistance shall be the same as those pertaining to recipients

of assistance for which Federal financial participation is available to the Commonwealth, except that work required to be performed by recipients of general assistance may be work for a public or nonprofit private agency. Any agency for which work is performed under the provisions of this section shall reimburse the persons performing such work for any additional expenses reasonably attributable to such work, and for which provisions are not made in the assistance grant or shall make provision for meeting the needs for which such expenses would be incurred, to the same extent and in the same manner that provision for meeting such expenses or needs is made under rules and regulations of the department in the case of other adult assistance recipients who are employed. Such work shall be of a constructive nature for the conservation of work skills and development of new skills for individuals who have attained the age of eighteen, and are receiving aid to families with dependent children or general assistance under conditions which are designed to assure protection of the health and welfare of such individuals and the dependent children involved.

Section 406. Receipt and Allocation of Funds.—The department shall have the duty:

(1) To receive and to supervise the disbursement of funds, provided by the Federal government or from any other source for use in this Commonwealth, for assistance.

(2) To allocate to the several assistance programs funds with which to provide assistance and funds for administrative expenses, and as may be needed, from time to time, to keep reasonable emergency funds in the hands of local boards, which shall be used, subject to the rules, regulations and standards of the department, by the Executive Director for the furnishing of assistance and pensions respectively in emergency cases, upon application to him, or under the direction of any member of the local board.

Section 407. Supervision of County Boards.—The department shall have the power to exercise general supervision of the county boards of public assistance, and establish for such boards, rules, regulations and standards.

Section 408. Meeting Special Needs; Encouraging Self-Support and Employment.—(a) The department shall have the duty to take measures not inconsistent with the purposes of this article; and when other funds or facilities for such purposes are inadequate or unavailable to provide for special needs of individuals eligible for assistance; to relieve suffering and distress arising from handicaps and infirmities; to promote their rehabilitation; to help them if possible to become self-dependent; and, to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

(b) The department shall encourage employable recipients of assistance to accept full or part-time employment by providing that such recipients will again be granted assistance upon termination of such employment if they are in need thereof.

Section 409. Collection of Information ; Reports.—The department shall have the duty :

(1) To gather and study current information constantly, and to report, at least annually, to the Governor, as to the nature and need of assistance, as to the amounts expended under the supervision of each county board, and as to the work of each county board, and to cause such reports to be published for the information of the public.

(2) To report, at least annually, to the Governor, as to the cost of living in the various counties, as related to the standards of assistance and the amounts expended for assistance, and to cause such reports to be published for the information of the public.

Section 410. Cooperation with Other Agencies.—The department shall have the duty :

(1) To cooperate with other agencies, including any agency of the United States or of another state, in all matters concerning the powers and duties of the department under this article and particularly in projects for child welfare, for the relief of persons in areas of special need, and for the care of transient and homeless persons.

(2) To make such reports, in such form and containing such information as the Department of Health, Education and Welfare of the United States government, or any other agency of the United States may, from time to time, require and shall comply with the provisions that such department or agency may, from time to time, find necessary to insure the correctness and verification of such reports.

Section 411. Contracts for Medical Services.—The department may contract with one or more nonprofit corporations authorized by law to operate nonprofit hospital plans, nonprofit medical, osteopathic and dental service plans or nonprofit dental service plans for the purpose of providing medical services, including inpatient hospital care, to persons who are eligible for such services as assistance.

Section 412. Appointment of Trustees.—The department may appoint a trustee to take charge of the expenditure of assistance granted any person under this article when, in its opinion, such trustee is necessary. In any such case, payment shall be made direct to the trustee. A trustee shall serve without compensation, and shall be subject to such rules, regulations and accounting as the department shall prescribe.

Section 413. Purchase of Credit Reports.—Whenever the department deems it necessary and advisable, it may purchase credit reports and other services on a fee basis for the purpose of supplementing the investigation of eligibility for assistance.

(c) **County Boards of Assistance ; Establishment**

Section 415. Establishment of County Boards ; Expenses.—For each county of the Commonwealth, there is hereby established a county board of assistance, to be known as the County Board of Assistance and referred to in this Article IV as the "county board," which shall be composed of men and women, to be appointed by the Governor with the advice and consent of two-thirds of all members of

the Senate. The county boards shall be composed as far as possible of persons engaged or interested in business, social welfare, labor, industry, education or public administration. The members of the county boards shall serve without compensation, but shall be reimbursed for necessary expenses. No member of a county board shall hold office in any political party. Not all of the members of a county board shall belong to the same political party.

Section 416. Composition of County Boards ; Terms ; Officers.—(a) Each county board shall be composed of a minimum of eleven members in counties of the first and second classes, and of a minimum of seven members in other counties. There shall be a maximum of fifteen members on any county board and, in addition thereto, the Governor shall appoint as ex officio members two county commissioners, one from each political party. Any vacancy caused by the expiration of a term shall be filled by an appointment, in the manner above provided, for a term of three years, and any vacancy, otherwise caused, shall be filled for the duration of the unexpired term by appointment, in the same manner. Any member of a county board who has served all or any portions of three consecutive three-year terms, as above specified, shall be ineligible for further reappointment until after one full term has passed.

(b) Each county board shall organize annually and elect from among its members a chairman, vice-chairman and a secretary.

(d) **County Boards ; Powers and Duties**

Section 417. Personnel.—Each county board shall:

(1) In accordance with the Civil Service Act, appoint, transfer, lay off, suspend and remove its employes who shall, on behalf of the county board and under the supervision of the Executive Director, provide assistance in the territory under the jurisdiction of the county board in accordance with law.

(2) Determine the number of its employes and direct and supervise their services so as to attain the maximum degree of efficiency.

(3) From time to time, appoint such board of review as it sees fit and proper, to hear and determine appeals by employes from orders of demotion and of removal.

Section 418. Conformity with Departmental Regulations ; Recommendations.—Each county board shall conform to the rules, regulations and standards, established by the department, and may make recommendations to the department as to rules, regulations and standards as to eligibility for assistance, and as to the nature and extent of assistance.

Section 419. Administration of Assistance and Related Functions.—Each county board shall:

(1) Administer public assistance in the county, and determine the eligibility for assistance of applicants and continued eligibility for assistance of persons receiving the same in accordance with law and rules, regulations and standards established by the department.

(2) Take measures to promote the welfare and self-dependency

of individuals and families eligible for assistance by helping them to secure rehabilitative, remedial or other constructive aid, through local community resources, or in the absence or inadequacy of such resources, through direct provision of such aid, in accordance with rules, regulations and standards adopted by the department.

(3) With the approval of the secretary, supervise the administration of and promote any other public function related to assistance, or the work of the department, or of the county board, which may be committed to the county board by a political subdivision of the Commonwealth.

Section 420. Reports and Budget Requests.—Each county board shall submit reports and budget requests to the department as required and shall study, report and interpret its policies, problems and work, to the department and to the public.

Section 421. Community Work and Training Programs.—Each county board shall administer community work and training programs in accordance with law and the rules, regulations and standards established by the department.

Section 422. Encouragement of Employment.—Each county board shall encourage employable recipients of assistance to accept full or part-time employment by providing that such recipients will again be granted assistance upon the termination of such employment, if in need thereof; and, any rule or regulation of the department or of the county board heretofore or hereafter adopted, contrary hereto, is hereby ¹ voided.

Section 423. Hearing Appeals of Recipients.—Each county board shall hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving assistance. Any person applying for or receiving assistance of any type covered by the public assistance provisions of the Federal Social Security Act, may appeal to the department from any decision of the county board, refusing or discontinuing his assistance, in whole or in part. In every such appeal, an opportunity for a fair hearing shall be granted, and the decision of the department on such appeal shall be final, except as otherwise hereinafter provided. All such appeals shall be in accordance with rules and regulations established by the department. Any person applying for or receiving assistance may appeal to the common pleas court of the county in which such person resides from any decision of a county board or of the department refusing or discontinuing his assistance because he is deemed ineligible as a person who advocates or actively participates by an overt act or acts in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States. Such appeal may be made within ten days after receipt by such person of a registered mail notice of the decision of the county board or of the department. The common pleas court, as aforesaid, shall give such person an opportunity for a fair hearing; at such hearing the burden

¹ "avoided" in original.

of proof shall be on the department. The decision of the common pleas court on such appeal shall be final. All appeals from the county board to the department or from the department or county board to the common pleas court, as aforesaid, shall operate as a supersedeas of any order of the county board or department in all cases where the appellant is already receiving assistance.

Section 424. Appointment of Committees.—Each county board may:

(1) Appoint labor review committees, composed of representative citizens of the county, who shall serve without compensation, and whose duty it shall be to pass on the eligibility of any applicant for or recipient of general assistance who shall refuse an offer of employment and whose case shall be referred to such a committee by the county board.

(2) Appoint committees of the county board or of local citizens in various communities of the county, as circumstances may require, to cooperate with the county board in (i) supplying information as to the eligibility of persons for assistance; (ii) recommending local policies; and (iii) stimulating local employment; and, on petition of fifty or more residents of any community, it shall be mandatory upon the county board to appoint a committee to function in such community.

Section 425. Furnishing Information.—Upon request by any adult resident of the Commonwealth, any county board shall furnish the address and amount of assistance with respect to persons receiving assistance about whom inquiry is made, but such information shall not be used for commercial or political purposes.

Section 426. Employment of Credit Rating Agencies.—As need may require each county board may employ the services of commercial credit rating agencies for the purpose of determining eligibility for general assistance.

Section 427. Receipt and Expenditure of Contributions.—Each county board may receive and spend contributions from any source for purposes related to assistance, or to the work of the department.

(e) Assistance Other Than Medical Assistance for the Aged and Purchased Hospital and Post Hospital Care

Section 431. Application.—Except as provided in section 446 (1) every person applying for public assistance shall be required to sign a statement setting forth his financial status and such other facts as may be required by the department, in order to determine whether such person is entitled to public assistance, and shall also be required to sign, as part of his written application, his own bond to the Commonwealth without surety, containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars (\$500), which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his written application. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every per-

son employed in the administration of public assistance shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1) and (2) of this section shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as old-age assistance, aid to the blind, aid to families with dependent children, aid to the permanently and totally disabled, or as other assistance, and which assistance is not precluded by other provisions of law.

(2) Other persons who are citizens of the United States, or who, during the period January 1, 1938 to December 31, 1939, filed their declaration of intention to become citizens.

(3) Assistance other than Federal-State blind pension shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance; (ii) to an inmate of a public institution; or, (iii) in behalf of an inmate of a public institution, unless he is a patient in a medical institution who is eligible for aid to the permanently and totally disabled.

