

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1555 Session of
1993

INTRODUCED BY MURPHY, DEMPSEY, FAJT, DeWEESE, ITKIN, PHILLIPS,
TIGUE, DALEY, STURLA, COWELL, MELIO, STABACK, PISTELLA,
KUKOVICH, KREBS, JAMES, MUNDY, PESCI, BELARDI, TRELLO,
MILLER, PRESTON, JOSEPHS, KAISER, RITTER, McNALLY,
D. W. SNYDER, HECKLER, GIGLIOTTI, CAPPABIANCA, SEMMEL,
ROONEY, BLAUM, STAIRS, PETRONE, SCRIMENTI, SAURMAN, GERLACH,
CAWLEY, STETLER, RUBLEY, VEON, OLASZ, TANGRETTI AND BEBKO-
JONES, MAY 5, 1993

REFERRED TO COMMITTEE ON INSURANCE, MAY 5, 1993

AN ACT

1 Providing for insurance reimbursement for clinical social work
2 practice.

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 Social Work
7 Insurance Reimbursement Law.

8 Section 2. Definitions.

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

12 "Board." The State Board of Social Work Examiners under the
13 Bureau of Professional and Occupational Affairs within the
14 Department of State.

15 "Clinical social worker." A social worker who has been

1 certified as a clinical social worker by the State Board of
2 Social Work Examiners, by a recognized nationwide accrediting
3 organization approved by the board or the Federal Medicare
4 Program under Title XVIII of the Social Security Act (Public Law
5 74-271, 42 U.S.C. § 1395 et seq.) and who demonstrates proof of
6 financial responsibility for professional liability in such form
7 and amount as shall be determined by rules and regulations
8 adopted under section 5. The minimum qualifications for
9 certification as a clinical social worker shall consist of:

10 (1) A master's degree from an accredited school of
11 social work or social welfare or a doctoral degree in social
12 work as recognized by the State Board of Social Work
13 Examiners.

14 (2) At least two postgraduate years or 3,000 hours of
15 supervised clinical social work practice as an employee or
16 compensated independent contractor.

17 "Social service agency." An agency accredited, licensed or
18 approved by any of the following:

19 (1) A nationally recognized accrediting organization
20 accrediting health care organizations or organizations
21 providing services to families and children.

22 (2) The Department of Public Welfare of the
23 Commonwealth.

24 (3) The Department of Health of the Commonwealth.

25 (4) The State Board of Social Work Examiners.

26 "Social worker." A person licensed under the act of July 9,
27 1987 (P.L.220, No.39), known as the Social Workers' Practice
28 Act.

29 "Supervised clinical social work practice." Clinical social
30 work practice supervised by a person certified as a clinical

1 social worker, a social service agency or a person or
2 organization approved by a recognized nationwide accrediting
3 organization or by the State Board of Social Work Examiners. A
4 person receiving supervision shall not compensate or reimburse a
5 person providing supervision of social work practice.

6 Section 3. Policies, contracts or certificates covered.

7 This act shall apply to every group or individual policy,
8 contract or certificate issued under a policy or contract of
9 health, or sickness, or accident insurance delivered or issued
10 for delivery within this Commonwealth, including, but not
11 limited to, policies, contracts or certificates issued by:

12 (1) Any stock insurance company as defined in section
13 202(c)(4) and (11) of the act of May 17, 1921 (P.L.682,
14 No.284), known as The Insurance Company Law of 1921.

15 (2) Any mutual insurance company as defined in section
16 202(d)(1) of The Insurance Company Law of 1921.

17 (3) Any professional health services plan corporation as
18 defined in 40 Pa.C.S. Ch. 63 (relating to professional health
19 services plan corporations).

20 (4) Any fraternal benefit societies as defined in the
21 act of December 14, 1992 (P.L.835, No.134), known as the
22 Fraternal Benefit Societies Code.

23 (5) Any voluntary nonprofit health services plan as
24 defined in the act of December 29, 1972 (P.L.1701, No.364),
25 known as the Health Maintenance Organization Act.

26 (6) Any preferred provider organization as defined in
27 section 630 of The Insurance Company Law of 1921.

28 (7) Any person who sells or issues contracts or
29 certificates of insurance which meet the requirements of this
30 act.

1 Section 4. Scope of coverage.

2 Whenever a policy, contract or certificate provides for
3 reimbursement for any service that is within the practice of
4 social work as provided by the act of July 9, 1987 (P.L.220,
5 No.39), known as the Social Workers' Practice Act, the insured
6 or any other person covered by the policy, contract or
7 certificate shall be entitled to reimbursement for any such
8 service provided by a clinical social worker. Notwithstanding
9 any other law to the contrary, reimbursement may be paid either
10 to the insured or directly to the clinical social worker.

11 Nothing in this act shall be deemed to supersede any reasonable
12 and nondiscriminatory utilization review or managed care
13 requirements imposed by the policy, contract or certificate.

14 Section 5. Rules and regulations.

15 The Insurance Commissioner acting jointly with the board may
16 promulgate such rules and regulations as are deemed necessary
17 for the effective implementation and operation of this act.

18 Section 6. Effect on existing law.

19 Nothing in this act shall be deemed to expand, enlarge or
20 modify directly or indirectly the scope of practice of social
21 work as provided by the act of July 9, 1987 (P.L.220, No.39),
22 known as the Social Workers' Practice Act. Anything in this act
23 or any other laws of this Commonwealth to the contrary
24 notwithstanding, a clinical social worker shall not be entitled
25 to reimbursement for any service or services not within the
26 "practice of social work" as set forth in the Social Workers'
27 Practice Act.

28 Section 7. Repeals.

29 All acts and parts of acts are repealed insofar as they are
30 inconsistent with this act.

1 Section 8. Applicability.

2 This act shall apply to:

3 (1) All policies, contracts and certificates delivered
4 or issued for delivery more than 120 days after the effective
5 date of this act.

6 (2) All renewals of policies, contracts or certificates
7 on any renewal date which is more than 120 days after the
8 effective date of this act.

9 Section 9. Effective date.

10 This act shall take effect immediately.