

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1177 Session of
2007

INTRODUCED BY FABRIZIO, SEIP, SURRA, BELFANTI, BIANCUCCI,
BRENNAN, BUXTON, CURRY, DALEY, FRANKEL, GEORGE, GERGELY,
GRUCELA, HARKINS, JOSEPHS, KIRKLAND, KOTIK, LEACH, MARKOSEK,
McGEEHAN, McILHATTAN, MUNDY, MYERS, PETRONE, RAYMOND,
READSHAW, REICHLEY, SANTONI, SCAVELLO, SIPTROTH, SOLOBAY,
STURLA, TANGRETTI, WOJNAROSKI, YOUNGBLOOD, MURT, KING,
BENNINGTON, GIBBONS, PALLONE, HORNAMAN, PASHINSKI AND ARGALL,
MAY 1, 2007

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 31, 2007

AN ACT

1 ~~Requiring health insurance policies issued by insurance~~ <—
2 ~~companies to reimburse for mental health services provided by~~
3 ~~licensed clinical social workers.~~

4 AMENDING TITLE 40 (INSURANCE) OF THE PENNSYLVANIA CONSOLIDATED <—
5 STATUTES, PROVIDING FOR CLINICAL SOCIAL WORK SERVICES.

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

8 ~~Section 1. Short title.~~ <—

9 ~~This act shall be known and may be cited as the Mental Health~~
10 ~~Services Reimbursement Act.~~

11 ~~Section 2. Definitions.~~

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

15 ~~"Health insurance policy." Any individual or group health~~
16 ~~insurance policy, subscriber contract, certificate or plan which~~

1 ~~provides medical or health care coverage which is offered by or~~
2 ~~is governed under any of the following:~~

3 ~~(1) Any stock insurance company incorporated for the~~
4 ~~purposes set forth in section 202(c) of the act of May 17,~~
5 ~~1921 (P.L.682, No.284), known as The Insurance Company Law of~~
6 ~~1921.~~

7 ~~(2) Any mutual insurance company incorporated for any of~~
8 ~~the purposes set forth in section 202(d) of The Insurance~~
9 ~~Company Law of 1921.~~

10 ~~(3) Any professional health services plan corporation as~~
11 ~~defined in 40 Pa.C.S. Ch. 63 (relating to professional health~~
12 ~~services plan corporations).~~

13 ~~(4) Any fraternal benefit society as defined in 40~~
14 ~~Pa.C.S. Ch. 63.~~

15 ~~(5) Any health maintenance organization as defined in~~
16 ~~the act of December 29, 1972 (P.L.1701, No.364), known as the~~
17 ~~Health Maintenance Organization Act.~~

18 ~~(6) Any person who sells or issues contracts or~~
19 ~~certificates of insurance which meet the requirements of this~~
20 ~~act.~~

21 ~~(7) Any hospital plan corporation as defined in 40~~
22 ~~Pa.C.S. Ch. 61 (relating to hospital plan corporations).~~

23 ~~"Licensed clinical social worker." A provider with a~~
24 ~~master's or doctoral degree in social work who assesses,~~
25 ~~intervenes and treats individuals, families and groups with~~
26 ~~biopsychosocial problems or disorders and who holds a current~~
27 ~~advanced standing clinical license under the act of July 9, 1987~~
28 ~~(P.L.220, No.39), known as the Social Workers, Marriage and~~
29 ~~Family Therapists and Professional Counselors Act.~~

30 ~~Section 3. Reimbursement for services provided by licensed~~

1 ~~clinical social workers.~~

2 ~~(a) Reimbursement. Whenever a health insurance policy~~
3 ~~provides reimbursement for any mental health service which is~~
4 ~~within those areas of practice for which a licensed clinical~~
5 ~~social worker is licensed to provide, the insured or any other~~
6 ~~person covered by the policy shall be entitled to reimbursement~~
7 ~~for such service duly provided.~~

8 ~~(b) Licensed clinical social worker rights. Whenever such~~
9 ~~service is performed by a licensed clinical social worker and~~
10 ~~reimbursed by a professional health services plan corporation,~~
11 ~~the licensed clinical social worker shall be granted such rights~~
12 ~~of participation, plan admission and registration as may be~~
13 ~~granted by the professional health services plan corporation~~
14 ~~under 40 Pa.C.S. Ch. 63 (relating to professional health~~
15 ~~services plan corporations).~~

16 ~~Section 4. Rules and regulations.~~

17 ~~The Insurance Commissioner may promulgate such rules and~~
18 ~~regulations as are deemed necessary for the effective~~
19 ~~implementation and operation of this act.~~

20 ~~Section 5. Effective date.~~

21 ~~This act shall take effect in 60 days.~~

22 SECTION 1. THE DEFINITIONS OF "HEALTH SERVICE DOCTOR" AND <—
23 "PROFESSIONAL HEALTH SERVICES" IN SECTION 6302(A) OF TITLE 40 OF
24 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE
25 SUBSECTION IS AMENDED BY ADDING A DEFINITION TO READ:

26 § 6302. DEFINITIONS.

