

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, ARGALL AND
CALTAGIRONE, MAY 1, 2007

SENATOR D. WHITE, BANKING AND INSURANCE, IN SENATE, AS AMENDED,
SEPTEMBER 17, 2008

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, FURTHER PROVIDING FOR DEFINITIONS, FOR SCOPE OF
6 SERVICE AND FOR RIGHTS OF HEALTH SERVICE DOCTORS.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 ~~Section 1. Short title.~~ <—

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

12 ~~Section 2. Definitions.~~

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

16 ~~"Health insurance policy." Any individual or group health~~

1 ~~insurance policy, subscriber contract, certificate or plan which~~
2 ~~provides medical or health care coverage which is offered by or~~
3 ~~is governed under any of the following:~~

4 ~~(1) Any stock insurance company incorporated for the~~
5 ~~purposes set forth in section 202(c) of the act of May 17,~~
6 ~~1921 (P.L.682, No.284), known as The Insurance Company Law of~~
7 ~~1921.~~

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

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

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

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

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

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

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

1 ~~Section 3. Reimbursement for services provided by licensed~~
2 ~~clinical social workers.~~

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

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

17 ~~Section 4. Rules and regulations.~~

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

21 ~~Section 5. Effective date.~~

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

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

27 § 6302. DEFINITIONS.

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

1 * * *

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

8 * * *

9 "HEALTH SERVICE DOCTOR." [A] ANY HEALTH CARE PROFESSIONAL
10 DULY LICENSED OR CERTIFIED UNDER COMMONWEALTH STATUTE REGULATING
11 A PARTICULAR BRANCH OF HEALTH CARE PRACTICE, INCLUDING, BUT NOT
12 LIMITED TO, DOCTOR OF DENTAL SURGERY, DOCTOR OF MEDICINE, DOCTOR
13 OF OPTOMETRY, DOCTOR OF OSTEOPATHY, DOCTOR OF PODIATRY, DOCTOR
14 OF CHIROPRACTIC, LICENSED PHYSICAL THERAPIST, LICENSED CLINICAL
15 SOCIAL WORKER, LICENSED OCCUPATIONAL THERAPIST, LICENSED
16 MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR,
17 CERTIFIED REGISTERED NURSE ANESTHETIST, CERTIFIED REGISTERED
18 NURSE PRACTITIONER, CERTIFIED ENTEROSTOMAL THERAPY NURSE,
19 CERTIFIED COMMUNITY HEALTH NURSE, CERTIFIED PSYCHIATRIC MENTAL
20 HEALTH NURSE, CERTIFIED CLINICAL NURSE SPECIALIST, LICENSED
21 PSYCHOLOGIST, LICENSED SPEECH-LANGUAGE PATHOLOGIST, LICENSED
22 AUDIOLOGIST OR LICENSED TEACHER OF PERSONS WHO ARE HEARING
23 IMPAIRED.

24 * * *

25 "LICENSED MARRIAGE AND FAMILY THERAPY SERVICES." THE GENERAL
26 AND USUAL SERVICES RENDERED AND CARE ADMINISTERED BY PERSONS
27 LICENSED PURSUANT TO 49 PA. CODE CH. 48 (RELATING TO STATE BOARD
28 OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
29 PROFESSIONAL COUNSELORS-LICENSURE OF MARRIAGE AND FAMILY
30 THERAPISTS).

1 "LICENSED PROFESSIONAL COUNSELING SERVICES." THE GENERAL AND
2 USUAL SERVICES RENDERED AND CARE ADMINISTERED BY PERSONS
3 LICENSED PURSUANT TO 49 PA. CODE CH. 49 (RELATING TO STATE BOARD
4 OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
5 PROFESSIONAL COUNSELORS-LICENSURE OF PROFESSIONAL COUNSELORS).

6 * * *

7 "OCCUPATIONAL THERAPY SERVICES." THE GENERAL AND USUAL
8 SERVICES RENDERED AND CARE ADMINISTERED BY LICENSED OCCUPATIONAL
9 THERAPISTS, AS DEFINED BY "OCCUPATIONAL THERAPY" IN THE ACT OF
10 JUNE 15, 1982 (P.L.502, NO.140), KNOWN AS THE OCCUPATIONAL
11 THERAPY PRACTICE ACT.

12 * * *

13 "PROFESSIONAL HEALTH SERVICES." [DENTAL SERVICES, MEDICAL
14 SERVICES, OPTOMETRIC SERVICES, OSTEOPATHIC SERVICES, PODIATRY
15 SERVICES, CHIROPRACTIC SERVICES, PHYSICAL THERAPY SERVICES,
16 PSYCHOLOGICAL SERVICES, SPEECH-LANGUAGE PATHOLOGY SERVICES,
17 AUDIOLOGY SERVICES, SERVICES OF TEACHERS OF PERSONS WHO ARE
18 HEARING IMPAIRED, CERTIFIED REGISTERED NURSE SERVICES PROVIDED
19 BY A CERTIFIED REGISTERED NURSE AT ANY TIME EXCEPT WHEN THE
20 CERTIFIED REGISTERED NURSE IS ACTING AS AN EMPLOYEE OF A HEALTH
21 CARE FACILITY OR OF AN ANESTHESIOLOGY GROUP OR ANY ONE OR MORE
22 OF THEM, PROVIDED ANY OF THE ABOVE-LISTED SERVICES ARE MEDICALLY
23 NECESSARY.] PROFESSIONAL SERVICES PROVIDED BY A DULY LICENSED
24 HEALTH SERVICE DOCTOR PROVIDED THE SERVICES ARE MEDICALLY
25 NECESSARY.

26 * * *

27 SECTION 2. SECTIONS 6322(F) AND 6324(A) OF TITLE 40 ARE
28 AMENDED TO READ:

29 § 6322. SCOPE OF SERVICE.

30 * * *

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

15 § 6324. RIGHTS OF HEALTH SERVICE DOCTORS.

16 (A) ADMISSION TO PLAN.--EVERY HEALTH SERVICE DOCTOR
17 PRACTICING WITHIN THE AREA COVERED BY ANY PROFESSIONAL HEALTH
18 SERVICE CORPORATION SHALL HAVE THE RIGHT, ON COMPLYING WITH SUCH
19 REGULATIONS AS THE CORPORATION MAY MAKE WITH THE APPROVAL OF THE
20 DEPARTMENT OF HEALTH, TO REGISTER WITH SUCH CORPORATION FOR SUCH
21 GENERAL OR SPECIAL PROFESSIONAL HEALTH SERVICES AS HE MAY BE
22 LICENSED TO PRACTICE, WITHIN THAT AREA, BUT THE CORPORATION MAY,
23 WITH THE APPROVAL OF THE DEPARTMENT OF HEALTH, REFUSE TO PLACE
24 THE NAME OF ANY HEALTH SERVICE DOCTOR ON ITS REGISTER. ANY
25 PROFESSIONAL HEALTH SERVICE CORPORATION MAY, WITH THE APPROVAL
26 OF THE DEPARTMENT OF HEALTH, REMOVE FROM ITS REGISTER THE NAME
27 OF ANY HEALTH SERVICE DOCTOR AFTER DUE NOTICE AND OPPORTUNITY
28 FOR HEARING FOR CAUSE SATISFACTORY TO THE CORPORATION. NOTHING
29 IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE DISCRETION OF A
30 PROFESSIONAL HEALTH SERVICE CORPORATION TO DETERMINE THE CLASSES

1 OR KINDS OF SERVICES THAT WILL BE COVERED UNDER ITS CONTRACTS.

2 * * *

3 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.