
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 458 Session of
2011

INTRODUCED BY DINNIMAN, GREENLEAF, BREWSTER, COSTA, ERICKSON,
FONTANA, RAFFERTY, STACK, TARTAGLIONE AND VANCE,
FEBRUARY 9, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 9, 2011

AN ACT

1 Amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96,
2 No.6), entitled "An act relating to mental health and mental
3 retardation; authorizing county programs and amending,
4 revising and changing the laws relating thereto and making an
5 appropriation," updating and modernizing certain terminology.

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

8 Section 1. The title of the act of October 20, 1966 (3rd
9 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental
10 Retardation Act of 1966, is amended to read:

11 AN ACT

12 Relating to mental health and [mental retardation] intellectual
13 disability; authorizing county programs and amending,
14 revising and changing the laws relating thereto and making an
15 appropriation.

16 Section 2. Sections 101, 102, 201, 202, 301, 302, 303, 304,
17 305, 401 and 404 of the act are amended to read:

18 Section 101. Short Title.--This act shall be known and may
19 be cited as the "Mental Health and [Mental Retardation]

1 Intellectual Disability Act of 1966."

2 Section 102. Definitions.--As used in this act:

3 "Administrator" means the person appointed to carry out the
4 duties specified in section 305 of this act.

5 "Aftercare" means services rendered to a person after his
6 release from a facility, designed to assist such person in
7 establishing and maintaining himself as a member of society,
8 including foster home placement, home visiting, observation,
9 halfway houses and outpatient care.

10 "Attorney for the Commonwealth" means district attorney, the
11 Attorney General, or any attorney representing the interests of
12 the Commonwealth.

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

19 "County" means a county, or a first class city.

20 "County program" means a mental health and [mental
21 retardation] intellectual disability program established by a
22 county, or two or more counties acting in concert and includes a
23 complex of services providing a continuum of care in the
24 community for the mentally disabled.

25 "Department" means the Department of Public Welfare.

26 "Designated facility" means a State operated facility named
27 by the department, or other facility named by the administrator,
28 for certain purposes or as a place of reception.

29 "Director" means the administrative head of a facility and
30 includes superintendents.

1 "Facility" means any mental health establishment, hospital,
2 clinic, institution, center, day care center or other
3 organizational unit, or part thereof, which is devoted primarily
4 to the diagnosis, treatment, care, rehabilitation or detention
5 of mentally disabled persons.

6 "Inpatient services" means diagnosis, evaluation,
7 classification, care, treatment or rehabilitation rendered to a
8 mentally disabled person admitted or committed to a facility for
9 a continuous period of twenty-four hours, or longer.

10 "Intellectual disability" means significantly subaverage
11 general intellectual functioning that is accompanied by
12 significant limitations in adaptive functioning in at least two
13 of the following skill areas: communication, self-care, home
14 living, social and interpersonal skills, use of community
15 resources, self-direction, functional academic skills, work,
16 leisure, health and safety. The onset must occur before the
17 individual's twenty-second birthday.

18 "Issuing authority" means any public official having the
19 power and authority of an alderman, justice of the peace or
20 magistrate.

21 "Local authorities" means the county commissioners of a
22 county, or the city councils and the mayors of the first class
23 cities, or two or more of these acting in concert.

24 "Mental disability" means any mental illness, mental
25 impairment[, mental retardation,] or mental deficiency, which so
26 lessens the capacity of a person to use his customary self-
27 control, judgment and discretion in the conduct of his affairs
28 and social relations as to make it necessary or advisable for
29 him to be under care as provided in this act. [It shall include
30 conditions and terms heretofore defined as "insanity,"

1 "unsoundness of mind," "lunacy," "mental disease," "mental
2 disorder," "feeble-minded," "moron," "idiot" and "imbecile."]
3 This term shall not include senility, unless mental illness or
4 [mental retardation] an intellectual disability is superimposed.

5 "Mental hospital" means a residential facility for the
6 diagnosis, care and treatment of the mentally disabled other
7 than the mentally retarded.

8 ["Mental retardation" means subaverage general intellectual
9 functioning which originates during the developmental period and
10 is associated with impairment of one or more of the following:

11 (1) maturation, (2) learning and (3) social adjustment.]

12 "Outpatient services" means diagnosis, evaluation,
13 classification, counseling care, treatment or rehabilitation
14 rendered under this act at a facility, to a mentally disabled
15 person not admitted or committed thereto.

