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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2173 Session of  
2024

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INTRODUCED BY BENHAM, ORTITAY, D. MILLER, HOHENSTEIN, PROBST,  
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WARREN AND GREEN, APRIL 3, 2024

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 3, 2024

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; providing for judicial administration; and  
18 prescribing the manner in which the number and compensation  
19 of the deputies and all other assistants and employes of  
20 certain departments, boards and commissions shall be  
21 determined," establishing the Department of Disability  
22 Rights, Employment, Accessibility and Mobility; in  
23 administrative organization, further providing for executive  
24 officers, administrative departments and independent  
25 administrative boards and commissions, for departmental  
26 administrative boards, commissions, and offices, for  
27 department heads and for gubernatorial appointments; and  
28 providing for powers and duties of the Department of  
29 Disability Rights, Employment, Accessibility and Mobility.

30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 201(a) of the act of April 9, 1929  
3 (P.L.177, No.175), known as The Administrative Code of 1929, is  
4 amended to read:

5 Section 201. Executive Officers, Administrative Departments  
6 and Independent Administrative Boards and Commissions.--(a) The  
7 executive and administrative work of this Commonwealth shall be  
8 performed by the Executive Department, consisting of the  
9 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
10 Attorney General, Auditor General, State Treasurer, and  
11 Secretary of Education; by the Executive Board, and the  
12 Pennsylvania State Police; by the following administrative  
13 departments: Department of State, Office of Attorney General,  
14 Department of Corrections, Department of the Auditor General,  
15 Treasury Department, Department of Education, Department of  
16 Military Affairs, Insurance Department, Department of Banking  
17 and Securities, Department of Agriculture, Department of  
18 Transportation, Department of Health, Department of Drug and  
19 Alcohol Programs, Department of Disability Rights, Employment,  
20 Accessibility and Mobility (DREAM), Department of Labor and  
21 Industry, Department of Aging, Department of Human Services,  
22 Department of General Services, Department of Revenue,  
23 Department of Community and Economic Development, Department of  
24 Environmental Protection and Department of Conservation and  
25 Natural Resources; and by the following independent  
26 administrative boards and commissions: Pennsylvania Game  
27 Commission, Pennsylvania Fish and Boat Commission, State Civil  
28 Service Commission and Pennsylvania Public Utility Commission.

29 \* \* \*

30 Section 2. Section 202 of the act is amended by adding,

1 before the last paragraph, a clause to read:

2 Section 202. Departmental Administrative Boards,  
3 Commissions, and Offices.--The following boards, commissions,  
4 and offices are hereby placed and made departmental  
5 administrative boards, commissions, or offices, as the case may  
6 be, in the respective administrative departments mentioned in  
7 the preceding section, as follows:

8 \* \* \*

9 In the Department of Disability Rights, Employment,  
10 Accessibility and Mobility (DREAM),

11 Office of Vocational Rehabilitation, which may include  
12 assistive technology services and committees, councils or  
13 boards regarding the employment of individuals with a  
14 disability, independent living, rehabilitation and vocational  
15 rehabilitation,

16 Office of Developmental Programs, which may include  
17 bureaus or councils regarding services for individuals with  
18 autism, an intellectual disability or a developmental  
19 disability and which may include services regarding home and  
20 community based settings,

21 Office for the Deaf and Hard of Hearing, which may  
22 include an advisory council,

23 Office of Long-Term Living, which may include long-term  
24 care services, home-based services and community-based  
25 services, and which may include councils and subcommittees  
26 regarding services for individuals with physical  
27 disabilities,

28 Bureau of Blindness and Visual Services, which may  
29 include an advisory committee for the blind and a committee  
30 of blind vendors,

1           Bureau of Disability Determination, which may include an  
2           advisory committee,  
3           Bureau of Early Intervention Services,  
4           Accessibility Advisory Board.

5           All of the foregoing departmental administrative boards and  
6           commissions shall be organized or reorganized as provided in  
7           this act.

8           Section 3. Sections 206 and 207.1(d)(1) of the act are  
9           amended to read:

10          Section 206. Department Heads.--Each administrative  
11          department shall have as its head an officer who shall, either  
12          personally, by deputy, or by the duly authorized agent or  
13          employee of the department, and subject at all times to the  
14          provisions of this act, exercise the powers and perform the  
15          duties by law vested in and imposed upon the department.

