

# STATEMENTS OF POLICY

## Title 55—HUMAN SERVICES

### DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE CH. 4210 ]

#### Clarification of the Term “Purchase of Service Agreement”—Statement of Policy

This statement of policy applies to the county Mental Health/Intellectual Disability Offices.

##### *Purpose*

The purpose of this statement of policy is to clarify the meaning of “purchase of service agreement” under § 4210.41 (relating to description).

##### *Background*

The Department of Human Services (Department) previously issued guidance regarding the contracted delegate function for the delivery of emergency involuntary commitment services in the Office of Mental Health and Substance Abuse Services (OMHSAS) Bulletin OMHSAS 21-05, Contracted Delegate Services.

Under that bulletin, beginning Fiscal Year 2021-2022, contracted services for the delegate function were not allowable and costs associated with those contracts were not reimbursed by the Department.

##### *Discussion*

Under § 4210.41(b), the approval for an involuntary commitment for emergency detention may not be contracted for by a purchase of service agreement. Under this statement of policy, the Department is further clarifying the term “purchase of service agreement” under this subsection. Specifically, under § 4210.41(b), a “purchase of service agreement” is a written agreement for a contracted service to be provided to a county by a service provider. The term does not include per diem employment agreements between a county mental health program and a qualified professional, as defined in section 103.1 of the Mental Health Procedures Act (50 P.S. § 7103.1), regarding the issuance of warrants for involuntary emergency evaluation and treatment under section 302 of the Mental Health Procedures Act (50 P.S. § 7302).

##### *Obsolete Bulletin*

This statement of policy obsoletes Bulletin OMHSAS-21-05, Contracted Delegate Services.

##### *Regulation Interpretation*

Annex A contains the statement of policy.

##### *Effective Date*

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

##### *Contact Person*

Comments and questions regarding this statement of policy should be directed to the Regulations Coordinator, Office of Mental Health and Substance Abuse Services, Bureau of Policy, Planning and Program Development, P.O. Box 2675, Harrisburg, PA 17105, (717) 772-7900.

VALERIE A. ARKOOSH,  
*Secretary*

*(Editor’s Note: Title 55 of the Pennsylvania Code is amended by adding the statement of policy under § 4210.41a to read as set forth in Annex A.)*

**Fiscal Note:** 14-BUL-113. No fiscal impact; recommends adoption.

### Annex A

#### TITLE 55. HUMAN SERVICES

#### PART VI. MENTAL HEALTH/INTELLECTUAL DISABILITY/AUTISM MANUAL

#### Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT

#### CHAPTER 4210. DESCRIPTION OF SERVICES AND SERVICE AREAS

#### EMERGENCY SERVICES

#### § 4210.41a. Clarification of contracted purchase of service—statement of policy.

(a) A “purchase of service agreement” under § 4210.41(b) (relating to description) means a written agreement for a contracted service to be provided to a county by a service provider. The term does not include per diem employment agreements between a county mental health program and a qualified professional regarding the issuance of warrants for involuntary emergency evaluation and treatment under section 302 of the Mental Health Procedures Act (50 P.S. § 7302) for involuntary commitment for emergency detention.

(b) As used in this section, the term “qualified professional” shall have the meaning given to it in section 103.1 of the Mental Health Procedures Act (50 P.S. § 7103.1).

[Pa.B. Doc. No. 24-498. Filed for public inspection April 12, 2024, 9:00 a.m.]