16 "Partial hospitalization" means diagnosis, evaluation,
17 classification, care, treatment or rehabilitation rendered to a
18 mentally disabled person admitted or committed to a facility for
19 some portion of one or more twenty-four hour periods.

20 "Physician" means a physician licensed to practice in
21 Pennsylvania.

22 "Psychiatrist" means a physician who by years of study,
23 training and experience has achieved professional recognition
24 and standing in the field of psychiatry.

25 "Psychologist" means a person who by years of study, training
26 and experience has achieved professional recognition and
27 standing in the field of clinical psychology.

28 "Secretary" means the Secretary of Public Welfare.

29 "Social worker" means a person who by years of study,
30 training and experience has achieved professional recognition

1 and standing in the field of social work.

2 Section 201. General Powers and Duties of the Department.--

3 The department shall have power, and its duty shall be:

4 (1) To assure within the State the availability and
5 equitable provision of adequate mental health and [mental
6 retardation] intellectual disability services for all persons
7 who need them, regardless of religion, race, color, national
8 origin, settlement, residence, or economic or social status.

9 (2) To make, with the advice of the Advisory Committee for
10 Mental Health and [Mental Retardation] Intellectual Disability
11 and enforce all regulations necessary and appropriate to the
12 proper accomplishment of the mental health and [mental
13 retardation] intellectual disability duties and functions
14 imposed by this act. Such regulations shall not become effective
15 until the department shall have given the local authorities
16 thirty days written notice of the proposed regulations and
17 afforded the local authorities the opportunity for a hearing
18 before the department on the proposed regulations.

19 (3) To consult with and assist each county in carrying out
20 mental health and [mental retardation] intellectual disability
21 duties and functions and where necessary after thirty days
22 written notice to the counties affected and an opportunity for
23 such counties for a hearing before the department and with the
24 advice of the Advisory Committee for Mental Health and [Mental
25 Retardation] Intellectual Disability to require two or more
26 counties to join in establishing a program to provide the
27 services required by this act.

28 (4) To adopt State-wide plans for the operation of all State
29 operated facilities under the jurisdiction of the department and
30 to assign to each facility or portion thereof, such duties for

1 the care of the mentally disabled, as the secretary shall
2 prescribe. The assignments herein referred to shall be made with
3 due regard to geographical location and population distribution.

4 (5) To establish and maintain working relationships with
5 other governmental bodies and public and private agencies,
6 institutions and organizations so as to assure maximum
7 utilization of services and facilities which each such
8 governmental body and public and private agency, institution and
9 organization may have, which may be of benefit to the mentally
10 disabled.

11 (6) To appoint such regional mental health and [mental
12 retardation] intellectual disability boards as may be necessary
13 to advise the department in the establishment, administration
14 and review of mental health and [mental retardation]
15 intellectual disability programs.

16 (7) To make grants, pay subsidies, purchase service and
17 provide reimbursement for mental health and [mental retardation]
18 intellectual disability services in accordance with this act.

19 (8) To supervise mental health and [mental retardation]
20 intellectual disability facilities, services and programs as
21 provided by law.

22 Section 202. State Facilities.--(a) The department shall
23 operate all State facilities and shall assign such functions to
24 each as the secretary shall prescribe.

25 (b) The department is hereby authorized to establish,
26 extend, operate and maintain additional facilities and provide
27 mental health and [mental retardation] intellectual disability
28 services therein. The department may also lease or otherwise
29 acquire, through the Department of Property and Supplies, other
30 additional facilities.

1 Section 301. General Powers and Duties of Local Authorities;
2 Mental Health and [Mental Retardation] Intellectual Disability
3 Program and Services.--(a) The local authorities of each county
4 separately or in concert with another county or counties, as the
5 secretary may approve, shall establish a county mental health
6 and [mental retardation] intellectual disability program for the
7 prevention of mental disability, and for the diagnosis, care,
8 treatment, rehabilitation and detention of the mentally disabled
9 and shall have power to make appropriations for such purposes.
10 Such program shall conform with regulations of the department
11 promulgated under section 202(2).

12 (b) To insure the operation of a county mental health and
13 [mental retardation] intellectual disability program in each
14 county, the secretary subject to the provisions of section
15 201(3) shall have the power to direct the local authorities of
16 any county to join with the local authorities of any other
17 county to establish such program or become a part of a program
18 existing in such other county or counties.