(4) Federal-State blind pension shall be granted only to or in behalf of any person who (i) is twenty-one years of age or older and meets the requirement as to residence prescribed in clause (6) of this section; (ii) has three-sixtieths or ten two-hundredths, or less, normal vision; (iii) is not an inmate of a public institution (except as a patient in a medical institution), a penal institution, or a hospital for mental disease; (iv) does not own real or personal property of a combined value of more than five thousand dollars (\$5000); (v) does not own nonresident real or personal property of a combined value of more than one thousand five hundred dollars (\$1500); (vi) has not disposed of any property without fair consideration within the two years immediately preceding the date of application for Federal-State blind pension, or while receiving such pension, if ownership of such property, would render him ineligible for such pension; (vii) does not have actual annual income of his own of two thousand eight hundred eighty dollars (\$2880) or more, disregarding any amounts of such income equal to the expenses reasonably attributable to the earning of the income, and disregarding also the first eighty-five dollars (\$85) per month of earned income plus one-half of earned income in excess of eighty-five dollars (\$85) per month; and, (viii) has total recognized needs of a monthly amount exceeding the amount of his monthly net income.

(5) With respect to the determination of eligibility for and provision of Federal-State blind pension grants (i) the value of resident

real property shall be deemed to be its assessed value minus encumbrances; the value of nonresident real property shall be deemed to be its market value minus encumbrances; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest; (ii) notwithstanding any other provisions of law, no relative shall be required to make monetary or any other payments or contributions for the support or maintenance of the blind person but the income and property of the blind person's spouse living with the blind person shall be considered in determining eligibility of the blind person; (iii) monthly net income shall be the actual monthly income less the amounts disregarded in accordance with the provisions of subclause (vii) of clause (4) of this section; and (iv) the department shall determine minimum basic needs, special needs and total recognized needs of blind persons and the monthly amount of Federal-State blind pension paid to an eligible person shall be the excess of his monthly total recognized needs over his monthly net income, not exceeding the maximum amount determined by the department on the basis of the funds available for Federal-State blind pension; (v) notwithstanding any other provisions of law, no repayment shall be required of any Federal-State blind pension for which a blind person was eligible; (vi) all Federal funds received by the Commonwealth for assistance paid as Federal-State blind pension shall be used only for grants to or in behalf of persons eligible for Federal-State blind pension.

(6) Assistance may be granted only to or in behalf of a person residing in Pennsylvania who (i) has resided therein for at least one year immediately preceding the date of application; (ii) last resided in a state which, by law, regulation or reciprocal agreement with Pennsylvania, grants public assistance to or in behalf of a person who has resided in such state for less than one year; (iii) is a married woman residing with a husband who meets the requirement prescribed in subclause (i) or (ii) of this clause; or (iv) is a child less than one year of age whose parent, or relative with whom he is residing, meets the requirement prescribed in subclause (i), (ii) or (iii) of this clause or resided in Pennsylvania for at least one year immediately preceding the child's birth. Needy persons who do not meet any of the requirements stated in this clause and who are transients or without residence in any state, may be granted assistance in accordance with rules, regulations, and standards established by the department.

Section 433. Special Eligibility Provision.—No person shall be rendered ineligible for public assistance solely by reason of his receiving care in a foster home or public nursing home under the provisions of acts relative to the powers and duties of counties or of county institution districts.

Section 434. Additional Assistance.—(a) In addition to any other assistance, persons receiving old age assistance shall be eligible for inpatient hospital care, post hospital care in the home and nursing

care in the home, to the extent provided under this article for medical assistance for the aged.

(b) In addition to any other assistance, persons receiving aid to families with dependent children, aid to the permanently and totally disabled or general assistance, shall be eligible for inpatient hospital care to the extent provided under this article for purchased hospital care.

Section 435. Care by Other Public Bodies.—Notwithstanding any other provisions of law, no public body shall provide without charge any maintenance, care or service which an individual is entitled to receive as assistance under the provisions of this article but this section shall not be construed to preclude any such public body from supplementing such assistance.

(f) **Medical Assistance for the Aged
and Purchased Hospital and Post Hospital Care**

Section 441. Medical Assistance for the Aged; Benefits.—Medical assistance for the aged shall consist of full or partial payment of any or all of the following care or services for which Federal financial participation is available:

(1) The cost of inpatient hospital care, not to exceed twenty-five dollars (\$25) per day. No payment for inpatient hospital care shall be made for more than sixty days during a benefit period.

(2) The actual cost, not to exceed five dollars (\$5) per day, of post hospital care in the home when provided by a hospital, when such care is incidental to the purpose for which the person was hospitalized.

(3) Not more than four dollars (\$4) per visit, plus travel allowance determined by the department, for nursing care in the home ordered by a physician and provided by a public health nursing organization or an individual registered nurse.

(4) The cost of public nursing home care.

(5) Payment for post hospital care in a nonpublic nursing home at rates not to exceed those established by the department for nonpublic nursing home care for other assistance recipients.

(6) The cost of geriatric center care.

Section 442. Medical Assistance for the Aged; Eligibility.—A person shall be eligible for medical assistance for the aged, if he:

(1) Is sixty-five years of age, or over;

(2) Is not a recipient of any assistance under conditions which would render unavailable Federal financial participation in any medical assistance for the aged granted in his behalf;

(3) Resides in Pennsylvania, regardless of the length of his residence and of his absence from the State;

(4) With respect to medical assistance for the aged other than public nursing home care, is a single person or married but not living with spouse and has an annual income of not more than twenty-four hundred dollars (\$2400) and real and personal property, exclusive of resident property, household furnishings and automobile of a value,

less encumbrances, of not more than twenty-four hundred dollars (\$2400); or is living with spouse and their combined annual income does not exceed thirty-eight hundred forty dollars (\$3840) and the value less encumbrances of their combined real and personal property, exclusive of resident property, household furnishings and automobile, does not exceed thirty-eight hundred forty dollars (\$3840); except that when any relatives live with and are dependent upon the applicant, the maximum income shall be adjusted upward in the amount of five hundred dollars (\$500) for each such relative. When a person otherwise eligible for medical assistance for the aged has property valued in excess of the appropriate amount specified in this clause he shall be eligible for medical assistance for the aged, but the payment for which he is eligible shall be reduced by the amount of the excess, and when a person otherwise eligible for medical assistance for the aged has income in excess of the appropriate amount specified in this clause, the payment for which he is eligible shall be reduced by six times the average monthly excess of the income;

(5) With respect to public nursing home care, has a monthly income of not more than five dollars (\$5) (which shall be regarded as required for his personal expenses) and real and personal property exclusive of resident property, household furnishings and automobile, having a value, less encumbrances, of not more than fifteen hundred dollars (\$1500). When a person otherwise eligible for such medical assistance for the aged has a monthly income in excess of five dollars (\$5), he shall be eligible for such medical assistance for the aged, but the payment for which he is eligible shall be reduced by the amount of the excess. When a person has received such medical assistance for the aged for a period of six consecutive months he shall be ineligible for such medical assistance for the aged, if his total real and personal property exclusive of resident property and household furnishings has a value, less encumbrances, in excess of five hundred dollars (\$500).

Section 443. Purchased Hospital Care; Benefits.—Purchased hospital care shall consist of full or partial payment of the following percentages of the cost of inpatient hospital care for not more than thirty days during a benefit period not counting so much of such cost as exceeds twenty-five dollars (\$25):

- (1) Eighty percent for the first ten days in a benefit period.
- (2) Fifty percent for the second ten days in a benefit period.
- (3) Forty percent for the third ten days in a benefit period.

The secretary, with the approval of the Governor, may authorize payment of lesser percentages from those set forth in clauses (1), (2) and (3) hereof.

Notwithstanding the provisions of clauses (1), (2) and (3) hereof, the payment for continuous days of inpatient hospital care for which a person is eligible (i) shall in no case be less than the number of days of such care multiplied by ten dollars (\$10) if the per diem cost is ten

dollars (\$10) or more; (ii) shall be the amount of the cost of such care if the per diem cost is less than ten dollars (\$10).

Section 444. Post Hospital Care; Benefits.—Post hospital care shall consist of:

(1) Care not more than sixty days in any twelve-month period in nonpublic nursing homes as prescribed by responsible physicians and initiated within five days following purchased hospital care. Payment for post hospital care in nonpublic nursing homes shall be at rates not to exceed those established by the department for nonpublic nursing home care for other assistance recipients.

(2) Nursing care in the private home of the patient ordered by a physician and provided by a public health nursing organization or an individual registered nurse. Payment for nursing care in the private home of the patient shall be at not more than four dollars (\$4) per visit, plus travel allowance as determined by the department.

Section 445. Purchased Hospital and Post Hospital care; Eligibility.—A person shall be eligible for purchased hospital and post hospital care if he:

(1) Is under sixty-five years of age. A minor or an incompetent adult living with his relative shall be eligible if such relative is eligible.

(2) Resides in Pennsylvania; but, in cases of accident or emergency, a person who does not reside in Pennsylvania and who is otherwise eligible may receive purchased hospital care.

(3) Is a single person, or married but not living with his spouse, and has an annual income of not more than fifteen hundred dollars (\$1500) and real and personal property, exclusive of resident property, household furnishings and automobile of a value, less encumbrances of not more than fifteen hundred dollars (\$1500), or is living with his spouse and their combined annual income does not exceed twenty-four hundred dollars (\$2400) and the value, less encumbrances, of their combined real and personal property, exclusive of resident property, household furnishings and automobile does not exceed twenty-four hundred dollars (\$2400), except that, when any relatives live with and are dependent upon the applicant, the maximum income shall be adjusted upward in the amount of five hundred dollars (\$500) for each such relative. When a person otherwise eligible for purchased hospital and post hospital care has property valued in excess of the appropriate amount specified in this clause, he shall be eligible for purchased hospital and post hospital care but the payment for which he is eligible shall be reduced by the amount of the excess, and when a person otherwise eligible for purchased hospital and post hospital care has income in excess of the appropriate amount specified in this clause, the payment for which he is eligible shall be reduced by six times the average monthly excess of the income.

Section 446. Application; Special Provisions.—In addition to the provisions of section 431 which apply also to applications for medical

assistance for the aged and for purchased hospital and post hospital care, the following provisions are applicable:

(1) Whenever a person in need of medical assistance is unable to make application therefor by reason of his illness or infirmity, or by reason of his minority, application on his behalf may be made by a relative, friend or official of the agency providing medical or other care. Such application shall contain a statement as required in section 431 and a bond conditioned as therein provided, except that such applicant shall be permitted to make affidavit that the facts set forth in such statement are, to the best of his knowledge and belief, true and correct. No bond shall be required when the application is filed by an official of any agency.

(2) The department may establish eligibility for medical assistance for the aged of any person sixty-five years of age or over upon application regardless of the condition of health of the person at the time of making the application.

Section 447. Relatives' Responsibility; Repayment.—(a) Notwithstanding any other provision of law, no repayment shall be required of any medical assistance for the aged paid in behalf of any aged person for which he was eligible; and, with respect to the determination of eligibility for such assistance, no relative may be required to contribute to the cost of the care for which such assistance is provided.

(b) Notwithstanding any other provision of law, no repayment shall be required of any payment for medical care for which a recipient of old age assistance was eligible, if payment for such medical care is also provided in behalf of recipients of medical assistance for the aged.