16          The following officers shall be the heads of the  
17          administrative departments following their respective titles:

18          Secretary of the Commonwealth, of the Department of State;  
19          Auditor General, of the Department of the Auditor General;  
20          State Treasurer, of the Treasury Department;  
21          Attorney General, of the Office of Attorney General;  
22          Secretary of Education, of the Department of Education;  
23          Adjutant General, of the Department of Military Affairs;  
24          Insurance Commissioner, of the Insurance Department;  
25          Secretary of Banking and Securities, of the Department of  
26          Banking and Securities;  
27          Secretary of Agriculture, of the Department of Agriculture;  
28          Secretary of Transportation, of the Department of  
29                  Transportation;  
30          Secretary of Health, of the Department of Health;

1 Secretary of Drug and Alcohol Programs, of the  
2 Department of Drug and Alcohol Programs;  
3 Secretary of Disability Rights, Employment, Accessibility  
4 and Mobility (DREAM), of the Department of Disability  
5 Rights, Employment, Accessibility and Mobility (DREAM);  
6 Secretary of Labor and Industry, of the Department of Labor  
7 and Industry;  
8 Secretary of Aging, of the Department of Aging;  
9 Secretary of Human Services, of the Department of Human  
10 Services;  
11 Secretary of Revenue, of the Department of Revenue;  
12 Secretary of Community and Economic Development, of the  
13 Department of Community and Economic Development;  
14 Secretary of Environmental Protection, of the Department of  
15 Environmental Protection;  
16 Secretary of Conservation and Natural Resources, of the  
17 Department of Conservation and Natural Resources;  
18 Secretary of General Services, of the Department of General  
19 Services;

20 Secretary of Corrections, of the Department of Corrections.  
21 Section 207.1. Gubernatorial Appointments.--\* \* \*

22 (d) The Governor shall nominate in accordance with the  
23 provisions of the Constitution of the Commonwealth of  
24 Pennsylvania and, by and with the advice and consent of a  
25 majority of the members elected to the Senate appoint persons to  
26 fill the following positions:

27 (1) The Secretary of Education, the Secretary of the  
28 Commonwealth, the Adjutant General, the Insurance Commissioner,  
29 the Secretary of Banking and Securities, the Secretary of  
30 Agriculture, the Secretary of Transportation, the Secretary of

1 Health, the Secretary of Drug and Alcohol Programs, the  
2 Secretary of Disability Rights, Employment, Accessibility and  
3 Mobility (DREAM), the Commissioner of the State Police, the  
4 Secretary of Corrections, the Secretary of Labor and Industry,  
5 the Secretary of Aging, the Secretary of Human Services, the  
6 Secretary of General Services, the Secretary of Revenue, the  
7 Secretary of Community and Economic Development, the Secretary  
8 of Environmental Protection and the Secretary of Conservation  
9 and Natural Resources.

10 \* \* \*

11 Section 4. The act is amended by adding an article to read:

12 ARTICLE XXIII-C

13 POWERS AND DUTIES OF THE DEPARTMENT OF DISABILITY RIGHTS,  
14 EMPLOYMENT, ACCESSIBILITY AND MOBILITY (DREAM)

15 Section 2301-C. Definitions.

16 The following words and phrases when used in this article  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Department." The Department of Disability Rights,  
20 Employment, Accessibility and Mobility (DREAM) of the  
21 Commonwealth.

22 "Disability." An intellectual, developmental, sensory or  
23 physical impairment, including any of the following:

24 (1) An intellectual disability or mental disability, as  
25 the terms are defined in section 102 of the act of October  
26 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental  
27 Health and Intellectual Disability Act of 1966.

28 (2) Deafness, deaf-blindness, being hard of hearing or  
29 hearing loss.

30 (3) Speech impairment.

1           (4) Blindness or visual impairment.

2           (5) Physical disability or limitation.

3           "Institution of higher education." Any of the following:

4           (1) A community college operating under Article XIX-A of  
5           the act of March 10, 1949 (P.L.30, No.14), known as the  
6           Public School Code of 1949.

7           (2) A university within the State System of Higher  
8           Education under Article XX-A of the Public School Code of  
9           1949.

10          (3) A State-related institution as defined in section  
11          1502-A of the Public School Code of 1949.

12          (4) Thaddeus Stevens College of Technology.

13          (5) An accredited private or independent college or  
14          university.

15          "State plan." The State plan described in section 2302-C(2).  
16          Section 2302-C. Powers and duties.

