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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1357 Session of  
2011

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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

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REFERRED TO PUBLIC HEALTH AND WELFARE, DECEMBER 14, 2011

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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.

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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.