(g) Special Provisions Respecting Medical Assistance

Section 451. Conformity with Federal Legislation.—Notwithstanding any other provision of law, the department, with the approval of the Governor, may by regulation grant medical assistance to any persons, modify or discontinue any type of medical assistance and establish new types of medical assistance in order to insure receipt of Federal contributions for such medical assistance. Any such regulation shall be void at the end of the regular session of the General Assembly held during the odd-numbered year next following the adoption of the regulation.

Section 452. Medical Assistance without Federal Participation.—To the extent that the Budget Secretary shall certify the availability of funds for such purposes, the secretary, with the approval of the Governor, may by regulation provide for payment of medical assistance on behalf of persons for whose medical assistance Federal funds are not available, under the same or similar conditions and standards and of the same or similar amount, duration and scope, as for persons for whose medical assistance Federal funds are available.

(h) Fiscal Provisions

Section 471. Food Stamp Computations.—To compute for each

quarter the amount of Commonwealth funds expended by the department for the administration of the food stamp program for each county or city of the first class. For the fiscal year 1965-1966, thirty percent; for the fiscal year 1966-1967, forty percent; and, for the fiscal year 1967-1968, and thereafter, fifty percent of the amount so expended for each county or city of the first class shall be certified to it, and shall become its obligation to be paid to the department.

Section 472. Other Computations Affecting Counties.—To compute for each month the amount expended for public nursing home care on behalf of persons who are sixty-five years of age or older or are permanently or totally disabled at each public medical institution operated by a county, county institution district or municipality and the amount expended in each county for aid to families with dependent children on behalf of children in foster family homes or child-caring institutions, plus the cost of administering such assistance. From such total amount the department shall deduct the amount of Federal funds properly received or to be received by the department on account of such expenditures, and shall certify the remainder increased or decreased, as the case may be, by any amount by which the sum certified for any previous month differed from the amount which should have been certified for such previous month, and by the proportionate share of any refunds of such assistance, to each appropriate county, county institution district or municipality. The amounts so certified shall become obligations of such counties, county institution districts or municipalities to be paid to the department for assistance.

Section 473. Payments by Federal Government and Political Subdivisions.—All payments received by the department from the United States government or political subdivisions of the Commonwealth for assistance or for administrative costs shall be paid into the State Treasury, through the Department of Revenue, and credited to the current appropriation made to the department for the purpose of carrying out the purposes of this article.

Section 474. Apportionment of Restitution Payments.—So long as required as a condition of Federal participation, of the net amount collected or recovered by way of restitution from any person, or from his estate, by or for the department, for any assistance received to which the Federal government contributed, there shall be promptly paid to the United States an amount equal to its proportionate share of the amount collected or recovered, and the remainder thereof shall be paid into the State Treasury, and shall be credited to the current appropriation to the department, as provided by law.

(i) Prohibitions; Penalties

Section 481. False Statements; Penalty.—(a) Any person who, either prior to, or at the time of, or subsequent to the application for assistance, by means of a wilfully false statement of misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing assistance under this article shall be guilty of a misdemeanor, and, upon con-

viction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo imprisonment not exceeding one year, or both, and also shall be sentenced to make restitution of any moneys he has received by reason of any such false statement, misrepresentation, impersonation, or fraudulent means.

(b) Any person who, either prior to or at the time of or subsequent to the application for assistance, by means of a wilfully false statement or misrepresentation, or by impersonation, or other fraudulent means, secures or attempts to secure assistance not exceeding three hundred dollars (\$300) under this article shall, upon conviction thereof in a summary proceeding, be sentenced to make restitution of such assistance, and to pay a fine of not more than two hundred dollars (\$200), and, in default of making restitution and the payment of the fine imposed, to undergo imprisonment not exceeding sixty days.

Section 482. Influencing Vote of Recipient or Applicant; Penalty.—Any person employed in the administration of public assistance who, either directly or indirectly, influences or endeavors to influence the vote of any person receiving or applying for any form of assistance under the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment not exceeding six months, or both.

Section 483. Violation; Penalty.—Any person knowingly violating any of the rules and regulations of the department made in accordance with this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine, not exceeding one hundred dollars (\$100), or to undergo imprisonment, not exceeding six months, or both.

(j) Banks and Employers to Supply Information

Section 487. Information to be Supplied.—(a) Every bank, trust company, bank and trust company, private banker, and building and loan association, shall, when requested in writing so to do by the department, or any county board or by any official legislative investigating committee, or by any authorized agent thereof, disclose to such department, board, committee, or authorized agent, whether or not any person applying for or receiving public assistance, or any legally responsible relative of such applicant or recipient, has had, or has any money on deposit with, or invested in, such banking institution or building and loan association within one year prior to their application for assistance, or at any time thereafter, the amount and date of such deposit or investment, and the amounts and dates of withdrawals therefrom.

(b) Every employer shall, when requested in writing so to do by the department or any county board or by any official legislative investigating committee, or by any authorized agent thereof, disclose to such department, board, committee, or authorized agent within thirty days, whether or not any person applying for or receiving public assistance, or any legally responsible relative of such applicant or

recipient has or had received, or will receive, any money in salary, wages, commission, or other compensation from such employer, and if so, the amount and date of such salary, wages, commission, or other compensation.

Section 488. Violation; Penalty.—Any bank, trust company, bank and trust company, private banker, building and loan association, or employer who or which wilfully violates the provisions of section 487 of this act, or who or which wilfully makes any false or misleading statement in connection with any disclosure required by said section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000).

ARTICLE V

STATE BLIND PENSION

Section 501. Legislative Intent.—The legislative intent of this article is to provide pensions, paid entirely from Commonwealth funds, for certain blind persons, as authorized by section 17 of Article III of the Constitution of this Commonwealth, while assuring continued receipt by the Commonwealth of Federal funds now available for Federal-State blind pension grants for blind persons who are needy.

Section 502. Definitions.—As used in this article:

“Blind person” means a person twenty-one years of age or older who has three-sixtieths or ten two-hundredths, or less, normal vision.

“State blind pension” means a payment to any blind person who meets the eligibility conditions prescribed in section 506, or a payment in behalf of such blind person for medical or other health care, including nursing home care, but excluding inpatient hospital care and post hospital care in the home provided by a hospital.

Section 503. Administration.—This article shall be administered by the department without regard to any Federal laws or regulations respecting operation of a State plan for aid to the blind.

Section 504. Departmental Powers and Duties.—The department shall have the power, and its duty shall be:

(1) To establish rules and regulations, consistent with law, as to the determination of eligibility for State blind pensions and as to the procedures necessary for administration of this article.

(2) To provide State blind pension to or in behalf of all blind persons who meet the eligibility conditions prescribed in section 506. Such State blind pensions shall be paid from funds appropriated to the department.

(3) To hear and determine appeals from actions of its employes affecting the rights of those applying for or receiving State blind pension.

Section 505. Departmental Regulations for Protecting Information.—(a) The department shall have the power to make and enforce regulations:

(1) To protect the names of applicants for and recipients of State blind pension from improper publication and to restrict the use of

information furnished to other agencies or persons to purposes connected with the administration of this article. Upon request by any adult resident of the Commonwealth, the department shall furnish the address and amount of State blind pension with respect to any persons about whom inquiry is made, but information so obtained shall not be used for commercial or political purposes.

(2) To protect the rights and interests of blind persons about whom personal or confidential information is in its possession.

(b) Such regulations shall not prevent or interfere with investigations by proper authorities as to the rights of persons to receive State blind pension or as to the amounts of State blind pension received.

Section 506. Eligibility.—The department shall provide a State blind pension to any blind person who:

(1) Resides in Pennsylvania, and (i) has resided therein for at least one year immediately preceding the date of application for State blind pension, or (ii) is a married woman residing with a husband who has resided in Pennsylvania for at least one year immediately preceding the date of her application for State blind pension;

(2) Is not an inmate of any penal institution or hospital for mental disease;

(3) Has actual annual income of his own of less than two thousand eight hundred eighty dollars (\$2880);

(4) Owns real or personal property of a combined value of not more than five thousand dollars (\$5000); and who

(5) Has not disposed of any property without fair consideration within the two years immediately preceding the date of application for State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension.

With respect to the determination of eligibility for State blind pension, the value of real property shall be deemed to be its assessed value minus encumbrances; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest. Determination of the amount of an applicant's income and the value of his property shall be made by the department without regard to any Federal laws or regulations respecting income and resources of applicants for aid to the blind.

Section 507. Amount of Pension.—Except as provided for payment for nursing home care, the amount of State blind pension paid prior to November 1, 1965 to an eligible blind person having actual annual income of his own of two thousand forty dollars (\$2040) or less shall be seventy dollars (\$70) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals two thousand eight hundred eighty dollars (\$2880) a year; the amount paid after October 31, 1965 to an eligible blind person having actual annual income of his own of one thousand nine hundred eighty dollars

(\$1980) or less shall be seventy-five dollars (\$75) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals two thousand eight hundred eighty dollars (\$2880) a year.

Section 508. Payment for Nursing Home Care.—The amount of State blind pension paid to or in behalf of an eligible blind person who is physically disabled and requires nursing home care, as prescribed by responsible physicians, shall be the excess of (i) the maximum amount paid by the department for nursing home care of recipients of assistance under Article IV in like circumstances, over (ii) the amount of the blind person's actual income, but shall in no case be less than the appropriate amount specified in section 507.

Section 509. Payment for Medical or Other Health Care.—In addition to the pension and nursing home care payments provided in sections 507 and 508, the department shall make payments, in behalf of persons eligible for State blind pension, for medical or other health care other than inpatient hospital care, to the extent and in the amounts provided for such medical or other health care of recipients of general assistance under Article IV.

Section 510. Repayment; Support by Relatives.—Notwithstanding any other provisions of law, no repayment shall be required of any State blind pension for which a blind person was eligible; and, with respect to the determination of eligibility for State blind pension, no relative shall be required to make any monetary or any other payments or contributions for the support or maintenance of the blind person.

Section 511. Application.—(a) Every person applying for State blind pension shall be required to sign a statement setting forth the nature and amount of his income, the nature and value of his property, and such other facts as may be required by the department in order to determine whether he is eligible for State blind pension; and shall also be required to sign, as part of his written application, his own bond to the Commonwealth, without surety, containing a warrant of attorney to confess judgment in the penal sum of five hundred dollars (\$500), which bond shall be conditioned on the truth and lack of fraud and misrepresentation in any of the statements made by such applicant in his written application. Every such applicant shall make affidavit that the facts set forth in such statement are true and correct. Every person employed in the department who has power to administer oaths for any purpose shall have power to administer oaths for the purpose of carrying into effect the provisions of this section.

(b) Whenever a blind person is unable to make application for State blind pension by reason of his illness or infirmity, application on his behalf may be made by a relative or by an official of any institution in which he is receiving medical care. Such application shall contain the statements required in subsection (a) of this section and a bond con-

ditioned as therein provided, except that such applicant shall be permitted to make affidavit that the facts set forth in such statement are, to the best of his knowledge and belief, true and correct.

Section 512. Trustees.—The department may appoint a trustee to receive the State blind pension payments for which a blind person is eligible, when, in its opinion, such trustee is necessary. A trustee shall serve without compensation from the department, and shall be subject to such rules, regulations and accounting as the department shall prescribe.