19 (c) To operate such county mental health and [mental
20 retardation] intellectual disability program, the local
21 authorities shall employ such personnel as are necessary. The
22 selection, appointment and retention of such employes, and the
23 termination of their employment shall be on the basis of a merit
24 system which shall conform to minimum standards established by
25 the department with the advice of the Advisory Committee for
26 Mental Health and [Mental Retardation] Intellectual Disability.
27 Such minimum standards shall not become effective until the
28 department shall have given the local authorities thirty days'
29 written notice of the proposed standards and afforded the local
30 authorities the opportunity for a hearing before the department

1 on the proposed minimum standards.

2 (d) Subject to the provisions of sections 508 and 509(5) it
3 shall be the duty of local authorities in cooperation with the
4 department to insure that the following mental health and
5 [mental retardation] intellectual disability services are
6 available:

7 (1) Short term inpatient services other than those provided
8 by the State.

9 (2) Outpatient services.

10 (3) Partial hospitalization services.

11 (4) Emergency services twenty-four hours per day which shall
12 be provided by, or available within at least one of the types of
13 services specified heretofore in this paragraph.

14 (5) Consultation and education services to professional
15 personnel and community agencies.

16 (6) Aftercare services for persons released from State and
17 County facilities.

18 (7) Specialized rehabilitative and training services
19 including sheltered workshops.

20 (8) Interim care of mentally retarded persons who have been
21 removed from their homes and who having been accepted, are
22 awaiting admission to a State operated facility.

23 (9) Unified procedures for intake for all county services
24 and a central place providing referral services and information.

25 (e) Such local authorities shall also have the power to
26 establish the following additional services or programs for the
27 mentally disabled:

28 (1) Training of personnel.

29 (2) Research.

30 (3) Any other service or program designed to prevent mental

1 disability or the necessity of admitting or committing the
2 mentally disabled to a facility.

3 (f) Services herein required or authorized may be provided
4 either directly or by purchase of such services, except that the
5 services required in section 301(d)(9) shall be provided
6 directly through the county administrator.

7 (g) To establish local mental health and [mental
8 retardation] intellectual disability boards in accordance with
9 provisions of section 302.

10 Section 302. Establishment of County Mental Health and
11 [Mental Retardation] Intellectual Disability Board.--(a) Except
12 in cities of the first class, the local authorities of a county
13 or of two or more counties participating in concert in a county
14 mental health and [mental retardation] intellectual disability
15 program shall appoint a Mental Health and [Mental Retardation]
16 Intellectual Disability Board, hereinafter called the board,
17 which shall consist of thirteen residents including, from each
18 county, a representative of the board of county commissioners.
19 At least two members thereof shall be physicians, and where
20 possible one shall be a psychiatrist and the other a
21 pediatrician. There shall also be appropriate representation
22 drawn from:

23 (1) The professional fields of psychology, social work,
24 nursing, education and religion;

25 (2) Local citizens' organizations active in the field of
26 mental health;

27 (3) Local citizens' organizations active in the field of
28 [mental retardation] intellectual disability;

29 (4) Local health and welfare planning organizations;

30 (5) Local general hospitals; and

1 (6) Other interested community groups.

2 Where two or more counties are participating in concert in said
3 program, the members of said board shall be selected
4 substantially on a proportionate basis as to population,
5 providing however that each county, irrespective of population,
6 shall have at least one member on the board.

7 (b) Each member shall be appointed for a period of three
8 years. The initial appointment of members of the board shall be
9 for overlapping periods of three, two and one years. In making
10 the initial appointments, in so far as possible, one-third of
11 the members shall be appointed to each of the overlapping
12 periods. Any vacancies occurring in the membership of the board
13 shall be filled by the local authorities for the unexpired
14 period. The local authorities may remove any member of the board
15 during his period of service for cause only. The members shall
16 serve without compensation other than reimbursement for travel
17 and other actual expenses incurred in connection with called
18 meetings of the board.

19 (c) A majority of the board members shall constitute a
20 quorum. The members shall select a chairman from among
21 themselves. Each board shall meet at least once each quarter,
22 and may, by majority vote of the membership, establish more
23 frequent regular meetings not exceeding one per month. Special
24 meetings shall be held on call of the chairman, and it shall be
25 the duty of the chairman to call a special meeting upon the
26 written request of one-third or more of the members, not
27 including vacancies of the board.

28 (d) In cities of the first class, a mental health and
29 [mental retardation] intellectual disability board shall be
30 appointed, and the members shall hold office, under the

1 provisions of the city charter.