27 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
28 IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES
29 OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

30 * * *

1 "CLINICAL SOCIAL WORK SERVICES." THE GENERAL AND USUAL
2 SERVICES RENDERED AND CARE ADMINISTERED BY LICENSED CLINICAL
3 SOCIAL WORKERS AS DEFINED AS THE "PRACTICE OF CLINICAL SOCIAL
4 WORK" IN THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN AS THE
5 SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL
6 COUNSELORS ACT.

7 * * *

8 "HEALTH SERVICE DOCTOR." A DOCTOR OF DENTAL SURGERY, DOCTOR
9 OF MEDICINE, DOCTOR OF OPTOMETRY, DOCTOR OF OSTEOPATHY, DOCTOR
10 OF PODIATRY, DOCTOR OF CHIROPRACTIC, LICENSED PHYSICAL
11 THERAPIST, LICENSED CLINICAL SOCIAL WORKER, CERTIFIED REGISTERED
12 NURSE ANESTHETIST, CERTIFIED REGISTERED NURSE PRACTITIONER,
13 CERTIFIED ENTEROSTOMAL THERAPY NURSE, CERTIFIED COMMUNITY HEALTH
14 NURSE, CERTIFIED PSYCHIATRIC MENTAL HEALTH NURSE, CERTIFIED
15 CLINICAL NURSE SPECIALIST, LICENSED PSYCHOLOGIST, LICENSED
16 SPEECH-LANGUAGE PATHOLOGIST, LICENSED AUDIOLOGIST OR LICENSED
17 TEACHER OF PERSONS WHO ARE HEARING IMPAIRED.

18 * * *

19 "PROFESSIONAL HEALTH SERVICES." DENTAL SERVICES, MEDICAL
20 SERVICES, OPTOMETRIC SERVICES, OSTEOPATHIC SERVICES, PODIATRY
21 SERVICES, CHIROPRACTIC SERVICES, PHYSICAL THERAPY SERVICES,
22 CLINICAL SOCIAL WORK SERVICES, PSYCHOLOGICAL SERVICES, SPEECH-
23 LANGUAGE PATHOLOGY SERVICES, AUDIOLOGY SERVICES, SERVICES OF
24 TEACHERS OF PERSONS WHO ARE HEARING IMPAIRED, CERTIFIED
25 REGISTERED NURSE SERVICES PROVIDED BY A CERTIFIED REGISTERED
26 NURSE AT ANY TIME EXCEPT WHEN THE CERTIFIED REGISTERED NURSE IS
27 ACTING AS AN EMPLOYEE OF A HEALTH CARE FACILITY OR OF AN
28 ANESTHESIOLOGY GROUP OR ANY ONE OR MORE OF THEM, PROVIDED ANY OF
29 THE ABOVE-LISTED SERVICES ARE MEDICALLY NECESSARY.

30 * * *

1 SECTION 2. SECTION 6322(F) OF TITLE 40 IS AMENDED TO READ:

2 § 6322. SCOPE OF SERVICE.

3 * * *

4 (F) LEGISLATIVE AMENDMENT OF STATED PURPOSES OF EXISTING
5 CORPORATIONS.--THE STATED PURPOSES OF ALL EXISTING GENERAL
6 MEDICAL SERVICE CORPORATIONS ARE HEREBY AMENDED SO AS TO INCLUDE
7 THE FURNISHING OF OSTEOPATHIC, DENTAL, OPTOMETRIC, PODIATRY,
8 CHIROPRACTIC, PHYSICAL THERAPY, CLINICAL SOCIAL WORK,
9 PSYCHOLOGICAL, SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES
10 AND THE SERVICES OF TEACHERS OF PERSONS WHO ARE HEARING IMPAIRED
11 THROUGH DOCTORS OF OSTEOPATHY, DENTISTRY, OPTOMETRY, PODIATRY
12 AND CHIROPRACTIC AND THROUGH LICENSED PHYSICAL THERAPISTS,
13 LICENSED CLINICAL SOCIAL WORKERS, PSYCHOLOGISTS, SPEECH-LANGUAGE
14 PATHOLOGISTS, AUDIOLOGISTS AND TEACHERS OF PERSONS WHO ARE
15 HEARING IMPAIRED, RESPECTIVELY.

16 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.