
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2000 Session of
2001

INTRODUCED BY J. EVANS, GORDNER, BEBKO-JONES, ARMSTRONG,
J. BAKER, BARD, BELFANTI, BENNINGHOFF, BISHOP, BLAUM, BOYES,
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R. STEVENSON, STRITTMATTER, STURLA, TANGRETTI, THOMAS,
TRELLO, TRICH, VANCE, VEON, WATERS, WILT, WOGAN, WOJNAROSKI,
M. WRIGHT, G. WRIGHT AND YOUNGBLOOD, OCTOBER 5, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
OCTOBER 5, 2001

AN ACT

1 Providing for treatment of psychological problems in health care
2 facilities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Psychologists
7 Continuity of Care Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) The practice of psychology in this Commonwealth is

1 recognized as an independent health profession appropriately
2 regulated and prescribed by the State Board of Psychology,
3 and the interests of the people of this Commonwealth demand
4 that all appropriate resources, including inpatient
5 facilities, be available to assist in the diagnosis,
6 prevention, treatment and amelioration of psychological
7 problems and emotional and mental disorders by psychologists.

8 (2) The treatment of the psychological problems of
9 citizens of this Commonwealth will be enhanced in some cases
10 by temporary hospitalization, and psychologists must be
11 recognized as eligible for clinical privileges to practice
12 independently in a hospital setting.

13 (3) It is therefore the intent of the General Assembly
14 to authorize and encourage licensed health care facilities,
15 premised upon individual determinations by the facilities, to
16 make services of psychologists available in inpatient
17 settings by conferring membership on the medical or
18 professional staff and clinical privileges to psychologists
19 consistent with their qualifications and licensure.

20 Section 3. Definitions.

21 The following words and phrases when used in this act shall
22 have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 "Clinical privileges." The authority to provide patient care
25 independently, including, but not limited to, psychological
26 assessments, psychotherapy, consultation, admission and
27 discharge procedures and other privileges consistent with
28 section 7.

29 "Health care facility." A general or special hospital or any
30 inpatient, outpatient or partial hospital program or health care

1 facility licensed by the Commonwealth.

2 "Physician." A medical doctor or doctor of osteopathy.

3 "Psychologist." A person who is licensed in accordance with
4 the provisions of the act of March 23, 1972 (P.L.136, No.52),
5 known as the Professional Psychologists Practice Act.

6 Section 4. Appointment to staff of health care facility.

7 The bylaws of any health care facility may provide for the
8 appointment of a psychologist as a member of the medical or
9 professional staff on such terms and conditions as the facility
10 shall reasonably establish. Each psychologist accepted on the
11 staff shall be qualified for membership and the exercise of the
12 specific clinical privileges granted to that psychologist. The
13 staff of any facility shall define in its bylaws the
14 requirements for admission to staff membership of a psychologist
15 and for the delineation and retention of clinical privileges by
16 a psychologist. Psychologists shall be eligible to hold
17 membership and serve on committees of the medical or
18 professional staffs and may possess clinical privileges and
19 carry professional responsibilities consistent with the scope of
20 their licensure and their competence, subject to the reasonable
21 rules of the facility. Members of the medical staff and those
22 granted clinical privileges shall currently hold licenses to
23 practice in this Commonwealth.

24 Section 5. Standards for granting staff membership and clinical
25 privileges.

26 (a) Criteria.--The conferring of staff membership and
27 delineation of clinical privileges shall be determined on an
28 individual basis commensurate with an applicant's education,
29 training, experience and demonstrated current competence in
30 accordance with the bylaws of the medical and professional

1 staff. In implementing these criteria, the staff shall formulate
2 and apply reasonable nondiscriminatory standards for the
3 evaluation of an applicant's credentials. An applicant may not
4 be denied medical staff privileges on the basis of sex, race,
5 color, creed or national origin or on the basis of any other
6 criterion lacking professional or ethical justification. As part
7 of the overall responsibility for the operation of a health care
8 facility, the governing body, or persons designated by it, shall
9 ensure that decisions on staff membership and clinical
10 privileges be based on an objective evaluation of an applicant's
11 credentials free of anticompetitive intent or purposes. Whenever
12 possible, the credentials committee and other staff who evaluate
13 and determine an applicant's qualifications for staff membership
14 and clinical privileges under this act shall include members of
15 the applicant's profession.

16 (b) Hearing requirement.--No health care facility may deny
17 an application by a psychologist for staff membership, clinical
18 privileges or reappointment or modify, suspend or revoke such
19 membership or privileges without providing the psychologist with
20 a fair hearing and a mechanism for review upon request by the
21 psychologist. Each health care facility shall provide for a fair
22 hearing and review process for psychologists in its bylaws.

23 (c) Clinical privileges.--The exercise of clinical
24 privileges in any health care facility may be limited,
25 restricted or revoked for reasons including, but not limited to,
26 violations of the rules, regulations or administrative
27 procedures of the facility which are applied in good faith and
28 in a nondiscriminatory manner to all practitioners appointed to
29 the staff or granted clinical privileges by the facility.

30 Section 6. Status of present psychologist staff members and

1 employees.

2 Nothing in this act shall prohibit a psychologist who is
3 currently an allied staff member or an employee of a health care
4 facility from continuing to work or practice in that capacity.

5 Section 7. Medical coverage.

6 (a) Patient evaluation and management.--Whenever a
7 psychologist may have the responsibility for the hospitalization
8 or treatment of a patient with mental illness, that psychologist
9 or the health care facility shall, prior to or at the time of
10 admission, identify an appropriate physician with privileges at
11 the facility who shall be responsible for medical evaluation and
12 medical management of the patient for the duration of the
13 hospitalization or treatment. The psychologist responsible for
14 the admission shall be responsible for all other evaluation and
15 management of the patient.

16 (b) Scope.--Nothing in this act shall modify or qualify the
17 responsibility of a physician to provide medical evaluation of
18 or medical management for mentally disabled persons within
19 health care facilities. Further, nothing in this act shall
20 authorize any staff member to practice beyond the scope of his
21 current license.

22 Section 8. Effective date.

23 This act shall take effect in 60 days.