17          The department shall have the power and its duty shall be to:

18          (1) Serve as the principal advisor to the Governor on  
19          the means and methods available to:

20                  (i) Implement and fund support and services to  
21                  individuals with a disability in accordance with the  
22                  State plan.

23                  (ii) Modify or consolidate support to individuals  
24                  with a disability.

25                  (iii) Collaborate with the Federal Government and  
26                  regional and local governments throughout this  
27                  Commonwealth to enhance the effectiveness of the  
28                  provision and funding of support to individuals with a  
29                  disability.

30          (2) Develop and adopt a State plan for the developing,

1 maintaining, revising and enforcing Statewide disability  
2 policies and standards throughout State government. The State  
3 plan shall include provisions for:

4 (i) Collaboration with the Federal Government and  
5 regional and local governments to enhance the  
6 effectiveness of the provision and funding of support to  
7 individuals with a disability, to avoid duplications and  
8 inconsistencies in governmental efforts.

9 (ii) The encouragement of the formation of local  
10 agencies and local coordinating councils and the  
11 promotion of:

12 (A) cooperation and coordination among the local  
13 agencies and local coordinating councils; and

14 (B) communication of ideas and recommendations  
15 from local agencies and local coordinating councils  
16 to the department.

17 (iii) The development of model plans for programs  
18 that directly address and meet the early intervention  
19 educational, vocational, financial, accessibility,  
20 community living and inclusion, transportation and health  
21 needs of individuals with a disability for the purpose of  
22 utilizing and implementing the concepts incorporated in  
23 the State plan. The model plans shall:

24 (A) Be reviewed on a periodic basis but not less  
25 than once each year.

26 (B) Be revised to keep them current.

27 (C) Specify how all types of community resources  
28 and existing Federal and State legislation may be  
29 utilized.

30 (iv) Assistance to and consultation with local



1 governments, public and private agencies, institutions  
2 and organizations and individuals regarding the  
3 treatment, management and care provided to individuals  
4 with a disability, including the coordination of programs  
5 among these persons.

6 (v) Cooperation with organized medicine to  
7 disseminate evidence-based medical guidelines for the  
8 health care administered to individuals with a  
9 disability.

10 (vi) The coordination of research and scientific  
11 study relating to the epidemiology, sociological impact,  
12 diagnosis, early intervention treatment and therapies and  
13 healthcare standards related to disabilities.

14 (vii) The development of procedures regarding  
15 confidential information in accordance with section 2303-  
16 C.

17 (viii) The establishment of training and  
18 professional licensure programs for professional and  
19 nonprofessional personnel regarding disabilities,  
20 including the encouragement of training programs by local  
21 governments.

22 (ix) The development of a model curriculum,  
23 including the provision of relevant data and other  
24 information, for use by elementary and secondary schools,  
25 institutions of higher education, parent-teachers  
26 associations, adult education centers, private citizen  
27 groups and other State and local entities, to instruct  
28 students, parents, school faculty and the general public.

29 (x) The preparation of a broad variety of  
30 informative and educational material regarding

1 disabilities for use in all media, to reach all segments  
2 of the population, that can be utilized by public and  
3 private agencies, institutions and organizations in  
4 educational programs.

5 (xi) The recruitment, training, organization and  
6 employment of professionals and other persons, including  
7 individuals with a disability, to organize and  
8 participate in programs of public education.

9 (xii) The development of standards for the approval  
10 by the relevant State department or agency for a private  
11 or public health care facility, including:

12 (A) A State hospital or institution,  
13 intermediate care facility, long-term care facility,  
14 assisted living facility, public or private general  
15 hospital or community mental health center.

16 (B) A contracting agency of the private or  
17 public health care facility.

18 (xiii) The development of grants and contracts for  
19 the health and medical, educational, vocational,  
20 accessibility and social supports available to  
21 individuals with a disability. The following apply:

22 (A) A grant or contract may include assistance  
23 to a local government or public and private agency,  
24 institution or organization for prevention,  
25 intervention, treatment, research, education or  
26 training opportunities related to disabilities.

27 (B) A grant made or contract entered into by a  
28 department or agency shall be pursuant to the  
29 functions allocated to that department or agency by  
30 the State plan.

1           (xiv) The preparation of general regulations for,  
2           and operation of, programs supported with assistance.

3           (xv) The establishment of priorities for deciding  
4           allocation of money from the department.

5           (xvi) The review of the administration and operation  
6           of programs, including the effectiveness of programs in  
7           meeting the purposes for which they are established and  
8           operated.

