

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 478 Session of 2017

INTRODUCED BY PICKETT, BAKER, CALTAGIRONE, D. COSTA, MILLARD, MILNE, WATSON, KORTZ AND DAVIS, FEBRUARY 14, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 24, 2018

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.~~ A PERSON WHO: <--

15 (1) (I) HOLDS A CURRENT PENNSYLVANIA LICENSE AS A
16 CERTIFIED REGISTERED NURSE PRACTITIONER WITH A MENTAL

1 HEALTH CERTIFICATION; OR
2 (II) OBTAINS A MENTAL HEALTH CERTIFICATION WITHIN
3 TWO YEARS OF BEING HIRED BY A PSYCHIATRIC OUTPATIENT
4 CLINIC OR WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
5 SECTION, WHICHEVER IS LATER; OR

6 (2) (I) HOLDS A CURRENT PENNSYLVANIA LICENSE AS A
7 PHYSICIAN ASSISTANT WITH A MENTAL HEALTH CERTIFICATION;
8 OR

9 (II) OBTAINS A MENTAL HEALTH CERTIFICATION WITHIN
10 TWO YEARS OF BEING HIRED BY A PSYCHIATRIC OUTPATIENT
11 CLINIC OR WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
12 SECTION, WHICHEVER IS LATER.

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

15 "Full-time equivalent." Thirty-seven and one-half hours per
16 week.

17 "INTERACTIVE AUDIO AND VIDEO." REAL-TIME TWO-WAY OR <--
18 MULTIPLE-WAY COMMUNICATION BETWEEN A PSYCHIATRIST AND AN
19 INDIVIDUAL.

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

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

30 ~~"Telepsychiatry." The practice of medicine in the specialty~~ <--

1 ~~field of psychiatry using electronic communications, information~~
2 ~~technology or other means between a provider in one location and~~
3 ~~a patient in another location, with or without an intervening~~
4 ~~health care provider. The term does not include any of the~~
5 ~~following:~~

6 ~~(1) An audio only, telephone conversation.~~

7 ~~(2) An e mail or instant messaging conversation.~~

8 ~~(3) A facsimile transmission.~~

9 Section 3. Requirements.

10 The following shall apply:

11 (1) Except as provided for in paragraph (2), an
12 outpatient psychiatric clinic ~~is required to~~ SHALL have a <--
13 psychiatrist on site for two hours of psychiatric time per
14 week for each full-time equivalent treatment staff member
15 ~~employed by the outpatient psychiatric clinic. Telepsychiatry~~ <--
16 ~~provided by a psychiatrist that is not on site with~~
17 ~~prescriptive authority in this Commonwealth may be utilized~~
18 ~~with a service description approved by the department but~~
19 ~~shall not be included in the required psychiatric time~~
20 ~~required under this paragraph.~~

21 (2) Fifty percent of the required on-site psychiatric
22 time under paragraph (1) may be provided by ~~other advanced~~ <--
23 ~~practice professionals specializing in behavioral health with~~
24 ~~prescriptive authority in this Commonwealth.:~~ <--

25 (I) AN ADVANCED PRACTICE PROFESSIONAL.

26 (II) A PSYCHIATRIST OFF-SITE BY THE USE OF ~~TWO-WAY~~ <--
27 ~~REAL-TIME~~ INTERACTIVE AUDIO AND VIDEO ~~TRANSMISSION~~ USING <--
28 TECHNOLOGY THAT CONFORMS TO INDUSTRYWIDE COMPRESSED
29 AUDIO-VIDEO COMMUNICATION AND PROTECTS CONFIDENTIALITY
30 UNDER FEDERAL AND STATE LAW IN ACCORDANCE WITH

1 DEPARTMENT-ISSUED GUIDELINES. ~~TELEPHONE CONVERSATION~~ <--
2 INTERACTIVE AUDIO WITHOUT VIDEO, ELECTRONIC MAIL MESSAGE <--
3 OR FACSIMILE TRANSMISSION MAY NOT BE USED TO MEET THE
4 REQUIREMENT UNDER PARAGRAPH (1).

5 (III) A COMBINATION OF SUBPARAGRAPHS (I) AND (II).

6 Section 4. Regulations.

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

9 Section 5. Effective date.

10 This act shall take effect in 60 days.