
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 411 Session of
2023

INTRODUCED BY GALLOWAY, HILL-EVANS, BURGOS, CIRESI, SCHLOSSBERG,
NEILSON, MADDEN, SANCHEZ, HOWARD, OTTEN, KINKEAD, N. NELSON,
GREEN, O'MARA AND KHAN, MARCH 14, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 14, 2023

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in children and youth,
4 providing for Statewide children's mental health ombudsman.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Human Services Code, is amended by adding a section to
9 read:

10 Section 710. Statewide Children's Mental Health Ombudsman.--

11 (a) The secretary, subject to the appropriation of State funds
12 or the receipt of Federal funds for a Statewide children's
13 mental health ombudsman, shall establish a Statewide children's
14 mental health ombudsman for the following purposes:

15 (1) Advocating on behalf of children with mental health
16 disorders.

17 (2) Identifying barriers to effective mental health
18 treatment and proposed solutions.

1 (3) Monitoring and ensuring compliance with relevant
2 statutes, regulations, rules and policies pertaining to
3 children's behavioral health services.

4 (4) Receiving, investigating and resolving through
5 administrative action, as described under subsection (e),
6 complaints filed by a child or by individuals legally authorized
7 to act on behalf of the child, or by an individual, organization
8 or government agency that has reason to believe that an entity
9 regulated by the Commonwealth has engaged in activities,
10 practices or omissions that constitute violations of applicable
11 court orders, statutes or regulations or that may have an
12 adverse effect upon the health, safety, welfare or rights of
13 children.

14 (b) Within sixty days of the appropriation of State funds or
15 receipt of Federal funds required to establish a Statewide
16 children's mental health ombudsman, the secretary shall
17 designate an individual to act as the ombudsman who shall be
18 qualified by training and experience to perform the duties of
19 the ombudsman.

20 (c) The ombudsman shall report to the secretary and the
21 Executive Director of the Governor's Office of Advocacy and
22 Reform or its successor.

23 (d) The ombudsman shall serve for a term of five years and
24 shall continue to hold office until a successor is appointed.
25 The secretary may reappoint the ombudsman for one additional
26 term. The secretary may remove the ombudsman only for neglect of
27 duty, misconduct or inability to perform duties.

28 (e) The secretary, in consultation with the ombudsman, the
29 Deputy Secretary for Mental Health and Substance Abuse Services
30 and the Executive Director of the Governor's Office of Advocacy

1 and Reform or its successor, shall establish policies and
2 procedures to facilitate the purposes of the ombudsman. The
3 policies and procedures shall include procedures for filing
4 complaints, investigating complaints and taking action to
5 implement resolutions to complaints, including the use of State
6 agency enforcement authority to resolve complaints as
7 recommended by the ombudsman.

8 (f) In ensuring that the goals of the ombudsman are met, the
9 following shall apply:

10 (1) The ombudsman shall monitor the development and
11 implementation of Federal, State and local statutes, regulations
12 and policies regarding services and supports for children with
13 mental health disorders, including the education of children
14 with mental health disorders.

15 (2) The ombudsman shall maintain complete records of
16 complaints received, the actions taken, findings, outcomes and
17 recommendations in response to any complaints and other actions,
18 including those taken by the Commonwealth and private agency
19 responses to serious complaints.

20 (3) Each quarter, the ombudsman shall send a report to each
21 government agency that was the subject of a complaint received
22 by the ombudsman during the relevant period, listing the
23 complaints involving that agency that were received during the
24 past quarter. The ombudsman shall meet regularly with the
25 secretary, the Deputy Secretary for Mental Health and Substance
26 Abuse Services and the Executive Director of the Governor's
27 Office of Advocacy and Reform or its successor and shall report
28 on any Statewide problems that the ombudsman has identified and
29 potential solutions.

30 (4) The ombudsman shall report annually, within one hundred

1 twenty days of the end of the fiscal year, on the activities of
2 the ombudsman, including complaints that are relevant to the
3 ombudsman and an analysis of patterns in complaints made through
4 the ombudsman and shall make recommendations for legislation,
5 policy or programmatic changes related to the protection of the
6 rights of children with mental health disorders. The report
7 shall be made available to the public and published on the
8 department's publicly accessible Internet website and submitted
9 to the following:

10 (i) The Governor.

11 (ii) The President pro tempore of the Senate.

12 (iii) The Speaker of the House of Representatives.

13 (iv) The chairperson and minority chairperson of the
14 Children and Youth Committee of the Senate.

15 (v) The chairperson and minority chairperson of the Children
16 and Youth Committee of the House of Representatives.

17 (vi) The chairperson and minority chairperson of the
18 Education Committee of the Senate.

19 (vii) The chairperson and minority chairperson of the
20 Education Committee of the House of Representatives.

21 (viii) The chairperson and minority chairperson of the
22 Health and Human Services Committee of the Senate.

23 (ix) The chairperson and minority chairperson of the Health
24 Committee of the House of Representatives.

25 (x) The chairperson and minority chairperson of the Human
26 Services Committee of the House of Representatives.

27 (g) The department may promulgate regulations necessary for
28 the implementation of this section.

29 Section 2. This act shall take effect in 90 days.