9           (xvii) The issuance of annual reports of the  
10           findings and recommendations of the department.

11           (xviii) The evaluation of programs and projects  
12           carried out by the department and the dissemination of  
13           the results of the evaluation.

14           (xix) The establishment of advisory committees as  
15           deemed necessary to assist the department in fulfilling  
16           responsibilities under this article.

17           (3) Implement the State plan, coordinate efforts under  
18           the State plan and ensure compliance with State plan.

19           (4) In accordance with the State plan, allocate the  
20           responsibility for all services, programs and other efforts  
21           provided for in the State plan among the appropriate  
22           departments, agencies and other State personnel.

23           (5) Gather and publish statistics pertaining to  
24           disabilities, specifying uniform statistics to be obtained,  
25           records to be maintained and reports to be submitted by  
26           public and private agencies, institutions and organizations,  
27           practitioners and other persons regarding disabilities and  
28           related conditions or concerns.

29           (6) Establish an information center, which shall attempt  
30           to gather and maintain all available published and

1 unpublished data and information on the incidence and impact  
2 of all disabilities. The following apply:

3 (i) Each Commonwealth department and agency shall  
4 send to the department the data and information pertinent  
5 to:

6 (A) The epidemiology, prevention, diagnosis and  
7 medical care administered to individuals with a  
8 disability.

9 (B) The financial, educational, vocational and  
10 social support services available at the Federal and  
11 State level that serve individuals with a disability.

12 (ii) The department shall:

13 (A) Make the data and information widely  
14 available.

15 (B) Update the data and information regularly  
16 and at least on an annual basis.

17 (7) Require all appropriate State and local departments,  
18 agencies, institutions and others engaged in implementing the  
19 State plan to submit as often as necessary, but at least on  
20 an annual basis, reports detailing the activities and effects  
21 of the implementation of the State plan and recommending  
22 appropriate amendments to the State plan. The department may  
23 direct a performance audit of any activity conducted under  
24 the State plan.

25 (8) Submit an annual report to the General Assembly,  
26 which shall:

27 (i) Specify the actions taken, services provided and  
28 money expended under the State plan.

29 (ii) Evaluate the effectiveness of the actions taken  
30 and services provided under the State plan.

1           (iii) Contain the current State plan.

2           (9) Submit additional reports to the General Assembly as  
3 requested by the General Assembly, which may include  
4 recommendations to further the availability of data or  
5 services provided to individuals with a disability.

6           (10) Make provision for facilities in each city,  
7 borough, incorporated town, township, region or catchment  
8 area, which shall provide to the department information about  
9 the total Commonwealth disability programs and services.

10           (11) Promulgate rules and regulations necessary to carry  
11 out the provisions of this article.

12 Section 2303-C. Confidential information.

13           (a) Consent.--Information obtained through scientific  
14 investigation or research conducted under this article shall not  
15 be used in a manner that discloses the name or other identifying  
16 information of an individual who is the subject of the  
17 scientific investigation or research without the consent of the  
18 individual and the department.

19           (b) Protection of information.--A person engaged in  
20 scientific investigation or research conducted under this  
21 article:

22           (1) Shall protect the privacy of an individual who is  
23 the subject of the scientific investigation or research by  
24 withholding from all persons not connected with the  
25 scientific investigation or research the name or other  
26 identifying information of the individual.

27           (2) Shall not be compelled in a State, civil, criminal,  
28 administrative, legislative or other proceeding to identify  
29 an individual who is the subject of the scientific  
30 investigation or research.

1 Section 2304-C. Requirements for State plan.

2 (a) Annual review.--The department shall review the State  
3 plan on an annual basis.

4 (b) Public hearing.--In developing the State plan and prior  
5 to any annual amendment of the State plan, the department shall  
6 hold a public hearing at least 30 days prior to the adoption of  
7 the initial State plan and any subsequent amendment, to afford  
8 all interested persons an opportunity to present views either  
9 orally or in writing.

10 (c) Consultation and collaboration.--The department shall  
11 consult and collaborate with appropriate Federal, State and  
12 local departments, boards, agencies and governmental units, and  
13 with appropriate public and private agencies, institutions and  
14 organizations and other groups and entities in developing and  
15 amending the State plan.

16 (d) Procedures.--The promulgation of the State plan shall  
17 conform to the procedures under the act of July 31, 1968  
18 (P.L.769, No.240), referred to as the Commonwealth Documents  
19 Law.