Section 513. False Statements; Penalty.—(a) Any person who, either prior to or at the time of, or subsequent to the application for State blind pension, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures, or attempts to secure, or aids or abets any person in securing, State blind pension shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or to undergo imprisonment not exceeding one year, or both, and shall be sentenced to make restitution of any moneys he has received by reason of such false statement, misrepresentation, impersonation, or fraudulent means.

(b) Any person who, either prior to, or at the time of, or subsequent to the application for State blind pension, by means of a wilfully false statement or misrepresentation, or by impersonation or other fraudulent means, secures or attempts to secure State blind pension not exceeding three hundred dollars (\$300) shall, upon conviction thereof in a summary proceeding, be sentenced to pay restitution of such amount of State blind pension, and to pay a fine of not more than two hundred dollars (\$200), and, in default of making restitution and the payment of the fine imposed, to undergo imprisonment not exceeding sixty days.

Section 514. Influencing Vote of Recipient or Applicant; Penalty.—Any person employed in the administration of this article who, either directly or indirectly, influences or endeavors to influence the vote of any person applying for or receiving State blind pension shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment not exceeding six months, or both.

Section 515. Violation; Penalty.—Any person knowingly violating any of the rules and regulations of the department made in accordance with this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or to undergo imprisonment, not exceeding six months, or both.

ARTICLE VI

THE AGED

Section 601. Annual Grants; Aid for Community Living.—The department shall have the power to enter into agreements with county commissioners to make annual grants to defray part of the

cost of care and services designed to help dependents and potential dependents to live outside of county institutions. The amount of each such annual grant shall be calculated in accordance with a formula to be established by the department.

ARTICLE VII CHILDREN AND YOUTH

(a) Departmental Powers and Duties as to Public Child Welfare

Section 701. Availability of Services.—The department shall assure within the Commonwealth the availability and equitable provision of adequate public child welfare services for all children who need them regardless of religion, race, settlement, residence or economic or social status.

Section 702. Consultation.—The department shall consult with and assist each county institution district or its successor in carrying out child welfare duties and functions as authorized by law.

Section 703. Rules and Regulations.—The department shall make and enforce all rules and regulations necessary and appropriate to the proper accomplishment of the child welfare duties and functions vested by law in the county institution districts or their successors. All rules and regulations which the department is authorized by this section to make with respect to the duties and functions of the county institution districts or their successors shall be binding upon them.

Section 704. Annual Grants.—(a) The department shall make annual grants to county institution districts or their successors to defray part of the cost of child welfare programs authorized by law and developed jointly with the department in an amount up to one-half of the total of all such approved expenditures for all county institution districts or their successors.

(b) In the event that sufficient State funds to pay the full amount of the grants to which county institution districts or their successors may be entitled under the provisions of this section have not been appropriated, the department shall distribute State funds among the county institution districts or their successors by a formula reasonably designed to achieve the objectives of section 701 of this article.

Section 705. Annual Plans and Computation of Grants.—(a) The department shall prescribe the time at, and the form on which county institution districts or their successors shall submit to the department annual plans for, and annual estimates of the expenditures of the county institution districts or their successors for their child welfare programs.

(b) Upon approval of an annual plan and the estimated expenditures for a child welfare program the department shall compute an annual grant in accordance with a formula to be established by the department, taking into account the relative need and the fiscal capability of the county institution district or its successor.

Section 706. Payment of Annual Grants.—The annual grant shall be paid by the department in four quarterly installments. The moneys received in any quarter may be used at any time during the year. The first installment shall be for the quarter beginning January 1 and ending March 31; the second installment shall be for the quarter beginning April 1 and ending June 30; the third installment shall be for the quarter beginning July 1 and ending September 30 and the fourth installment shall be for the quarter beginning October 1 and ending December 31. Each installment shall be paid only if it is approved by the department upon finding that the county institution district or its successor is complying with the regulations of the department prescribing minimum child welfare services, minimum standards of performance of child welfare services and minimum standards of child welfare personnel administration on a merit basis.

Section 707. Adjustment of Annual Grants.—The department shall review the annual grant at the end of each calendar year and, if it was not warranted by the actual expenditures, shall adjust one or more installments of the next annual grant in order to recover the amount of such excess. If any installment of the next annual grant is not paid to the county institution district or its successor because of failure to comply with the requirements of section 701 of this article, the department shall effect a refund of such excess.

Section 708. Departmental Administration of County Child Welfare Services.—On and after January 1, 1968, the department shall provide, maintain, administer, manage and operate a program of child welfare services in a county institution district or its successor when the department determines, after hearing, that such county institution district or its successor is not complying with the regulations prescribing minimum child welfare services or minimum standards of performance of child welfare services or minimum standards of child welfare personnel administration on a merit basis, and that, as a result, the needs of children and youth are not being adequately served.

When, in pursuance of this section, the department takes charge of, and directs the operation of the child welfare services of a county institution district or its successor, the county shall be charged and shall pay the cost of such services, including reasonable expenditures incident to the administration thereof incurred by the department. The amount so charged and to be paid by the county shall be reduced by the amount of the grant that would have been payable under the provisions of section 706 if the county institution district or its successor had maintained a child welfare program in compliance with the regulations of the department.

The amount due the Commonwealth may be deducted from any Commonwealth funds otherwise payable to the county. All sums collected from the county under this section, in whatever manner such collections are made, shall be paid into the State treasury and shall

be credited to the current appropriation to the department for child welfare.

The department shall relinquish the administration of the child welfare program of the county institution district or its successor when the department is assured that the regulations of the department will be complied with thereafter and that the needs of children and youth will be adequately served.

(b) Departmental Powers and Duties as to Delinquency

Section 721. Consultation to Community Agencies; Grants to Political Subdivisions.—The Department of Public Welfare shall have the power, and its duty shall be:

(1) To offer consultation and advice to local and State-wide public or private agencies, including juvenile courts, to community groups concerned with the prevention of juvenile delinquency in the planning and developing of measures to reduce the incidence of delinquency and to make grants to political subdivisions for delinquency prevention projects developed jointly with the department;

(2) To offer consultation, guidance and assistance to public and voluntary agencies and institutions, including the juvenile courts, in developing, strengthening and improving programs for predisposition study, probation supervision, institutional treatment and after-care of delinquent youth, including training courses for personnel of the agencies and institutions. In order to develop or strengthen police and probation services for juveniles, and upon assurance that such services will meet standards approved by the department, the department shall make annual grants to political subdivisions.

Section 722. Statistics; Assistance for Research.—The department shall gather, collate, interpret and disseminate statistics and reports relating to the problem of juvenile delinquency and to the treatment of juveniles. It shall also assist counties and local public and private agencies to study the causes and methods of prevention of juvenile delinquency.

Section 723. Gifts and Donations.—Through the secretary or his designee, the department may accept or refuse grants, appropriations, contributions, or unencumbered property, real, personal or mixed, tangible or intangible, or any interest therein, for the purposes described in this section from the Federal government, the Commonwealth and any donor. All grants, appropriations and contributions of money accepted shall be held by the State Treasurer as custodian for the Department of Public Welfare and shall be paid out on its requisition to further the objectives of this article.

Section 724. Institutional Programs; Recommendations; Additional Facilities; Charges.—(a) The department shall develop recommended measures for corrective treatment of juvenile delinquents requiring differing corrective techniques and to assure the availability of appropriate facilities for them, the department shall plan with and offer a recommended program of coordination among existing public and private institutions for the development of specialized programs

of re-education, treatment and rehabilitation and shall establish and operate any additional facilities needed.

(b) Using actual costs of maintenance and service to juveniles as the basis of calculations, the department, in consultation with the training schools, shall establish rates of care to be charged by the training schools to the counties and to the departments of public welfare of cities of the first class.

Section 725. Study of Delinquents; Recommendations to Courts.—The department shall have the power, and its duty shall be:

(1) To establish and administer a program designed to assist the juvenile courts and other public and private agencies, on their request, in the diagnosis and study of juvenile delinquents and of children with mental or ¹behavioral problems, and to recommend to them the most appropriate disposition for the rehabilitation and treatment of such children; this program shall be based on review of local studies of the children but when local studies indicate the need, or when it is requested, may include residential study of the children in centers which the department is hereby authorized to establish and operate.

(2) To accept custody of children committed by the juvenile courts for study, and on the basis of its review of local studies of each child and any additional residential studies as are deemed necessary, to recommend to the court that the child be placed in an appropriate public or voluntary institution, or to recommend any other placement or treatment which may be indicated. The department may recommend that the court transfer any child from one type of care to another or return him to his home for trial periods. Notice of any transfer shall be sent by the department promptly to the parents, guardian or nearest relative of the child. The department may also recommend the discharge of a child from its custody but any decision with respect thereto shall remain the sole responsibility of the committing court.

(c) Interstate Compact on Juveniles

Section 731. Authorization; Compact Provisions.—The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any other state or states legally joining therein in form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I

Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact

¹ "behavior" in original.

is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be ¹ guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

Definitions

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner

¹ "giuded" in original.

and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letter of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find

that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ¹ninety (90) days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach

¹ "ninety" not in original.

of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person, and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ¹ninety (90) days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if

¹ "ninety" not in original.

he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authori-

ties of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact without interference.

(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the

receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

Responsibility for Costs

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b), or VII (d) of this compact.

ARTICLE IX

Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI

Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII

Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII

Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV

Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

ARTICLE XV

Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect

as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XVI

Additional Remedies

That this article shall provide additional remedies and shall be binding only as among and between those party states which specifically execute the same. For the purposes of this article, "child" as used herein means any minor within the jurisdictional age limits of any court in the home state. When any child is brought before a court of a state of which such child is not a resident and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall, within five days, authorize the return of such child to the home state and to the parent or custodial agency legally authorized to accept such custody in such home state and at the expense of such home state to be paid from such funds as such home state may procure, designate or provide, prompt action being of the essence.

Section 732. Compact Administrator.—Pursuant to said compact, the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve, subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this Commonwealth and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this Commonwealth thereunder.

Section 733. Supplementary Agreements.—The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this Commonwealth or require or contemplate the provision of any service by this Commonwealth, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 734. Discharge of Financial Obligations.—The compact administrator, subject to the approval of the Auditor General, may make or arrange for any payments necessary to discharge any finan-

cial obligations imposed upon this Commonwealth by the compact or by any supplementary agreement entered into thereunder.

Section 735. Enforcement of Compact.—The courts, departments, agencies and officers of this Commonwealth and its political subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdiction.

(d) Placement of Nonresident Children

Section 741. Department Consent Required.—It shall be unlawful for any person, corporation, association, or institution to bring or send, or cause to be brought or sent, into the State of Pennsylvania, any dependent or delinquent or defective child, for the purpose of placing such child in any home in Pennsylvania, or procuring the placing of such child in any home in Pennsylvania, by indenture, adoption, or otherwise, or to abandon such child after being brought or sent into the State of Pennsylvania, without first obtaining the written consent of the department and conforming to this sub-article and to the rules and regulations of the department consistent herewith as the department may from time to time prescribe. Authority is hereby given to the department to make such rules and regulations as it shall deem best to carry out the provisions of this sub-article.