2 Section 303. Duties of the County Mental Health and [Mental
3 Retardation] Intellectual Disability Board.--(a) The County
4 Mental Health and [Mental Retardation] Intellectual Disability
5 Board shall have the power and its duty shall be:

6 (1) To review and evaluate the county's mental health and
7 [mental retardation] intellectual disability needs, services,
8 facilities and special problems in relation to the local health
9 and welfare needs, services and programs.

10 (2) Except in cities of the first class, to recommend to
11 local authorities not less than two persons for the position of
12 administrator. Such persons shall meet the standards of
13 professional skill and experience as the department may
14 establish by regulation.

15 (3) To develop, together with the administrator, annual
16 plans for the mental health and [mental retardation]
17 intellectual disability programs required by sections 301 and
18 509.

19 (4) To make recommendations to the local authorities
20 regarding the program and any other matters relating to mental
21 health and [mental retardation] intellectual disability services
22 in the county, including purchase of service contracts and the
23 extent of funds required to implement the program.

24 (5) To review performance under the mental health and
25 [mental retardation] intellectual disability program and to
26 recommend a system of program evaluation.

27 (b) The functions of this board may be performed by a multi-
28 purpose board acting in the health and welfare field, if the
29 local authorities so elect with appropriate representation as
30 specified in section 302(a), in so far as possible, and subject

1 to the approval of the department.

2 Section 304. County Mental Health and [Mental Retardation]
3 Intellectual Disability Administrator; Appointment.--Except in
4 cities of the first class, where the administrator shall be
5 appointed under the merit system, the local authorities shall
6 appoint a county mental health and [mental retardation]
7 intellectual disability administrator from a list of not less
8 than two names submitted by the County Mental Health and [Mental
9 Retardation] Intellectual Disability Board. If, thirty days
10 after the county board has submitted a list to the local
11 authorities, an appointment has not been made because of a tie
12 vote or other failure of the local authorities to make such
13 appointment, the same shall be made by the secretary after
14 consultation with the local authorities. The appointment of the
15 administrator, by whomever made, may be terminated by the local
16 authorities, provided, that no appointment made by the secretary
17 under this section shall be terminated without the approval of a
18 majority of the County Mental Health and [Mental Retardation]
19 Intellectual Disability Board.

20 Section 305. Duties of the Administrator.--The county mental
21 health and [mental retardation] intellectual disability
22 administrator shall have the power and his duty shall be:

23 (1) To administer the county mental health and [mental
24 retardation] intellectual disability program.

25 (2) To insure that county mental health and [mental
26 retardation] intellectual disability services required by this
27 act are available.

28 (3) To provide staff services to the County Mental Health
29 and [Mental Retardation] Intellectual Disability Board.

30 (4) To make such reports to the department in such form and

1 containing such information as the department may require.

2 (5) To develop, together with the County Mental Health and
3 [Mental Retardation] Intellectual Disability Board, annual plans
4 for the mental health and [mental retardation] intellectual
5 disability programs required by this act.

6 (6) To submit to local authorities annual plans and
7 estimated costs for the provision of services, establishment and
8 operation of facilities, and other related matters for review,
9 approval and transmittal to the department.

10 (7) To review and evaluate facilities, and to cooperate with
11 the department in the maintenance of established standards.

12 (8) To maintain effective liaison with governmental and
13 private community health and welfare agencies and organizations
14 and State operated facilities.

15 (9) To submit an annual report to the local authorities, the
16 board and the department reporting all activities of the program
17 and his administration thereof.

18 (10) To analyze and evaluate mental health and [mental
19 retardation] intellectual disability needs and services in the
20 county and recommend improvements to the County Mental Health
21 and [Mental Retardation] Intellectual Disability Board and local
22 authorities, conduct such research studies, and take such steps
23 and adopt such measures as are necessary for the proper
24 discharge of his duties.

25 Section 401. Applications for Admission or Commitment; to
26 Whom Made.--(a) Any mentally disabled person who desires care
27 in a facility may make appropriate application directly to any
28 facility willing and able to receive him, or to the
29 administrator of the county where the person is or resides, for
30 placement in a facility.