20 Section 5. This act shall apply to the transfer of powers,  
21 duties and functions, which relate to health, educational,  
22 vocational and social services and programs regarding  
23 disabilities, to the Department of Disability Rights,  
24 Employment, Accessibility and Mobility (DREAM) established in  
25 this act, from the following:

- 26 (1) Within the Department of Human Services:  
27 (i) Within the Office of Developmental Programs:  
28 (A) The Bureau of Autism Services.  
29 (B) The Bureau of Supports for People with  
30 Intellectual Disabilities.

1 (C) The Developmental Disabilities Council.

2 (ii) The Office of Developmental Programs Home and  
3 Community Based Settings Final Rule.

4 (iii) Within the Office of Child Development and  
5 Early Intervention, the Bureau of Early Intervention  
6 Services.

7 (2) Within the Department of Labor and Industry:

8 (i) The Bureau of Blindness and Visual Services,  
9 including the Advisory Committee for the Blind and the  
10 Committee of Blind Vendors.

11 (ii) The Bureau of Disability Determination,  
12 including the Bureau of Disability Determination Advisory  
13 Committee.

14 (iii) The Accessibility Advisory Board of the Bureau  
15 of Occupational and Industrial Safety.

16 (iv) The Office for the Deaf and Hard of Hearing,  
17 including the Advisory Council for the Deaf and Hard of  
18 Hearing.

19 (v) The Office of Vocational Rehabilitation,  
20 including:

21 (A) Assistive Technology services.

22 (B) The Governor's Committee on the Employment  
23 of People with Disabilities.

24 (C) The State Independent Living Council to the  
25 Pennsylvania Office of Vocational Rehabilitation.

26 (D) The State Rehabilitation Council.

27 (E) The State Board of Vocational  
28 Rehabilitation.

29 Section 6. All appropriations, personnel, allocations,  
30 equipment, files, records, contracts, agreements, obligations

1 and other materials that are used, employed or expended in  
2 connection with the powers, duties and functions of the  
3 governmental entities specified in section 5 of this act are  
4 transferred to the Department of Disability Rights, Employment,  
5 Accessibility and Mobility (DREAM) established in the act with  
6 the same force and effect as if:

7 (1) The appropriations had been made to the Department  
8 of Disability Rights, Employment, Accessibility and Mobility  
9 (DREAM) in the first instance.

10 (2) The personnel, allocations, equipment, files,  
11 records and other materials had been the property of or had  
12 otherwise been part of the Department of Disability Rights,  
13 Employment, Accessibility and Mobility (DREAM) in the first  
14 instance.

15 (3) The contracts, agreements and obligations had been  
16 incurred or entered into by the Department of Disability  
17 Rights, Employment, Accessibility and Mobility (DREAM).

18 Section 7. The items specified in section 6 of this act that  
19 are transferred to the Department of Disability Rights,  
20 Employment, Accessibility and Mobility (DREAM) under this act  
21 shall include Federal grants and money and other benefits from  
22 Federal programs.

23 Section 8. All personnel transferred under this act shall  
24 retain any civil service employment status assigned to the  
25 personnel.

26 Section 9. All positions in the Department of Disability  
27 Rights, Employment, Accessibility and Mobility (DREAM) shall be  
28 deemed to be "classified service" as defined in 71 Pa.C.S. §  
29 2103, and the provisions and benefits of 71 Pa.C.S. Pt. III  
30 shall be applicable to the employees of, and positions in, the



1 Department of Disability Rights, Employment, Accessibility and  
2 Mobility (DREAM).

3 Section 10. All orders, permits, regulations, decisions and  
4 other actions of the governmental entities specified in section  
5 5 of this act shall remain in full force and effect until  
6 modified, repealed, superseded in or otherwise changed by  
7 appropriate action of the Department of Disability Rights,  
8 Employment, Accessibility and Mobility (DREAM).

9 Section 11. All acts and parts of acts are repealed insofar  
10 as they are inconsistent with this act.

11 Section 12. Notwithstanding any other provision of this act,  
12 the Governor's Cabinet for People with Disabilities and the  
13 Governor's Advisory Committee for People with Disabilities,  
14 established by Executive Order 2006-09, issued by the Governor  
15 on November 21, 2006, shall be recognized as the advisory  
16 committee to the Department of Disability Rights, Employment,  
17 Accessibility and Mobility (DREAM).

18 Section 13. This act shall take effect in one year.