

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1357 Session of
2011

INTRODUCED BY BROWNE, VANCE, SCARNATI, ORIE, BAKER, FOLMER,
BOSCOLA, WASHINGTON, M. WHITE, ALLOWAY, SCHWANK, COSTA,
SOLOBAY, YAW, EARLL, FERLO, STACK, PIPPY, ERICKSON AND
MENSCH, DECEMBER 14, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, DECEMBER 14, 2011

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," further providing for
4 medical assistance payments; and providing for gaining access
5 to physicians via telehealth.

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

8 Section 1. Section 443.3(a) of the act of June 13, 1967
9 (P.L.31, No.21), known as the Public Welfare Code, amended July
10 7, 2005 (P.L.177, No.42), is amended to read:

11 Section 443.3. Other Medical Assistance Payments.--(a)
12 Payments on behalf of eligible persons shall be made for other
13 services, as follows:

14 (1) Rates established by the department for outpatient
15 services as specified by regulations of the department adopted
16 under Title XIX of the Social Security Act (49 Stat. 620, 42
17 U.S.C. § 1396 et seq.) consisting of preventive, diagnostic,
18 therapeutic, rehabilitative or palliative services; furnished by

1 or under the direction of a physician, chiropractor or
2 podiatrist, by a hospital or outpatient clinic which qualifies
3 to participate under Title XIX of the Social Security Act, to a
4 patient to whom such hospital or outpatient clinic does not
5 furnish room, board and professional services on a continuous,
6 twenty-four hour a day basis.

7 (2) Rates established by the department for (i) other
8 laboratory and X-ray services prescribed by a physician,
9 chiropractor or podiatrist and furnished by a facility other
10 than a hospital which is qualified to participate under Title
11 XIX of the Social Security Act, (ii) physician's services
12 consisting of professional care by a physician, chiropractor or
13 podiatrist in his office, the patient's home, a hospital, a
14 nursing facility or elsewhere, (iii) the first three pints of
15 whole blood, (iv) remedial eye care, as provided in [Article
16 VIII] subarticle (b) of Article XXII of the act of April 9, 1929
17 (P.L.177, No.175), known as The Administrative Code of 1929,
18 consisting of medical or surgical care and aids and services and
19 other vision care provided by a physician skilled in diseases of
20 the eye or by an optometrist which are not otherwise available
21 under this [Article] article, (v) special medical services for
22 school children, as provided in the act of May 10, 1949 (P.L.30,
23 No.14), known as the Public School Code of 1949, consisting of
24 medical, dental, vision care provided by a physician skilled in
25 diseases of the eye or by an optometrist or surgical care and
26 aids and services which are not otherwise available under this
27 article.

28 (3) Notwithstanding any other provision of law, for
29 recipients aged twenty-one years or older receiving services
30 under the fee for service delivery system who are eligible for

1 medical assistance under Title XIX of the Social Security Act
2 and for recipients aged twenty-one years or older receiving
3 services under the fee-for-service delivery system who are
4 eligible for general assistance-related categories of medical
5 assistance, the following medically necessary services:

6 (i) Psychiatric outpatient clinic services not to exceed
7 five hours or ten one-half-hour sessions per thirty consecutive
8 day period.

9 (ii) Psychiatric partial hospitalization not to exceed five
10 hundred forty hours per fiscal year.

11 * * *

12 Section 2. The act is amended by adding a section to read:

13 Section 443.11. Gaining Access to Physicians via
14 Telehealth.--(a) The department shall eliminate any regulation
15 which requires a health care professional utilizing telehealth
16 to be in the physical presence of the patient in order for
17 Medicaid reimbursement to occur.

18 (b) Rates established by the department for telehealth
19 services delivered to a Medicaid beneficiary shall be the same
20 as if those services were provided in person to a Medicaid
21 beneficiary.

22 (c) The department may file a State plan amendment with the
23 Centers for Medicare and Medicaid Services of the United States
24 Department of Health and Human Services pursuant to Title XIX of
25 the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.)
26 by June 30, 2012. The program shall be structured and
27 administered by the department in accordance with Federal law
28 and applicable Federal guidelines for qualified State telehealth
29 services.

30 (d) The following words and phrases when used in this

1 section shall have the meanings given to them in this subsection
2 unless the context clearly indicates otherwise:

3 "Health care professional" means an individual who is
4 licensed, certified or otherwise regulated to provide health
5 care services under the laws of this Commonwealth.

6 "Health care services" means services for the diagnosis,
7 prevention, treatment cure or relief of a health condition,
8 injury, disease or illness.

9 "Telehealth" means the remote interaction between a health
10 care professional and a patient through the use of any of the
11 following:

12 (1) An audio/video transmission.

13 (2) A computer-based audio/video transmission.

14 (3) An electronic health monitoring device.

15 (4) Another telecommunications device that delivers health
16 information concerning a patient to a health care professional.

17 Section 3. This act shall take effect immediately.