1 (b) Any person authorized by this act to do so may make
2 application on behalf of a mentally disabled person directly to
3 any facility willing and able to receive such person. If no such
4 facility is available, or if public funds will or may be
5 expended to pay all or part of the cost of care of such person
6 under a county mental health and [mental retardation]
7 intellectual disability program, application shall be made to
8 the administrator of the county where the person is or resides
9 for placement in a facility, except that applications for
10 detention under section 405 must be made to the administrator.

11 (c) Whenever a court commits any person under any provision
12 of this act, it may commit such person directly to a facility
13 willing and able to receive him; otherwise, the court shall
14 commit to a designated local or State facility, or to the
15 Veterans Administration or other agency of the United States
16 upon receipt of a certificate that the person is eligible for
17 such hospitalization and there is available space for his care.

18 Section 404. Commitment on Application by Relative, etc.;
19 Physicians' Certificates; Review.--(a) A written application
20 for commitment to a facility may be made in the interest of any
21 person who appears to be mentally disabled and in need of care.
22 It may be made by a relative, guardian, friend, individual
23 standing in loco parentis to the person to be committed, or by
24 the executive officer or an authorized agent of a governmental
25 or recognized nonprofit health or welfare organization or agency
26 or any responsible person.

27 (b) Such application shall be accompanied by the
28 certificates of two physicians who have examined the person
29 whose commitment is sought, within one week of the date of the
30 certificates, and who have found that, in their opinion, such

1 person is mentally disabled and in need of care. In the case of
2 a mentally retarded person, the physician's certification shall
3 be accompanied by the report of a psychologist. No person shall
4 be committed hereunder if any certificate is dated more than
5 thirty days prior to the date of commitment, except that if the
6 mental disability consists of [mental retardation] intellectual
7 disability, the certificates may be dated not more than three
8 months prior to the date of commitment. The application,
9 certificates and the report, if any, shall be signed and sworn
10 to or affirmed.

11 (c) The director may receive the person named in the
12 application and detain him until discharge in accordance with
13 the provisions of this act. When application is made by any
14 person other than a relative or guardian, the director upon
15 reception of the person named in the application shall notify
16 the appropriate relative or guardian of such person of the
17 commitment.

18 (d) Every commitment made under this section except those to
19 the Veterans Administration or other agency of the United States
20 Government, shall be reviewed at least annually by a committee
21 appointed by the director from the professional staff of the
22 facility wherein the person is detained, to determine whether
23 continued care and commitment is necessary. Said committee shall
24 make written recommendations to the director which shall be
25 filed at the facility, and be open to inspection and review by
26 the department, and such other persons as the secretary, by
27 regulation, may permit.

28 Section 3. Section 509 of the act, amended May 17, 1972
29 (P.L.300, No.78), is amended to read:

30 Section 509. State and County Grants and Payments.--The

1 department, subject to the provisions of section 503, shall have
2 the power, and its duty shall be:

3 (1) From State and Federal funds, to make annual grants to
4 counties to defray part of the cost of county programs
5 authorized by this act and approved by the department, in the
6 amount of ninety percent of the excess of all such approved
7 expenditures for such programs over the amount paid for the same
8 purpose from any public or private source directly to
9 participating counties, facilities or individuals.

10 (2) To prescribe the time at which the counties shall submit
11 to the department annual plans and annual estimates of
12 expenditures, and revisions thereof, to carry out mental health
13 and [mental retardation] intellectual disability programs. Such
14 plans and estimates shall contain such information as the
15 secretary by regulation shall prescribe.

16 (3) Upon approval of an annual plan and the estimated
17 expenditures for a mental health and [mental retardation]
18 intellectual disability program, to compute an annual grant in
19 accordance with the formula established in clause (1) of this
20 section.

21 (4) To pay the annual grant in four quarterly installments.
22 The moneys received in any quarter may be used at any time
23 during the year. The first installment shall be for the quarter
24 beginning July 1 and ending September 30; the second installment
25 shall be for the quarter beginning October 1 and ending December
26 31; the third installment shall be for the quarter beginning
27 January 1 and ending March 31; and the fourth installment shall
28 be for the quarter beginning April 1 and ending June 30. Each
29 installment shall be paid at the beginning of the quarter only
30 if the department is satisfied that the county is complying with

1 the regulations of the department prescribing minimum mental
2 health and [mental retardation] intellectual disability
3 services, minimum standards of performance of mental health and
4 [mental retardation] intellectual disability services and
5 minimum standards of mental health and [mental retardation]
6 intellectual disability personnel administration on a merit
7 basis.

