



**OFFICE OF MENTAL HEALTH
AND SUBSTANCE ABUSE
SERVICES BULLETIN**

ISSUE DATE:

March 10, 2021

EFFECTIVE DATE:

July 1, 2021

NUMBER:

OMHSAS-21-05

SUBJECT:

Contracted Delegate Services

BY:

A handwritten signature in black ink that reads "Kristen Houser".

**Kristen Houser - Deputy Secretary
Office of Mental Health and Substance Abuse Services**

SCOPE:

County Mental Health/Intellectual Disability (MH/ID) Offices.

PURPOSE:

The purpose of this bulletin is to provide guidance to the county MH/ID programs regarding the delegate function for delivery of emergency involuntary commitment services.

BACKGROUND:

The Department of Human Services (DHS) has discovered that some Mental Health/Intellectual Disabilities (MH/ID) programs have engaged in a practice of contracting the emergency involuntary commitment services delegate function to non-governmental entities.

DISCUSSION

With the issuance of this bulletin OMHSAS hereby advises that the practice of contracting the emergency involuntary commitment services delegate function to non-governmental entities is contrary to statute and regulation. To provide MH/ID programs an opportunity to disengage from this practice, effective July 1, 2021, OMHSAS will begin enforcement of the requirement that the emergency involuntary commitment services delegate function be performed directly by the governmental entity.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Office of Mental Health and Substance Abuse Services, Bureau of Policy, Planning & Program Development, P.O. Box 2675, Harrisburg, PA 17105. E-mail: RA-ADCorrespondence@pa.gov

As referenced in 55 Pa. Code § 4210.41(b) - “When it becomes necessary to make an involuntary commitment for emergency detention, Section 405 of the act (50 P.S. § 4405) becomes applicable. The approval by the administrator or his delegate for such action is a governmental function which cannot be contracted for by a purchase of service agreement. Action under Section 405 may be taken only when the situation is so urgent that a petition under section 406 of the act (50 P.S. § 4406) would cause a delay likely to endanger the patient or others”.

Starting Fiscal Year 2021-2022, contracted services for the delegate function are not allowable and costs associated with these contracts will not be reimbursed by the Department. Counties that have a contract for the delegate function in place at the time of this bulletin, must transition the delegate function back to the county MH/ID office no later than June 30, 2021.

If a county feels this is not feasible, they are able to submit a request to waive § 4210.41(b). This process will follow the PA Code § 4300 waiver process. To submit a waiver request, send a detailed justification to the Deputy Secretary for the DHS Office of Administration through RA-ADCorrespondence@pa.gov. OMHSAS will review all requests and respond accordingly.