

OUTPATIENT PSYCHIATRIC OVERSIGHT ACT - ENACTMENT

Act of May 31, 2018, P.L. 123, No. 25

Cl. 35

An Act

Providing for outpatient psychiatric oversight.

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

Section 1. Short title.

This act shall be known and may be cited as the Outpatient Psychiatric Oversight Act.

Section 2. Definitions.

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

"Advanced practice professional." A person who:

(1) (i) holds a current Pennsylvania license as a certified registered nurse practitioner with a mental health certification; or

(ii) obtains a mental health certification within two years of being hired by an outpatient psychiatric clinic or within two years of the effective date of this section, whichever is later; or

(2) (i) holds a current Pennsylvania license as a physician assistant with a mental health certification; or

(ii) obtains a mental health certification within two years of being hired by an outpatient psychiatric clinic or within two years of the effective date of this section, whichever is later.

(Def. amended July 11, 2022, P.L.773, No.76)

"Department." The Department of Human Services of the Commonwealth.

"Full-time equivalent." (Def. deleted by amendment July 11, 2022, P.L.773, No.76).

"Interactive audio and video." (Def. deleted by amendment July 11, 2022, P.L.773, No.76).

"Outpatient psychiatric clinic." A nonresidential treatment setting in which psychiatric, psychological, social, educational and other related services are provided under medical supervision. It is designed for the evaluation and treatment of individuals of any age with mental illness or emotional distress. Outpatient services are provided on a planned and regularly scheduled basis.

"Psychiatrist." A physician who has completed at least three years of a residency in psychiatry and is licensed to practice psychiatry in this Commonwealth.

"Telebehavioral health technology." As follows:

(1) Any of the following:

(i) Real-time interactive audio and video communication using technology that conforms to industry-wide standards and is in compliance with Federal and State privacy and security laws.

(ii) Real-time interactive audio-only telecommunication, provided that the use of audio-only telecommunication technology is consistent with Federal and State laws, guidance and requirements.

(2) The term does not include technology solely using voicemail, electronic mail messages, facsimile transmissions or instant messaging, or a combination thereof.

(Def. added July 11, 2022, P.L.773, No.76)

Section 3. Requirements.

The following shall apply:

(1) ((1) deleted by amendment).

(2) ((2) deleted by amendment).

(3) Required psychiatric time may be provided in person or by the use of telebehavioral health technology by psychiatrists, as specified by department regulations. Advanced practice professionals may also provide a portion of the psychiatric time, as specified by department regulations, either in person or by the use of telebehavioral health technology.

(4) Nothing in this section shall be construed to limit the ability of the department to issue a waiver pursuant to regulation.

(3 amended July 11, 2022, P.L.773, No.76)

Section 4. Regulations.

The department shall promulgate regulations as necessary to carry out the provisions of this act.

Section 5. Effective date.

This act shall take effect in 60 days.