Section 742. Exemption.—The provisions of this sub-article shall not apply to a relative going to any other state and bringing a child into this State for the purpose of giving it a home in his own family, nor to the placing of a child in any institution in this State, provided the child is not removed therefrom and placed out in this State, except in accordance with the provisions of this sub-article.

Section 743. Indemnity Bond.—Such person, corporation, association, or institution, before bringing or sending, or causing to be brought or sent, any child subject to section 741 into this State, shall first give an indemnity bond in favor of the State of Pennsylvania, or to the agency the secretary may designate, or both, in the penal sum of one thousand dollars (\$1,000), to be approved by the department and such other guarantee to the department as it may require, conditioned as follows: That they will not send or bring or cause to be brought or sent, into this State, any child that is incorrigible, or one that is of unsound mind or body; that they will, at once, upon the placement of such child, report to the department its name and age, and the name and residence of the person with whom it is placed; that if any such child shall, before it reaches the age of twenty-one years, become a public charge, they will, within thirty days after written notice shall have been given them of such fact by the department remove such child from the State; and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned, within three years from the time of its arrival within the State, such person, corporation, association, or institution will remove from the State such child, immediately upon its being released from such imprisonment; and upon failure, after thirty days' notice and demand

to remove any such child who shall have either become a public charge as aforesaid, or who shall have been convicted as aforementioned; in either event, such person, corporation, association, or institution shall at once and thereby forfeit the sum of one thousand dollars (\$1,000) as a penalty therefor, to be recovered upon such bond by a suit in the name of the State of Pennsylvania, which sums or any part thereof collected by the State may be assigned by the secretary to the agency designated by the secretary to place the child elsewhere and, if the bond is given in the name of an agency other than the State of Pennsylvania, the agency may proceed to accomplish forfeiture of the entire sum, or part thereof, and collect the entire sum, or part thereof, under the terms of the bond and utilize the funds forfeited or collected to place the child elsewhere; that they will place or cause to be placed each of such dependent children under written contract, which will secure to such child a proper home, and will make the person so receiving such child responsible for its proper care, education, and training; that they will properly supervise the care and training of each such children, and that each of such children shall be visited, at least twice a year, by a responsible agent of the person, corporation, association, or institution so placing or causing to be placed such child as herein provided; that they will make, to the said department, such reports of their work as the department, from time to time, may require.

Section 744. Regulations; Supervision.—The department shall have general supervision and management of all matters contained in this sub-article; and may make such other and further rules and regulations, not inconsistent herewith, as it may deem necessary for the proper placing out, adoption, removal, and supervision of such children, and for the rejection of incorrigible or unsound children, and for the removal of children convicted of crimes or misdemeanors, or who may become public charges.

Section 745. Violation; Penalty.—Any person, corporation, association, or institution, or any officer or agent thereof, herein described, who shall violate any of the provisions of this sub-article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100).

ARTICLE VIII

THE BLIND AND VISUALLY HANDICAPPED

Section 801. Departmental Powers and Duties.—The department shall have the power and its duties shall be:

(1) To collect, systematize and transmit to other agencies relevant information in regard to blind and visually handicapped persons in this Commonwealth on which programs for the improvement of their condition can be based;

(2) To formulate general policy and to devise and conduct programs for the prevention of blindness;

(3) To provide, or to purchase, medical and surgical care and other

necessary services or aids to vision for needy blind or visually handicapped persons when such care and aids are not otherwise available; provided that the total cost thereof shall not exceed one thousand dollars (\$1,000) per person during any period of eighteen months;

(4) To teach necessary skills and crafts having remunerative or therapeutic values to the adult blind in their own homes;

(5) To furnish complete vocational rehabilitation services to the blind or visually handicapped in conformity with Federal regulations; provided that the department may establish and operate, or may provide the means for nonprofit corporations to establish and operate, workshops and other rehabilitation facilities and may promulgate rules and regulations for the conduct of such workshops and facilities;

(6) To provide special services for children excluded from school because of handicaps in addition to visual disability;

(7) To conduct a business enterprise program for the blind under the law of the Commonwealth of Pennsylvania relating thereto.

Section 802. Business Enterprises; Revolving Fund.—There is hereby created in the State Treasury a revolving fund to be designated as the "Employment Fund for the Blind," which shall be used by the department in carrying out the purposes specified in this article. All moneys in said fund from time to time are hereby appropriated to the department for such purposes, and shall be paid without further appropriations under requisition and warrant drawn on the State Treasurer in the usual manner.

Section 803. Business Enterprises; Equipment; Leases; Repayment.—The department is hereby authorized to purchase, own, install, maintain, license and lease equipment, accessories and vending machines to be used for suitable business enterprises for or on behalf of the blind and to advance to deserving blind persons out of moneys in the employment fund for the blind, such reasonable amounts as may be considered proper to enable such blind persons to purchase the merchandise, equipment, stock and accessories necessary to put into operation a vending or refreshment stand or other suitable business enterprises in some suitable location to be leased or arranged for by the department. Pennsylvania blind veterans of the world wars shall be given first preference for locations established, in accordance with the provisions of the Federal Randolph-Sheppard Act (20 U. S. C. A. Sec. 107, et seq.), and the rules and regulations pursuant thereto.

Such business enterprises shall be approved by the department and supervised periodically by the department.

The leases or permits for the installation and operation of any such stands or other suitable business enterprises shall be secured by the department in its own name.

Any moneys advanced to a blind person under the authority of this act shall be repaid by such person in monthly installments, which shall in no case be less than two percent of the gross monthly sales made at the stand or business in question.

Equipment and accessories purchased, owned, installed and main-

tained by the department may be leased to deserving blind persons for an amount not to exceed four percent of the gross monthly sales, except in those locations in which the gross monthly sales do not exceed one thousand dollars (\$1,000). Such rental in these locations shall not exceed one percent of the gross monthly sales. The department shall periodically regulate the rental fees charged to such blind persons in accordance with the regulations to be adopted by it, in such a manner as to achieve approximate equality of opportunity to such blind persons, and to assure that the fund shall at no time exceed one hundred fifty thousand dollars (\$150,000). The department shall transmit all such repayments and rental fees into the State Treasury, where they shall be credited to the Employment Fund for the Blind.

The department is authorized to receive and transmit to the State Treasury for credit to the Employment Fund for the Blind, all moneys heretofore or hereafter received by the Commonwealth on account of contracts between the Commonwealth, acting through the Department of Property and Supplies and vending machine owners, whereby the Commonwealth is to receive a percentage of the profits from vending machines operated in State buildings.

Section 804. Business Enterprises; Regulations; Grants and Contributions.—The department is hereby authorized to take any action and to adopt suitable rules and regulations necessary to facilitate the operation of this act, and in furtherance of those objectives to accept any grants or contributions from the Federal government or any agency thereof. Any such grants or contributions shall be held by the State Treasurer as custodian for the department, and shall be paid out on requisition of the department without further appropriation.

ARTICLE IX DEPARTMENTAL POWERS AND DUTIES AS TO SUPERVISION

Section 901. Definitions.—As used in this article—

“Children’s institutions” means any incorporated or unincorporated organization, society, corporation or agency, public or private, which may receive or care for children, or place them in foster family homes, either at board, wages or free; or any individual who, for hire, gain or reward, receives for care a child, unless he is related to such child by blood or marriage within the second degree; or any individual, not in the regular employ of the court or of an organization, society, association or agency, duly certified by the department, who in any manner becomes a party to the placing of children in foster homes, unless he is related to such children by blood or marriage within the second degree, or is the duly appointed guardian thereof.

“Institution for adults” means any incorporated or unincorporated public or private organization, society or association including any agency of a county, county institution district or municipality which provides for food, shelter and some service to adults, or which provides rehabilitation, training, guidance or counselling to the blind or

visually handicapped, or to the physically or mentally handicapped, including but limited to the following: homes for the aged and infirm, nursing homes, convalescent homes, placement agencies for adults, general and special hospitals and institutions for mentally ill and defective adults, rehabilitation centers having living-in arrangements, workshops and facilities for the rehabilitation of the visually, mentally or physically handicapped, and all organizations for the prevention of blindness.

“Maternity home and hospital” means any house, home or place in which, within a period of six months, any person receives for care or treatment during pregnancy, or during or immediately after parturition, more than one woman, except women related to such person by blood or marriage within the second degree.

“State institutions”¹ mean and² include all hospitals for the mentally ill, or any other institutions for mentally retarded or epileptic persons, or for juvenile delinquents and dependents, and charitable institutions, within this Commonwealth, maintained in whole by the Commonwealth, and whose boards of trustees are departmental administrative boards within the department.

“Supervised institution” means any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth, either directly or indirectly, and to which the Governor does not appoint any member of the board of inspectors, managers, trustees or directors; all houses or places within the Commonwealth in which any person of unsound mind is detained, whenever the occupant or owner of the house, or person having charge of such person of unsound mind, receives any compensation for custody, control or attendance, other than as an attendant or nurse; and also all institutions, houses, or places, in which more than one such person is detained, with or without compensation paid for custody or attendance; all children’s institutions and maternity homes and hospitals within the Commonwealth; all homes or hospitals for crippled children within the Commonwealth, except the State Hospital for Crippled Children; all hospitals, almshouses, or poorhouses, maintained by any county, city, borough, township or poor district of this Commonwealth; and all institutions, associations and societies within this Commonwealth into whose care the custody of delinquent, dependent or neglected children may be committed, and all houses and places maintained by such institutions, associations or societies in which such children may be kept or detained.

Section 902. Supervisory Powers.—The department shall have supervision over:

- (1) All State institutions;
- (2) All supervised institutions;
- (3) All children’s institutions within this Commonwealth;
- (4) All maternity homes and hospitals within this Commonwealth;

¹ “means” in original.

² “includes” in original.

(5) Any labor or system of labor carried on in the penal, correctional or reformatory institutions of the State;

(6) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood, or other casualty, and constituting a menace to public safety and welfare;

(7) All boarding homes for children which have been licensed by the State;

(8) All institutions for adults within this Commonwealth.

Section 911. Visitation and Inspection.—(a) The department shall have the power, and its duty shall be:

(1) To make and enforce rules and regulations for a visitation, examination and inspection of all supervised institutions.

(2) To visit and inspect, at least once in each year, all State and supervised institutions; to inquire and examine into their methods of instruction, discipline, detention, care or treatment, the care, treatment, government or management of their inmates or those committed thereto, or being detained, treated or residing therein, the official conduct of their inspectors, trustees, managers, directors or other officer or officers charged with their management by law or otherwise, or having the management, care, custody or control thereof, the buildings, grounds, premises, and equipment thereof, or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof, or those committed thereto or being detained, treated or residing therein.

