

Section 2102. General Health Administration.--The Department of Health shall have the power, and its duty shall be:

(a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease;

(b) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or hindrance, to enter, examine and survey all grounds, vehicles, apartments, buildings, and places, within the Commonwealth, and all persons, authorized by the department to enter, examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conferred by law upon constables;

(c) To order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations;

(d) If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the department for the abatement or removal thereof, to enter upon the premises, to which such order relates, and abate or remove such nuisance, as may now or hereafter be provided by law;

(e) For the purpose of collecting or recovering the expense of the abatement or removal of a nuisance, to file a claim, or maintain an action, in such manner as may now or hereafter be provided by law, against the owner or occupant of the premises upon or from which such nuisance shall have been abated or removed by the department;

(f) To revoke or modify any order, regulation, by-law, or ordinance, of a local board of health, concerning a matter which, in the judgment of the department, affects the public health beyond the territory over which such local board has jurisdiction;

(g) To promulgate its rules and regulations. ((g) amended May 24, 1956, 1955 P.L.1692, No.573 and repealed in part July 31, 1968, P.L.769, No.240)

(h) Whenever, in the opinion of the department, conditions exist in any borough, or any township of the first class, within the Commonwealth, which constitute a menace to the lives and health of the people living outside the corporate limits of such borough or township, or, after it be known to the department that any borough or any township of the first class is without an existing or efficient board of health, to enter and take full charge of and administer the health laws, regulations, and ordinances, of such borough or township, and to continue in charge thereof, until the department shall decide that a competent and efficient board of health has been appointed and qualified for such borough or township and is ready, able, and willing to assume and carry into effect the duties imposed upon it by law, and to collect all expenses incurred by the department in performing its duties hereunder, as may now or hereafter be provided by law;

(i) To take over the administration of the health laws in any such borough or township, at the expense of the department, whenever the borough or township shall request the department to do so, and the department shall deem it advisable to comply with such request;

(j) To prescribe standard requirements for the conduct of the medical inspection of the pupils of the public schools throughout the Commonwealth, and to appoint medical inspectors

to make such school inspections, as may now or hereafter be provided by law;

(k) To investigate, hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public utility over which the Pennsylvania Public Utility Commission has jurisdiction, whenever said commission shall certify such question to the department.

The findings of the department upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law. ((k) added July 18, 1941, P.L.412, No.160)

(l) To train and make available appropriate facilities to train certain otherwise qualified State, county and municipal employes in the field of public health work, to become more familiar with, and therefor better understand, the various administrative and technical problems peculiar to public health services. ((l) added Apr. 4, 1956, 1955 P.L.1392, No.450)

(m) To make a bacteriological examination and report of any sample of water sent by any person to the department's laboratory at Philadelphia or Pittsburgh. A fee of one dollar (\$1.00) shall be charged for the service rendered in making the examination and report. ((m) added Aug. 25, 1959, P.L.764, No.270)

(n) To designate the Health Care Policy Board to adjudicate appeals, in accordance with 2 Pa.C.S. (relating to administrative law and procedure), of decisions made under Chapters 7 and 8 of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act." The department shall promulgate regulations establishing appeal procedures to be followed. Until such time as final regulations have been promulgated, procedures set forth in 37 Pa. Code Ch. 197 (relating to practice and procedure) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) shall be followed for these appeals. ((n) added Feb. 23, 1996, P.L.27, No.10)