

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 913 Session of 2024

INTRODUCED BY LANGERHOLC, BAKER, ARGALL, MARTIN, DUSH, PHILLIPS-HILL, MASTRIANO, ROTHMAN, J. WARD, HUTCHINSON, GEBHARD AND AUMENT, APRIL 22, 2024

AS AMENDED ON THIRD CONSIDERATION, JUNE 26, 2024

AN ACT

1 Providing for parental consent for virtual mental health
2 services provided by a school entity.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Virtual
7 Mental Health in Schools Act.

8 Section 2. Definitions.

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

12 "School entity." ~~A public school, including a charter school~~
13 ~~or cyber charter school, private school, nonpublic school,~~
14 ~~intermediate unit or area career and technical school operating~~
15 ~~within this Commonwealth.~~

16 "Virtual mental health services." ~~Online support, online~~
17 ~~peer support community or counseling provided by an individual,~~

1 ~~who is not a licensed mental health professional in this~~
2 ~~Commonwealth, or application.~~

3 "ARTIFICIAL INTELLIGENCE." <--

4 (1) A MACHINE-BASED SYSTEM THAT CAN, FOR A GIVEN SET OF
5 HUMAN-DEFINED OBJECTIVES, MAKE PREDICTIONS, RECOMMENDATIONS
6 OR DECISIONS INFLUENCING REAL OR VIRTUAL ENVIRONMENTS,
7 INCLUDING THE ABILITY TO:

8 (I) PERCEIVE REAL AND VIRTUAL ENVIRONMENTS;

9 (II) ABSTRACT PERCEPTIONS MADE UNDER SUBPARAGRAPH

10 (I) INTO MODELS THROUGH ANALYSIS IN AN AUTOMATED MANNER;

11 AND

12 (III) USE MODEL INFERENCE TO FORMULATE OPTIONS FOR
13 INFORMATION OR ACTION BASED ON OUTCOMES UNDER
14 SUBPARAGRAPHS (I) AND (II).

15 (2) THE TERM INCLUDES GENERATIVE ARTIFICIAL
16 INTELLIGENCE.

17 "QUALIFIED PROFESSIONAL." A MENTAL HEALTH PROFESSIONAL WITH
18 A GRADUATE DEGREE AND LICENSED UNDER ANY OF THE FOLLOWING:

19 (1) THE ACT OF MAY 22, 1951 (P.L.317, NO.69), KNOWN AS
20 THE PROFESSIONAL NURSING LAW, AS A CERTIFIED REGISTERED NURSE
21 PRACTITIONER WITH A CLINICAL SPECIALTY IN MENTAL HEALTH.

22 (2) THE ACT OF MARCH 23, 1972 (P.L.136, NO.52), KNOWN AS
23 THE PROFESSIONAL PSYCHOLOGISTS PRACTICE ACT.

24 (3) THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN
25 AS THE OSTEOPATHIC MEDICAL PRACTICE ACT, AS A PHYSICIAN OR
26 PHYSICIAN ASSISTANT WITH CLINICAL EXPERIENCE IN MENTAL
27 HEALTH.

28 (4) THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),
29 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, AS A PHYSICIAN OR
30 PHYSICIAN ASSISTANT WITH CLINICAL EXPERIENCE IN MENTAL

1 HEALTH.

2 (5) THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN AS
3 THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
4 PROFESSIONAL COUNSELORS ACT.

5 "SCHOOL ENTITY." A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL
6 OR CYBER CHARTER SCHOOL, PRIVATE SCHOOL, NONPUBLIC SCHOOL,
7 INTERMEDIATE UNIT OR AREA CAREER AND TECHNICAL SCHOOL OPERATING
8 WITHIN THIS COMMONWEALTH.

9 "VIRTUAL MENTAL HEALTH SERVICES." WEB-BASED SERVICES THAT
10 INCLUDE ANY OF THE FOLLOWING:

11 (1) ACCESS TO AN ONLINE PEER SUPPORT COMMUNITY.

12 (2) COUNSELING OR MENTAL HEALTH SUPPORT PROVIDED BY AN
13 INDIVIDUAL WHO IS NOT A QUALIFIED PROFESSIONAL LOCATED IN
14 THIS COMMONWEALTH.

15 (3) BEHAVIORAL HEALTH SUPPORT PROVIDED BY ARTIFICIAL
16 INTELLIGENCE.

17 Section 3. Parental consent to virtual mental health services
18 provided by a school entity.

19 (a) Application.--This act applies to all virtual mental
20 health services provided by or in coordination with a school
21 entity.

22 (b) Form requirements.--The school entity shall create a
23 form for obtaining virtual mental health services, which shall
24 contain the following:

25 (1) A summary and scope of the virtual mental health
26 services available.

27 (2) An area for parents or guardians to provide consent.

28 (3) Any other information the school entity deems
29 necessary.

30 (c) Obtaining consent.--Notwithstanding section 1.1(2) of

1 the act of February 13, 1970 (P.L.19, No.10), entitled "An act
2 enabling certain minors to consent to medical, dental and health
3 services, declaring consent unnecessary under certain
4 circumstances," or any other provision of law or regulation, a
5 school entity providing or coordinating virtual mental health
6 services shall annually obtain a completed form with the consent
7 of the parent or guardian of a student who is under 18 years of
8 age prior to providing or coordinating virtual mental health
9 services to the student.

10 (d) Consent required.--A school entity may not provide or
11 coordinate any virtual mental health services for a student
12 whose parent or guardian has not provided consent under this
13 section.

14 SECTION 4. CONSTRUCTION. <--

15 THIS ACT SHALL NOT BE CONSTRUED TO AUTHORIZE PRACTICE OR
16 GRANT IMMUNITY FROM CRIMINAL OR CIVIL PENALTY FOR AN INDIVIDUAL
17 WHO IS NOT A QUALIFIED PROFESSIONAL WHO ENGAGES IN A COURSE OF
18 CONDUCT IN THIS COMMONWEALTH THAT IS IN VIOLATION OF A RELEVANT
19 PROVISION OF LAW, RULE OR REGULATION.

20 Section 4 5. Effective date. <--

21 This act shall take effect on July 1, 2024, or immediately,
22 whichever is later.