

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

**BILL NO.** Senate Bill 81

**PRINTER'S NO.** 1047

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund  
Restricted Revenue Accounts  
Professional Licensure Augmentation Account

**DATE INTRODUCED**

January 9, 2013

**PRIME SPONSOR**

Senator Greenleaf

**HISTORY OF BILL**

Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
Jan. 9, 2013

Reported as amended, May 8, 2013

First consideration, May 8, 2013

Re-referred to APPROPRIATIONS, June 5, 2013

Re-reported as committed, Oct. 21, 2013

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 81 amends the act of December 4, 1996 (P.L.893, No.141), known as the "Volunteer Health Services Act," to allow for the issuance of mental health volunteer licenses to providers of mental health services for military families.

Specifically, this legislation does the following:

- Adds a new chapter (Chapter 5) entitled "Mental Health Services for Military Families;"
- Adds several new definitions of terms used in Chapter 5;
- Permits an "approved organization," to submit an application to the Department of Military and Veterans Affairs (DMVA) to seek approval to sponsor persons who hold mental health volunteer licenses, issued by the Pennsylvania Department of State, Bureau of Professional and Occupational Affairs;
- Requires the following information be provided on the above mentioned application:
  - 1) The name and address of the organization and a copy of its corporate filing;
  - 2) The charitable purpose for which it is operating;

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- 3) The latest filing with the Department of State;
  - 4) The level of insurance obtained by the organization for its activities;
  - 5) The location, hours, facilities and staff who will oversee the volunteer effort;
  - 6) The confirmation of tax-exempt status issued by the United States Internal Revenue Service;
  - 7) The most recent federal tax return filed by the organization;
  - 8) Any other information the DMVA, or any Commonwealth agency consulted by the DMVA, deems necessary.
- Authorizes a retired "licensee," who had a license in good standing at the time of retirement or a non-retired licensee who does not otherwise practice in the Commonwealth to apply to the appropriate "board," for a mental health volunteer license;
  - Stipulates that holders of a mental health volunteer license are not required to maintain professional liability insurance;
  - Requires the Commission of the Bureau of Professional and Occupational Affairs in the Department of State to publish an application form and notice in the Pennsylvania Bulletin regarding a mental health volunteer license and continuing education requirements;
  - Subjects mental health volunteer licenses to a biennial renewal;
  - Exempts mental health volunteer licensees from renewal fees imposed by the appropriate licensing board;
  - Subjects mental health volunteer licensees to continuing education requirements imposed by a board as a general condition of biennial renewal;
  - Subjects mental health volunteer licensees to standards of conduct applicable to all licensees licensed by the appropriate board;
  - Stipulates that a mental health volunteer licensee is immune to civil liability for damages arising as a result of any act or omission in the rendering of care unless the conduct of the person falls substantially below professional standards;
  - Stipulates that civil liability immunity shall not apply to the following:
    - 1) Licensees that fail to post an explanation of the liability exemption in a conspicuous place on the licensee's premises; and
    - 2) Institutional health care providers, such as hospitals or approved clinics, subject to secondary liability for the conduct of a volunteer license holder.
  - Permits a mental health volunteer licensee to prescribe medication to a "family member," if the licensee was able to prescribe medicine when they were a holder of an active license;

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- Permits a mental health volunteer licensee or an approved organization to elect to purchase primary insurance to cover mental health services rendered and stipulates they shall not be obligated to purchase excess coverage through the Medical Professional Catastrophe Loss Fund or the Medical Care Availability and Reduction of Error (Mcare) Fund.

This Act shall take effect in 60 days.

### **FISCAL IMPACT:**

The following five state boards would be subject to the newly created Chapter 5 of the Volunteer Health Services Act:

- State Board of Medicine;
- State Board of Osteopathic Medicine;
- State Board of Psychology;
- State Board of Social Workers, Marriage and Family Therapists and Professional Counselors; and
- State Board of Nursing.

The above mentioned state boards would be required to license an additional class of "mental health volunteer licensees," in addition to the volunteer licenses already required under the Act, of which the Bureau of Professional and Occupational Affairs does not expect to incur any new costs for promulgation of regulations for such licenses. The establishment of new license classes in the boards' recordkeeping and reporting system, establishment of new forms and monitoring of these new classes of licenses will require some changes to the Department of State's technology systems, of which they indicate the costs can be absorbed within current maintenance contracts.

The number of individuals that will apply for a license under this legislation is indeterminate. The legislation provides for these licenses to be issued without a fee imposed to cover the costs associated with processing the applications, although the costs are expected to be minimal and capable of being absorbed within the Department of State's annual state appropriation.

The DMVA is not expected to incur any additional costs with the implementation of the provisions contained within this legislation.

Therefore, the enactment of this legislation is not expected to have an impact on Commonwealth funds.