(b) For these purposes, the secretary, or other officer, inspector or agent of the department, shall have free and full access to the grounds, premises, and buildings of and to all the records, books or papers of or relating to any such State or supervised institution, and full opportunity to interrogate or interview any inmate thereof, or any person or persons committed to or being detained, treated or residing therein, and all persons connected with any such State or supervised institution as officers, or charged with the management, thereof, by law or otherwise, or in any way having the care, custody, control, or management thereof, or connected therewith as employes, are hereby directed and required to give to the secretary, or to such officer, inspector or agent of the department, such means, facilities and opportunity for such visitation, examination, inquiry and interrogation, as is hereby provided and required, or as the department, by its duly ordained rules or regulations, may require.

(c) Whenever upon the visitation, examination, and inspection of any State or supervised institution, any condition is found to exist therein which, in the opinion of the department, is unlawful, unhygienic, or detrimental to the proper maintenance and discipline of such State or supervised institution, or to the proper maintenance, custody, safety, and welfare of the inmates thereof, or of the persons committed thereto, or being treated, detained or residing therein, to direct the officer or officers charged by law with or in any way having

or exercising the control, government, or management of such State or supervised institution, to correct the said objectionable condition in the manner and within the time specified by the department, whereupon it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers shall fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceeding to enforce compliance therewith, or the department may withhold any State money available for such institution until such officer or officers comply with such direction.

(d) To cause to be visited and examined any person found by an inquisition to be insane, and to authorize such visiting and examining by an officer or agent of the department, or any board of visitors, or by a physician, and to apply to the court having jurisdiction over the committee or guardian of such insane person, or to a judge of a court of common pleas of the county in which the insane person is a resident or detained, to make such orders for the maintenance, custody, or care of the insane person, and for the care and disposition of the property of the insane person as the case may require.

Section 916. Recommendations.—The department shall have the power, and its duty shall be, from time to time, to recommend and bring to the attention of the officers or other persons having the management of the State and supervised institutions such standards and methods as may be helpful in the government and administration of such institutions and for the betterment of the inmates therein, whereupon it shall be the duty of such officers or other persons to adopt and put into practice such standards and methods.

Section 921. Additional Provisions Respecting Certain Institutions; Purpose; Definitions; Standards; Inspection.—(a) The purpose of this section is to comply with Federal law and regulations, particularly the Social Security amendments of 1950, and to promote the public health, safety and welfare, by providing for the establishment, enforcement and application of standards for the safe and adequate care of individuals in institutions herein defined.

It is not the purpose of this section to authorize the duplication of the work of any State department heretofore, now or hereafter charged with responsibilities and authority with reference to standards herein authorized. To prevent such duplication, the department may call upon any other department, board or commission of the Commonwealth of Pennsylvania to cooperate with it in the performance of its duties and responsibilities hereunder.

(b) As used in this section, "institution" means an establishment which furnishes (in single or multiple facilities) food and shelter to three or more persons unrelated to the proprietor, and which provides some care or service which meet some need beyond the basic provisions of food, shelter and laundry. The term "institution" shall include, but not be limited to, homes for the aged and infirm, nursing homes, convalescent homes, rehabilitation centers providing living-in

facilities, boarding homes for adults which provide personal care and services, hospitals, and infirmaries providing living-in arrangements.

(c) The department shall establish standards for the safe and adequate care of individuals, not inconsistent with the laws of this Commonwealth and the rules and regulations of the various departments of the Commonwealth, for all such institutions within this Commonwealth, which standards shall make adequate and proper provisions for (i) fire protection, (ii) water supply and sewage disposal, (iii) sanitation, (iv) lighting and heating, (v) ventilation, (vi) safety, (vii) equipment, (viii) bed space, (ix) keeping of records of identification of residents in the institution and their next of kin, of medical care provided and all pertinent admission and discharge data, and (x) humane care.

In the establishment, amendment or revocation of standards, the department shall confer with an advisory committee of not less than seven or more than eleven persons, to be appointed by the secretary with the consent of the Governor, from representatives of recognized agencies and religious organizations conducting institutions and from the public at large. The secretary or someone designated by him shall be the chairman of the advisory committee.

(d) The department shall be responsible for the maintenance of the standards herein provided; and for that purpose the department or its duly authorized representative shall have free and full access to the premises and records mentioned in subsection (c) of this section of any such institution and full opportunity to interrogate or interview any officer, employe or resident thereof.

The department shall also be responsible for the coordination and cooperation in the application of these standards where any other department, board or commission of the Commonwealth of Pennsylvania may be charged either by law or by regulation with the enforcement of any standards herein authorized; and where any department, board or commission of the Commonwealth of Pennsylvania is charged with responsibilities relative to the enforcement of standards. The department may ask for, and such other department, board or commission shall furnish it with, the proper reports and information in order that the department may be satisfied that the standards are being observed.

When the department calls to the attention of any other department, board or commission of the State government any failure to comply with the standards herein set forth, such other department, board or commission of the Commonwealth of Pennsylvania shall undertake the enforcement of the standards within their responsibility.

The department shall visit and inspect such institutions at least annually.

(e) Whenever the department shall upon inspection, investigation or complaint find any violation in any institution of rules or regulations adopted by the department, or any failure to establish, provide

or maintain standards and facilities required by this act or by the department, it shall give immediate written notice thereof, to the officer or officers charged by law with or in any way having or exercising the control, government or management of such institution, to correct the said objectionable condition in the manner and within the time specified by the department; whereupon, it shall be the duty of such officer or officers to comply with the direction of the department. If such officer or officers fail to comply with such direction, the department may request the Department of Justice to institute appropriate legal proceedings to enforce compliance therewith, and the department may withhold any State money available for such institution until such officer or officers comply with such direction.

Section 922. Reorganization Plan No. 5 of 1955.—Nothing in this act shall be construed to repeal or affect Reorganization Plan No. 5 of 1955.

ARTICLE X

DEPARTMENTAL POWERS AND DUTIES AS TO LICENSING

(a) Licensing Provisions

Section 1001. Definitions.—As used in this article—

“Adult day care” means care given for part of the twenty-four hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.

“Adult day care center” means any premises operated for profit, in which adult day care is simultaneously provided for four or more adults who are not relatives of the operator.

“Boarding home for children” means any premises operated for profit in which care is provided for a period exceeding twenty-four hours for any child or children under sixteen years of age, who are not relatives of the operator and who are not accompanied by parent, individual standing in loco parentis or legal guardian. The term shall not be construed to include any such premises selected for care of such child or children by a parent, individual standing in loco parentis or legal guardian for a period of thirty days or less, nor any such premises conducted under social service auspices.

“Child day care” means care in lieu of parental care given for part of the twenty-four hour day to children under sixteen years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services.

“Child day care center” means any premises operated for profit in which child day care is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices.

“Facility” means an adult day care center, child day care center, family day care home, boarding home for children, mental health establishment, personal care home for adults, nursing home, hospital or maternity home, as defined herein, and shall not include those

operated by the State or Federal governments or those supervised by the department.

“Family day care home” means any premises operated for profit in which child day care is provided simultaneously to more than three unrelated children and to fewer than seven children who are not relatives of the operator, except such homes operated under social service auspices.

“Hospital” means any premises, other than a mental health establishment as defined herein, operated for profit, having an organized medical staff and providing equipment and services primarily for in-patient care for two or more individuals who require definitive diagnosis and/or treatment for illness, injury or other disability or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic X-ray services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illnesses or conditions.

“Maternity home” means any premises operated for profit in which, within a period of six months, any person receives more than one woman or girl, not a relative of the operator, for care during pregnancy or immediately after delivery.

“Mental health establishment” means any premises or part thereof, private or public, for the care of individuals who require care because of mental illness, mental retardation or inebriety but shall not be deemed to include the private home of a person who is rendering such care to a relative.

“Nursing home” means any premises operated for profit in which nursing care and related medical or other health services are provided, for a period exceeding twenty-four hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

“Person” means any individual, partnership, association or corporation operating a facility.

“Personal care home for adults” means any premises operated for profit in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four hours for more than two adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self administration.

“Relative” means parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.

“Social service auspices” means any nonprofit agency regularly engaged in the affording of child or adult care.

Section 1002. Operation and Maintenance Without License Prohibited.—No person shall maintain, operate or conduct any facility, as

defined herein, without having a license ¹ therefor issued by the department.

Section 1003. Application for License.—Any person desiring to secure a license for maintaining, operating and conducting a facility shall submit an application therefor to the department upon forms prepared and furnished by the department, together with such other information as the department shall require. Application for annual renewal of license shall be made in the same manner as application for original licensure.

Section 1006. Fees.—Annual licenses shall be issued when the proper fee, if required, is received by the department and all the other conditions prescribed by this act are met. The fees shall be:

Facility	Annual License Fee
Adult day care center	\$ 15
Mental health establishment	50
Personal care home	10
Hospital	100
Nursing home—under 30 beds	15
—over 30 but under 50 beds	25
—50 but under 100 beds	50
—100 or more beds	75
Maternity home	15

No fee shall be required for the annual license in the case of day care centers, family day care homes, boarding homes for children or for public or nonprofit mental institutions.

Section 1007. Issuance of License.—When, after investigation, the department is satisfied that the applicant or applicants for a license are responsible persons, that the place to be used as a facility is suitable for the purpose, is appropriately equipped and that the applicant or applicants and the place to be used as a facility meet all the requirements of this act and of the applicable statutes, ordinances and regulations, it shall issue a license and shall keep a record thereof and of the application.

Section 1008. Provisional License.—When there has been substantial but not complete compliance with all the applicable statutes, ordinances and regulations and when the applicant has taken appropriate steps to correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed three times. Upon full compliance, a regular license shall be issued immediately.

Section 1009. Term and content of License.—All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable, shall be issued only to the person for the premises and for the facility named in the application and shall specify the maximum number of individuals who may be cared

¹ "therefore" in original.

for in the facility at any one time. The license shall at all times be posted in a conspicuous place on the applicant's premises.

Section 1016. Right to Enter and Inspect.—For the purpose of determining the suitability of the applicants and of the premises or the continuing conformity of the licensees to this act and to the applicable regulations of the department, any authorized agent of the department shall have the right to enter, visit and inspect any facility licensed or requiring a license under this act and shall have full and free access to the records of the facility and to the individuals therein and full opportunity to interview, inspect or examine such individuals.

An authorized agent of the department shall also confer with the operators of facilities regarding the minimum standards of the department, encourage the adoption of higher standards and recommend methods of improving care and services.

Section 1018. Records.—Every person licensed under this act to maintain, operate and conduct a facility shall keep such records and make such reports as are required by the department.

Section 1021. Regulations.—The department is hereby authorized and empowered to adopt regulations establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses.

Section 1026. Refusal to Issue License; Revocation; Notice.—(a) Whenever the department, upon inspection or investigation, shall learn of violation of this act or of regulations adopted by the department pursuant to this act, it shall give written notice thereof to the offending person. Such notice shall require the offending person to take action to bring the facility into compliance with this act or with the relevant regulations within a specified time.

(b) The department shall refuse to issue a license or shall revoke a license for any of the following reasons:

(1) Violation of or non-compliance with the provisions of this act or of regulations pursuant thereto;

(2) Fraud or deceit in obtaining or attempting to obtain a license;

(3) Lending, borrowing or using the license of another, or in any way knowingly aiding or abetting the improper granting of a license;

(4) Gross incompetence, negligence or misconduct in operating the facility;

(5) Mistreating or abusing individuals cared for in the facility.

