
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2560 Session of
2024

INTRODUCED BY PICKETT, D. WILLIAMS, KINSEY, HILL-EVANS,
M. MACKENZIE, SCHLOSSBERG, SANCHEZ, CURRY AND DALEY,
SEPTEMBER 10, 2024

REFERRED TO COMMITTEE ON HUMAN SERVICES, SEPTEMBER 10, 2024

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; and
4 abrogating regulations.

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

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

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 "Advanced practice professional." [A person who:

17 (1) (i) holds a current Pennsylvania license as a
18 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 an outpatient psychiatric
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 an outpatient psychiatric
11 clinic or within two years of the effective date of this
12 section, whichever is later.] A person who holds a

13 current Pennsylvania license as a certified registered
14 nurse practitioner or a physician assistant and:

15 (1) holds a mental health certification; or

16 (2) obtains a mental health certification within two
17 years of being hired by an outpatient psychiatric clinic.

18 * * *

19 "Mental health professional." As defined in 55 Pa. Code §
20 1153.2 (relating to definitions).

21 "Mental health worker." As defined in 55 Pa. Code § 1153.2.

22 * * *

23 ["Telebehavioral health"] "Telehealth technology." As
24 follows:

25 (1) Any of the following:

26 (i) Real-time interactive audio and video
27 communication using technology that conforms to industry-
28 wide standards and is in compliance with Federal and
29 State privacy and security laws.

30 (ii) Real-time interactive audio-only

1 telecommunication, provided that the use of audio-only
2 telecommunication technology is consistent with Federal
3 and State laws, guidance and requirements.

4 (2) The term does not include technology solely using
5 voicemail, electronic mail messages, facsimile transmissions
6 or instant messaging, or a combination thereof.

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

8 Section 3. Requirements.

9 [The following shall apply:

10 (3) Required psychiatric time may be provided in person
11 or by the use of telebehavioral health technology by
12 psychiatrists, as specified by department regulations.

13 Advanced practice professionals may also provide a portion of
14 the psychiatric time, as specified by department regulations,
15 either in person or by the use of telebehavioral health
16 technology.

17 (4) Nothing in this section shall be construed to limit
18 the ability of the department to issue a waiver pursuant to
19 regulation.]

20 (a) Provision of services.--Except as permitted in
21 subsection (c), 50% of the aggregate treatment provided by a
22 psychiatrist or an advanced practice professional shall be
23 provided with the psychiatrist or advanced practice professional
24 being physically present in the outpatient psychiatric clinic,
25 with the remainder of time being permitted to be provided by
26 telehealth technology.

27 (b) Supervision of services.--Supervision provided by either
28 a psychiatrist or an advanced practice professional may be
29 provided with the psychiatrist or advanced practice professional
30 either being physically present in the outpatient psychiatric

1 clinic or by telehealth technology. The supervision of services
2 must equal at least two hours of time per week for each full-
3 time equivalent mental health professional and mental health
4 worker providing clinical services.

5 (c) Waiver request.--

6 (1) An outpatient psychiatric clinic may submit a
7 written waiver request to the department to provide services
8 by telehealth technology in excess of the 50% requirement
9 under subsection (a).

10 (2) The department may grant a waiver request under this
11 subsection under the following conditions:

12 (i) There is no jeopardy to the health, safety or
13 well-being of an individual receiving services at the
14 outpatient psychiatric clinic.

15 (ii) An individual receiving services at the
16 outpatient psychiatric clinic is provided in-person
17 services at the outpatient psychiatric clinic when
18 requested or as clinically appropriate.

19 (iii) If the outpatient psychiatric clinic requests
20 to provide 100% of services by telehealth technology, the
21 outpatient psychiatric clinic must enter into and
22 maintain a written agreement with a geographically
23 proximate outpatient psychiatric clinic that operates a
24 physical facility and provides in-person services at the
25 outpatient psychiatric clinic. For purposes of this
26 subparagraph:

27 (A) The phrase "geographically proximate" means
28 that the physical facility is within 40 miles or 60
29 minutes travel from the residence of the individual
30 receiving services or as otherwise updated by

1 departmental guidance.

2 (B) The written agreement must include a
3 provision that a referred individual must be seen by
4 the geographically proximate outpatient psychiatric
5 clinic within 10 days of the referral.

6 (d) Notice.--If the department grants a waiver to an
7 outpatient clinic following the waiver request under subsection
8 (c), the outpatient psychiatric clinic shall provide written
9 notice to each individual receiving services, upon the
10 commencement of services and annually thereafter, of the right
11 to receive in-person services when requested or clinically
12 appropriate.

13 (e) Medical assistance.--A waiver granted under this
14 section:

15 (1) Pertains to a waiver of a licensure requirement.

16 (2) Does not supersede medical assistance payment
17 requirements.

18 (f) Guidance.--The department may issue guidance regarding
19 the use of telehealth technology, which shall be exempt from all
20 of the following:

21 (1) Section 612 of the act of April 9, 1929 (P.L.177,
22 No.175), known as The Administrative Code of 1929.

23 (2) Sections 201, 202, 203, 204 and 205 of the act of
24 July 31, 1968 (P.L.769, No.240), referred to as the
25 Commonwealth Documents Law.

26 (3) Sections 204(b) and 301(10) of the act of October
27 15, 1980 (P.L.950, No.164), known as the Commonwealth
28 Attorneys Act.

29 (4) The act of June 25, 1982 (P.L.633, No.181), known as
30 the Regulatory Review Act.

1 (g) Direction.--

2 (1) The direction of an outpatient psychiatric clinic
3 shall be by a psychiatrist.

4 (2) The direction under this subsection shall, at a
5 minimum, include the following:

6 (i) Establishment of appropriate standards for
7 treatment and prescribing practices.

8 (ii) Involvement in the quality management process.

9 (iii) Participation in clinical staff meetings two
10 times per month. The psychiatric outpatient clinic shall
11 maintain written documentation of clinical staff
12 meetings, including attendance.

13 (iv) Consultation to all clinical staff, which may
14 be in person or by telehealth technology. The psychiatric
15 outpatient clinic shall maintain documentation of the
16 consultation, regardless of the manner in which the
17 consultation occurred.

18 Section 3. The following regulations are abrogated:

19 (1) 55 Pa. Code § 1153.52(d)(4).

20 (2) 55 Pa. Code § 1153.53(6).

21 (3) 55 Pa. Code § 5200.52(b)(1).

22 Section 4. This act shall take effect in 60 days.