

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2028 Session of 2015

INTRODUCED BY PICKETT, BAKER, D. COSTA, DeLUCA, EVERETT, MAJOR, MILNE, MURT, ROZZI, THOMAS, WATSON AND YOUNGBLOOD, MAY 4, 2016

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 2016

AN ACT

1 Providing for outpatient psychiatric oversight.

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

4 Section 1. Short title.

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

7 Section 2. Definitions.

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

11 "ADVANCED PRACTICE PROFESSIONAL." A REGISTERED, LICENSED OR <--  
12 CERTIFIED HEALTH CARE PRACTITIONER WHO HAS GAINED ADDITIONAL  
13 SPECIALIZED KNOWLEDGE, SKILLS AND EXPERIENCE THROUGH A PROGRAM  
14 OF STUDY IN THAT SPECIALTY.

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

1 "Full-time equivalent." Thirty-seven and one-half hours per  
2 week.

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

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

13 "TELEPSYCHIATRY." THE PRACTICE OF MEDICINE IN THE SPECIALTY <--  
14 FIELD OF PSYCHIATRY USING ELECTRONIC COMMUNICATIONS, INFORMATION  
15 TECHNOLOGY OR OTHER MEANS BETWEEN A PROVIDER IN ONE LOCATION AND  
16 A PATIENT IN ANOTHER LOCATION, WITH OR WITHOUT AN INTERVENING  
17 HEALTH CARE PROVIDER. THE TERM DOES NOT INCLUDE ANY OF THE  
18 FOLLOWING:

- 19 (1) AN AUDIO-ONLY, TELEPHONE CONVERSATION.  
20 (2) AN E-MAIL OR INSTANT MESSAGING CONVERSATION.  
21 (3) A FACSIMILE TRANSMISSION.

22 Section 3. Requirements.

23 The following shall apply:

- 24 (1) Except as provided for in paragraph (2), an  
25 outpatient psychiatric clinic is required to have a  
26 psychiatrist on site for two hours of psychiatric time per  
27 week for each full-time equivalent treatment staff member  
28 employed by the outpatient psychiatric clinic. Telepsychiatry  
29 provided by a psychiatrist that is not on site with  
30 prescriptive authority in this Commonwealth may be utilized

1 with a service description approved by the department but  
2 shall not be included in the required psychiatric time  
3 required under this paragraph.

4 (2) Fifty percent of the required on-site psychiatric  
5 time under paragraph (1) may be provided by other advanced  
6 practice professionals specializing in behavioral health with  
7 prescriptive authority in this Commonwealth.

8 Section 4. Regulations.

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

11 Section 5. Effective date.

12 This act shall take effect in 60 days.