8 (5) In the event that sufficient funds to pay the full
9 amount of the grants to which the counties may be entitled under
10 the provisions of this section have not been appropriated, to
11 distribute State funds among the counties by a formula
12 reasonably designed to achieve the objectives of this act,
13 provided however, that in such event the counties' financial
14 obligations under this act shall be reduced in accordance with
15 the same formula and the counties shall be required to provide
16 only those services for which sufficient funds are available.

17 (6) To review grants against actual expenditures at any time
18 and to make appropriate adjustments in subsequent grants. If a
19 grant overpayment cannot be recovered through such an adjustment
20 for any reason, the department shall effect a refund of such
21 overpayment from the county.

22 (7) For the purpose of this act, the contribution with
23 respect to services, equivalent to the employer's tax
24 established by the Federal Social Security Act shall be the
25 first obligation against any State funds received by the
26 counties for their use or authorized under this act and shall
27 first be paid therefrom.

28 Section 4. Sections 510 and 511 of the act are amended to
29 read:

30 Section 510. Supplemental Grants.--The department may make

1 additional grants to any county participating in an approved
2 mental health and [mental retardation] intellectual disability
3 plan to assist in establishing the services provided for in such
4 plan, for the first three years of operation of such plan. Said
5 grant shall be supplemental to grants authorized by section 509
6 but shall not exceed in any one year, ten percent of the grant
7 made under that section.

8 Section 511. Interim Grants for Mental Health and [Mental
9 Retardation] Intellectual Disability Services.--(a) From State
10 and Federal funds, the department may make grants to any county,
11 or combination of counties, or to any facility for all or part
12 of the cost of services designed to carry out the provisions of
13 article III of this act.

14 (b) Such grants, whose amounts shall be calculated in
15 accordance with a formula to be determined by the department,
16 shall terminate with respect to a particular county, or
17 combination of counties, on the approval of the initial plan for
18 a mental health and [mental retardation] intellectual disability
19 program or on the deadline for the establishment of all such
20 programs, as provided in section 512, whichever is earlier.

21 Section 5. Section 512 of the act, amended June 28, 1968
22 (P.L.280, No.135), is amended to read:

23 Section 512. Deadline for Establishment of County Mental
24 Health and [Mental Retardation] Intellectual Disability Program;
25 Failure to Comply with Minimum Standards; Penalties.--(a) Each
26 county acting alone or in participation with other counties as
27 provided in section 301 shall, by January 1, 1969, submit to the
28 department for approval a plan for a county mental health and
29 [mental retardation] intellectual disability program. The
30 information and material upon which such plan shall be

1 formulated for submission to the department shall be published
2 and distributed to the counties by the Advisory Committee for
3 Mental Health and [Mental Retardation] Intellectual Disability
4 on or before August 1, 1968.

5 (b) If, by July 1, 1969, any county has not submitted any
6 plan or if although it shall have submitted a plan, it has not
7 made such alterations or additions to such plan as to secure
8 approval by the department, the department shall provide mental
9 health and [mental retardation] intellectual disability services
10 for such county.

11 (c) If at any time after the approval of a plan, the
12 department determines, after hearing, that such county or
13 combination of participating counties is not complying with
14 regulations promulgated under section 202(2) and that, as a
15 result, the needs of the mentally disabled persons are not being
16 adequately met, the department shall provide mental health and
17 [mental retardation] intellectual disability services for such
18 county or counties.

19 (d) When in pursuance of this section, the department shall
20 provide the mental health and [mental retardation] intellectual
21 disability services of a county or counties, such county or
22 counties shall be charged and shall pay the county share
23 computed in accordance with section 509, and, to compensate the
24 State for its expenses incident to the administration of the
25 county program, an additional fifteen percent of the net cost to
26 the Commonwealth for the county program. The amount due the
27 Commonwealth shall be paid by the county or counties within
28 twelve months after receipt of the department's notice of the
29 amount due. All sums collected from the county under this
30 section, in whatever manner such collections are made, shall be

1 paid into the State Treasury and shall be credited to the
2 current appropriations to the department to carry out State
3 obligations under this section.

4 (e) The department shall relinquish the administration of
5 the mental health and [mental retardation] intellectual
6 disability program of the county upon establishment or
7 reinstatement as the case may be, of an approved county mental
8 health and [mental retardation] intellectual disability program
9 in compliance with this act and thereafter grants and payments
10 authorized herein may be made by the department.

11 Section 6. This act shall take effect immediately.