(c) Whenever the department revokes or refuses to issue a license, it shall give written notice thereof by certified mail. Such notice shall specify the reason for the refusal or revocation.

Section 1031. Violation; Penalty.—Any person operating a facility within this Commonwealth without a license required by this act, shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), and costs of prosecution, and in default of the payment thereof to undergo imprisonment for not less than ten days

nor more than thirty days. Each day of operating a facility without a license required by this act shall constitute a separate offense.

(b) Injunctions Against Unlicensed Activities; Procedures

Section 1051. Definition.—As used in this subarticle—

“Private institution” means any of the following facilities by whatever term known and irrespective of the age group served: Mental hospital, institution for the mentally defective, day care center, family day care home, nursing home, hospital, boarding home, personal care home, and other similar institution which is operated for profit and which requires a license issued by the department.

Section 1052. Actions Against Unlicensed Institutions.—Whenever a license is required by law for the establishment, operation or conduct of a private institution, the department responsible for issuing such license, upon advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting any person from establishing, conducting or operating any private institution during any period after a license to engage in such activity has been refused, has not been renewed or has been revoked by the department.

Section 1053. Actions Against Violations of Law and Rules and Regulations.—Whenever any person, regardless of whether such person is a licensee, has violated the laws of this Commonwealth pertaining to the licensing of a private institution or the rules and regulations adopted pursuant to such laws by the department, the department, upon the advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting such person from engaging in such activity.

Section 1054. Venue.—An action authorized under the provisions of this subarticle shall be instituted in the court of common pleas in the county where the alleged unauthorized activity is committed.

Section 1055. Injunction or Restraining Order When Appeal is Pending.—Whenever the department shall have refused to grant or renew a license, or shall have revoked a license required by law to operate or conduct a private institution, or shall have ordered the person to refrain from conduct violating the rules and regulations of the department and the person deeming himself aggrieved by such refusal or revocation or order shall have appealed the action of the department, the court may, during pendency of such appeal, issue a restraining order or injunction upon proof that the operation of the private institution or its failure to comply with the order of the department adversely affects the well-being and safety of the patients or inmates in the private institution.

Section 1056. Injunction or Restraining Order When No Appeal is Pending.—Should a person, who is refused a license or the renewal of a license to operate or conduct a private institution, or whose license to operate or conduct a private institution is revoked, or who has been ordered to refrain from conduct or activity which violates

the rules and regulations of the department, fail to appeal or should such appeal be decided finally favorably to the department, then the court shall issue a permanent injunction upon proof that the person is operating or conducting a private institution without a license as required by law, or has continued to violate the rules and regulations of the department.

Section 1057. Appeals.—Appeals from any final decision of a court of common pleas to the Superior or Supreme Court shall be as in similar cases.

Section 1058. Bonds and Costs.—No bond shall be required of and no costs shall be taxed against the department on account of any such action.

Section 1059. Law Supplementary.—The provisions of this sub-article shall be construed as supplementary to all other provisions dealing with the same subject matter. No action brought under the provisions of this subarticle shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation of any law providing for licensing or departmental rules or regulations promulgated thereunder.

ARTICLE XI

MENTAL HEALTH: DEPARTMENTAL POWERS AND DUTIES; COMMISSIONER OF MENTAL HEALTH; INTERSTATE COMPACT; RECIPROCAL AGREEMENTS; RESEARCH FOUNDATION

(a) Departmental Powers and Duties; Commissioner of Mental Health

Section 1101. Mental Health: Departmental Powers and Duties.—The department shall have the power, and its duty shall be:

(1) To administer and enforce the laws of this Commonwealth relative to mental health, the care, prevention, early recognition and treatment of mental illness, mental defects, epilepsy and inebriety, the licensing and regulation of institutions for the mentally ill, mentally defective and epileptic, the admission and commitment of patients to such institutions and the transfer, discharge, escape, interstate rendition and deportation of such patients.

(2) Subject to any inconsistent provisions in this act contained, approve or disapprove the advice and recommendations of the several boards of trustees of State mental institutions other than the Board of Trustees of the Eastern Pennsylvania Psychiatric Institute.

(3) To establish and administer a program designed to assist the juvenile courts and other public and private agencies, on their request, in the diagnosis and study of children with mental or ¹behavioral problems, and to recommend to them the most appropriate disposition for the rehabilitation and treatment of such children; this program shall be based on review of local studies of the children but when local studies indicate the need, or when it is requested, may include

¹ "behavior" in original.

residential study of the children in centers which the department is hereby authorized to establish and operate.

Section 1111. Commissioner of Mental Health.—The secretary shall appoint, with the approval of the Governor, a deputy secretary who shall have the title of Commissioner of Mental Health and who shall be a psychiatrist with at least seven years' training and experience in the care of patients. The Commissioner of Mental Health shall serve for a five year term and shall be eligible for reappointment. The Commissioner of Mental Health, with the approval of the secretary, shall develop plans and programs and make recommendations with respect to the general policy of the Commonwealth's mental health program. He shall initiate, develop and, with the approval of the secretary, carry into effect plans and programs designed to prevent, treat and cure the mentally ill. He shall recommend to the secretary such professional and skilled personnel as may be necessary to carry out the plans and programs of the department in the field of mental health. He shall organize and institute intensive and specialized training of mental health personnel in order to qualify them for dealing with special problems presented by the criminal population and shall establish, operate and maintain, in the larger district offices of the Pennsylvania Board of Probation and Parole, units to provide psychological and psychiatric services to the Board of Parole and shall assign to these units trained personnel specialized in psychiatry and psychology. He shall recommend to the secretary the appointment of the superintendents of State mental institutions who in turn shall assign, appoint and dismiss personnel of the institutions.

(b) Interstate Compact on Mental Health

Section 1121. Authorization; Compact Provisions.—The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any other state or states legally joining therein in form substantially as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

ARTICLE I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action to the benefit of the patients, their families and society as a whole. Further the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that on the contrary the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

ARTICLE II

As used in this compact:

(1) "Sending states" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(2) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(3) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(4) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state for institutionalization or other care, treatment or supervision pursuant to the provisions of this compact.

(5) "After-care" shall mean care, treatment and services provided a patient as defined herein on convalescent status or conditional release.

(6) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare or the welfare of others or of the community.

(7) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs but shall not include mental illness as defined herein.

(8) "State" shall mean any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(9) "Court" shall mean the court of common pleas or other court of record having jurisdiction or law judge thereof of the county in which the patient is or resides.

ARTICLE III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state, irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the

provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient, furnished all available medical and other pertinent records concerning the patient, giving the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient, if said authorities so wish and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

ARTICLE IV

(a) Whenever pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care and treatment that it employs for similar local patients.

ARTICLE V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy ap-

prehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found, pending disposition in accordance with law.

ARTICLE VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact without interference.

ARTICLE VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state or between a party state and its subdivisions as to the payment of costs or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereto may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient or any statutory authority pursuant to which such agreements may be made.

ARTICLE VIII

(a) Nothing in this compact shall be construed to abridge, diminish or in any way impair the rights, duties and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall, upon being duly advised of the new appointment and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances: Provided, however, That in the case of any patient having

settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment. No mentally ill or mentally deficient patient shall be transferred between party states until consent has been obtained from the person legally responsible for the patient's maintenance.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

ARTICLE IX

(a) No provision of this compact, except Article V, shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

ARTICLE X

(a) Each party state shall appoint a "compact administrator" who on behalf of his state shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence and other documents relating to any patient processed under the compact by his state, either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as

to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

ARTICLE XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

ARTICLE XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs, or from any supplementary agreement made pursuant to Article XI, shall be in accordance with the terms of such agreement.

ARTICLE XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 1122. Compact Administrator.—Pursuant to said compact, the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this State thereunder.

Section 1123. Supplementary Agreements.—The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this State or require or contemplate provision of

any service by this State, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 1124. Financial Obligations.—The compact administrator, subject to the approval of the Auditor General, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the compact or by any supplementary agreement entered into thereunder.

Section 1125. Consultation with Families of Transferees.—The compact administrator is hereby directed to consult with the immediate family of any proposed transferee.

Section 1126. Limitation of Compact Applicability.—This compact shall apply only to patients who either are in institutions maintained by the Commonwealth of Pennsylvania, having been duly and properly committed or admitted pursuant to laws of the Commonwealth of Pennsylvania or whose admission to an institution maintained by the Commonwealth is being sought by a sending state pursuant to this compact, and shall not in any case apply to any patient of a private licensed institution.

(c) Reciprocal Agreements with Other States

Section 1131. Agreements Authorized.—The department, subject to the approval of the Attorney General, is hereby authorized to enter into reciprocal agreements with corresponding state agencies of other states regarding the interstate transportation or transfer of persons with mental illness or defect and to arrange with the proper officials in this State for the acceptance, transfer, and support of persons who are residents of this State but who are temporarily detained or who are receiving psychiatric or mental care in public institutions of other states in accordance with the terms of such agreements.

(d) Commonwealth Mental Health Research Foundation

Section 1141. Creation.—There is hereby created a body corporate and politic constituting a public corporation and governmental instrumentality known as the "Commonwealth Mental Health Research Foundation," referred to in this subarticle as the foundation. The foundation shall be administered exclusively in accordance with the provisions of this subarticle. The foundation is hereby constituted an instrumentality of the Commonwealth and the exercise by the foundation of powers and duties conferred upon it by this act shall be deemed and held to be an essential governmental function of the Commonwealth.

Section 1142. Purpose.—It shall be the purpose of the foundation to support, encourage and finance research of every nature and description in the field of mental health including all aspects thereof or related thereto and to train men in the field of mental health including all aspects thereof or related thereto.

Section 1143. Powers and Duties.—The foundation shall have the following powers and duties:

(1) It shall maintain a principal office at such place as shall be designated by the secretary.

(2) It may contract and be contracted within its own name.

(3) It may sue and be sued in its own name, and plead and be impleaded. Any and all actions at law or in equity against it shall be brought only in Dauphin County.

(4) It shall have an official seal.

(5) It shall make necessary bylaws, rules and regulations for the management and regulation of its affairs.

(6) It shall have the power and authority to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.

(7) It may make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.

(8) It may employ such employes as may, in the judgment of the board of trustees, be necessary and to fix their compensation.

(9) It shall not be required to pay any taxes or assessments on any property acquired or used by it.

Section 1144. Board of Trustees.—(a) The foundation shall be administered by a board of fifteen trustees consisting of the Governor, the secretary, the Commissioner of Mental Health and twelve trustees appointed by the Governor for terms of three years each and until their respective successors shall be duly appointed and qualified. Of the original appointed trustees the terms of three shall expire on December 31, 1957, the terms of three shall expire on December 31, 1958, and the terms of three shall expire on December 31, 1959. Of the three additional appointed trustees, the term of one shall expire December 31, 1964, the term of one shall expire December 31, 1965, and the term of one shall expire December 31, 1966. Any trustee may be reappointed. Any person appointed to fill a vacancy shall serve for the unexpired term.

