
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2294 Session of
2022

INTRODUCED BY PICKETT, SCHLOSSBERG, R. BROWN, CAUSER, DeLUCA,
GROVE, GUENST, JAMES, MENTZER, O'MARA, ROTHMAN, RYAN,
SCHMITT, STRUZZI, THOMAS AND ZIMMERMAN, JANUARY 27, 2022

REFERRED TO COMMITTEE ON HEALTH, JANUARY 27, 2022

AN ACT

1 Amending the act of May 31, 2018 (P.L.123, No.25), entitled "An
2 act providing for outpatient psychiatric oversight," further
3 providing for definitions and for requirements.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definition of "advanced practice
7 professional" in section 2 of the act of May 31, 2018 (P.L.123,
8 No.25), known as the Outpatient Psychiatric Oversight Act, is
9 amended and the section is amended by adding a definition to
10 read:

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 "Advanced practice professional." A person who:

16 (1) (i) holds a current Pennsylvania license as a
17 certified registered nurse practitioner with a mental
18 health certification; or

1 (ii) obtains a mental health certification within
2 two years of being hired by [a psychiatric] an outpatient
3 psychiatric clinic or within two years of the effective
4 date of this section, whichever is later; or

5 (2) (i) holds a current Pennsylvania license as a
6 physician assistant with a mental health certification;
7 or

8 (ii) obtains a mental health certification within
9 two years of being hired by [a psychiatric] an outpatient
10 psychiatric clinic or within two years of the effective
11 date of this section, whichever is later.

12 * * *

13 "Telebehavioral health technology." As follows:

14 (1) Interactive audio or video communication to provide
15 clinical services at a distance using technology that
16 conforms to the industrywide standards and is in compliance
17 with Federal and State privacy and security laws.

18 (2) The term does not include technology solely using
19 voicemail, electronic mail messages, facsimile transmissions
20 or instant messaging, or a combination thereof, between a
21 psychiatrist or an advanced practice professional and an
22 individual receiving services, or a consultation between two
23 health care practitioners, although these activities may
24 support the delivery of clinical services through
25 telebehavioral health technology.

26 Section 2. Section 3 of the act is amended to read:

27 Section 3. Requirements.

28 The following shall apply:

29 [(1) Except as provided for in paragraph (2), an
30 outpatient psychiatric clinic shall have a psychiatrist on

1 site for two hours of psychiatric time per week for each
2 full-time equivalent treatment staff member.

3 (2) Fifty percent of the required on-site psychiatric
4 time under paragraph (1) may be provided by:

5 (i) An advanced practice professional.

6 (ii) A psychiatrist off-site by the use of
7 interactive audio and video using technology that
8 conforms to industrywide compressed audio-video
9 communication and protects confidentiality under Federal
10 and State law in accordance with department-issued
11 guidelines. Interactive audio without video, electronic
12 mail message or facsimile transmission may not be used to
13 meet the requirement under paragraph (1).

14 (iii) A combination of subparagraphs (i) and (ii).]

15 (3) Any required psychiatric time shall be provided by a
16 psychiatrist on-site or off-site by the use of telebehavioral
17 health technology.

18 Section 3. This act shall take effect in 60 days.