(b) The members of the board shall not be entitled to any compensation for their services as members.

(c) Eight members of the board shall constitute a quorum and any action taken by a majority of a quorum present at a duly convened meeting of the board shall be the legal action of the board.

(d) The secretary shall be the chairman of the board and the foundation shall have such other officers as the board deems necessary.

(e) The board shall meet regularly at least three times each year and specially upon the call of the chairman.

Section 1145. Research Advisory Committee.—The secretary shall appoint a Research Advisory Committee of nine members, one of whom shall be the Commissioner of Mental Health, who shall be its chairman. In appointing such committee, the secretary shall select one representative from each of the following six medical schools, colleges or mental institutions having an active research department: The School of Medicine of Temple University, the School of Medicine of

the University of Pennsylvania, the Pennsylvania State University, the School of Medicine of the University of Pittsburgh, the Eastern Pennsylvania Psychiatric Institute and Carnegie Institute of Technology. The Research Advisory Committee, subject to approval of the board, shall choose and supervise the projects to be undertaken by the foundation. The members of the Research Advisory Committee shall not be entitled to any compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. The programs of research and of training men in the field of mental health shall be carried out only in Commonwealth institutions under the jurisdiction of the department. This section shall not be construed to prevent ancillary research or training outside of these institutions so long as the primary program in connection with which the ancillary research or training is undertaken is conducted within a Commonwealth institution.

Section 1146. Administration.—(a) The board of trustees shall have sole and exclusive jurisdiction to administer the foundation and no other department, board or officer of the Commonwealth shall have any jurisdiction whatsoever in connection therewith except as set forth in this subarticle. No appropriation made to the foundation shall be available unless and until it shall have complied with section 604 of The Administrative Code of 1929 in the same manner as if it were an administrative department, board or commission.

(b) All moneys belonging to the foundation shall be invested in securities or deposited with depositories subject to the same restrictions as are imposed by law upon the investment or deposit of Commonwealth funds, except that any donor of money or other property may specify that such donation shall be held in the form in which acquired by the board or that such donation shall be invested in or converted into some other specific property or class of investment. So long as the board complies with the instructions of the donor in this regard, it shall be relieved of all liability which may result from the imprudent investment of such moneys.

(c) The board of trustees shall have general supervisory powers and responsibility for the propriety of all expenditures by the foundation. All payments for the general cost of administration of the foundation in excess of three hundred dollars (\$300) shall be made only with the prior approval of the board. All payments for research and training made by the foundation in excess of three hundred dollars (\$300) shall be made only with the prior approval of the board which shall not approve any such expenditure until it has first been approved by the Research Advisory Committee. The board shall have the right to approve a future series of payments at one time so long as the specific purpose therefor is known at the time of approval.

(d) The board shall set up a system for the payment of all sums less than three hundred dollars (\$300) upon the approval of a responsible executive officer of the foundation. Such system shall contain

adequate checks so as to insure that no moneys are improperly diverted from the foundation.

(e) There shall be maintained by the foundation an adequate set of financial books and records in accordance with generally accepted accounting theory and practice.

(f) The financial books and records of the foundation shall be audited at least once each year by a certified public accountant or firm of certified public accountants who shall report to the board. Such report shall be a public record and a copy thereof shall be furnished to each trustee, the Governor, the secretary, the Attorney General and to such other persons who request copies from the foundation, for which other copies a charge adequate to cover printing and other related costs may be made.

(g) The fiscal year of the foundation shall commence on July 1, and end on the following June 30.

(h) The Attorney General and the secretary shall each have the right to examine all phases of the operations of the foundation, including all of its books and records, at such time and in such manner as they or either of them shall deem necessary.

Section 1147. Gifts and Grants.—The foundation is hereby authorized to accept gifts or grants of money or property of any nature from any source whatsoever. Such gifts and grants may be accepted for the general purposes of the foundation, for specific purposes within the general purposes of the foundation or to be held in trust for the benefit of the foundation with the income to be used for a specific purpose within the general purposes of the foundation or for the general purposes of the foundation.

Section 1148. Patents.—All discoveries and patentable inventions resulting from the work of the foundation, or of any employe or person granted financial aid by the foundation, shall become the property of the foundation by assignment or other transfer from the discoverer or inventor. Each employe of the foundation or other person granted financial aid by the foundation shall be required to sign an agreement agreeing to assign and transfer to the foundation all of his right, title and interest in any development or patent acquired as a result of such employment or receipt of financial aid before being employed or granted such aid. All royalties or other income received from the use of any such patents or discoveries shall be paid to the foundation to be used for its general purposes.

ARTICLE XII
RESERVED

ARTICLE XIII
RESERVED

ARTICLE XIV
RESERVED

ARTICLE XV

REPEALS; EFFECTIVE DATE

Section 1501. Specific Repeals.—The following acts and parts of

acts and all amendments thereof are repealed to the extent specified:

(1) The act of April 8, 1862 (P. L. 318), entitled "Supplement to the act incorporating the House of Refuge of Western Pennsylvania, approved twenty-second April, one thousand eight hundred and fifty," absolutely.

(2) The act of April 11, 1862 (P. L. 425), entitled, "A further supplement to an act to incorporate an Association for the establishment of a House of Refuge for Western Pennsylvania, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty," absolutely.

(3) Section 3 of the act of June 9, 1911 (P. L. 855), entitled, "An act authorizing the establishment and maintenance of psychopathic wards in certain hospitals; providing for the regulation thereof, the commitment of persons suffering with mental disorders to such wards, and for the payment of the expenses of maintaining and treating persons committed thereto," absolutely.

(4) The act of July 11, 1917 (P. L. 769), entitled, "An act to regulate the importation into the State of Pennsylvania of dependent, delinquent, or defective children; and providing a penalty for the violation thereof," absolutely.

(5) Sections 2302, 2303, 2304, 2305.1, 2306, 2307, 2310, 2310.1, 2310.2, 2310.3, 2310.4, 2313.3, 2314, 2315, 2315.1, 2315.2, 2315.3, 2315.4, 2316, 2318, 2320.1, 2322, 2323, 2324, 2325, 2329, 2330, 2331, and 2332 of the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," absolutely.

(6) The act of April 18, 1935 (P. L. 48), entitled, "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," absolutely.

(7) The act of June 24, 1937 (P. L. 2051), known as the "Public Assistance Law," absolutely.

(8) Sections 2 and 3 of the act of June 19, 1939 (P. L. 434), entitled, "An act to regulate the acquiring of a legal settlement in this Commonwealth by any person now or hereafter confined in any public institution outside of the Commonwealth," absolutely.

(9) The act of June 19, 1939 (P. L. 438), entitled, "An act declaring certain restricted State hospitals to be general hospitals, and, within the limitations of their individual facilities, open for the treatment of patients and cases which other general hospitals may treat," absolutely.

(10) The act of April 23, 1941 (P. L. 20), entitled "An act concerning reciprocal agreements for the interstate transportation and the support of poor and indigent persons and to make uniform the law with reference thereto," absolutely.

(11) The act of June 3, 1943 (P. L. 847), entitled, as amended, "An act creating a revolving fund in the State Treasury to be used by the Department of Public Welfare, to purchase, own, install, maintain and

lease equipment and accessories for suitable business enterprises for the blind and for making advancements to blind persons for the purchase of merchandise, stock, equipment and accessories necessary to operate vending or refreshment stands or other suitable business enterprises in locations leased or arranged for by the Department of Public Welfare; providing for the payment for the lease of such equipment and accessories and for repayment of such advancements; authorizing the Department of Public Welfare to adopt rules and regulations and accept Federal funds," absolutely.

(12) The act of May 2, 1949 (P. L. 889), entitled, "An act regulating the use of gifts and donations to State hospitals; prohibiting the withholding of allocations of money to such hospitals for certain purposes and imposing duties on the Department of Welfare," absolutely.

(13) The act of September 26, 1951 (P. L. 1532), entitled, "An act providing for the commitment and transfer of certain female juvenile delinquents to the Pennsylvania Training School for Girls or to certain other institutions, and imposing duties on the courts of this Commonwealth and the Department of Welfare relative thereto," absolutely.

(14) The act of June 29, 1953 (P. L. 300), entitled, "An act providing for compliance with Federal law and the approval of certain institutions; providing for inspections of such institutions; conferring powers and imposing duties on the Department of Welfare; and imposing penalties," absolutely.

(15) The act of October 22, 1955 (P. L. 725), entitled, "An act relating to reciprocal agreements for the interstate transportation and support of the mentally ill," absolutely.

(16) The act of January 26, 1956 (P. L. 955), entitled, "An act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning juveniles and for related purposes," absolutely.

(17) The act of May 21, 1956 (P. L. 1642), known as the "Commonwealth Mental Health Research Foundation Act," absolutely.

(18) The act of May 29, 1956 (P. L. 1803), entitled, as amended, "An act providing for the establishment of forestry conservation camps by the Department of Forests and Waters for the development and conservation of the forests of this Commonwealth and for the rehabilitation and training of male youth; giving additional powers to the Department of Public Welfare; and making an appropriation," absolutely.

(19) The act of July 15, 1957 (P. L. 946), entitled, "An act providing for the selection of suitable lands throughout the Commonwealth for the erection thereon of new mental outpatient clinics," absolutely.

(20) Sections 1, 3, 4, 5, 5.1, 5.2, 5.3 and 6 of the act of November 21, 1959 (P. L. 1579), entitled, "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire, purchase or lease certain institutions for use by the Department of Public Welfare as youth development centers; giving additional

powers to the Department of Public Welfare in connection with youth development centers; providing for reimbursement by counties for expenses of minors committed to youth development centers; and making appropriations," absolutely.

(21) The act of July 25, 1961 (P. L. 860), entitled, "An act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes," absolutely.

(22) The act of August 8, 1963 (P. L. 595), entitled, "An act relating to private institutions licensed by the Department of Public Welfare or Department of Health; providing remedies against persons operating without a license or violating the laws or rules or regulations made thereunder; and prescribing procedures to be followed," in so far as it applies to the Department of Public Welfare.

(23) The act of August 26, 1965 (P. L. 400), entitled "An act relating to pensions, nursing home care and medical and other health care for the blind; prescribing powers and duties of the Department of Public Welfare in connection therewith, and prescribing penalties," absolutely.

(24) The act of February 2, 1966 (P. L. 1881), entitled "An act providing for the licensure and regulation of certain homes, hospitals and day care centers; prescribing powers and duties of the Department of Public Welfare, imposing license fees and providing penalties," absolutely.

Section 1502. General Repeal.—All other acts and parts of acts, general, local and special, are repealed in so far as they are inconsistent herewith.

Section 1503. This act shall take effect immediately.

APPROVED—The 13th day of June, A. D. 1967.

RAYMOND P. SHAFER

No. 22

AN ACT

SB 160

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," revising the prohibition against sifting or leaking loads.

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

Section 1. Section 831, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended to read: