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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2419 Session of  
2022

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INTRODUCED BY PICKETT, SCHLOSSBERG, DeLUCA, R. BROWN, CAUSER,  
GROVE, GUENST, HENNESSEY, JAMES, LEWIS DELROSSO,  
M. MACKENZIE, MENTZER, O'MARA, ROWE, THOMAS AND ZIMMERMAN,  
MARCH 16, 2022

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REFERRED TO COMMITTEE ON INSURANCE, MARCH 16, 2022

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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 definitions of "advanced practice  
7 professional," "full-time equivalent" and "interactive audio and  
8 video" in section 2 of the act of May 31, 2018 (P.L.123, No.25),  
9 known as the Outpatient Psychiatric Oversight Act, are amended  
10 and the section is amended by adding a definition to 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

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

13 \* \* \*

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

16 "Interactive audio and video." Real-time two-way or  
17 multiple-way communication between a psychiatrist and an  
18 individual.]

19 \* \* \*

20 "Telebehavioral health technology." As follows:

21 (1) Any of the following:

22 (i) Real-time interactive audio and video  
23 communication using technology that conforms to industry-  
24 wide standards and is in compliance with Federal and  
25 State privacy and security laws.

26 (ii) Real-time interactive audio-only  
27 telecommunication, provided that the use of audio-only  
28 telecommunication technology is consistent with Federal  
29 and State laws, guidance and requirements.

30 (2) The term does not include technology solely using

1 voicemail, electronic mail messages, facsimile transmissions  
2 or instant messaging, or a combination thereof.

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

4 Section 3. Requirements.

5 The following shall apply:

6 [(1) Except as provided for in paragraph (2), an  
7 outpatient psychiatric clinic shall have a psychiatrist on  
8 site for two hours of psychiatric time per week for each  
9 full-time equivalent treatment staff member.

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

12 (i) An advanced practice professional.

13 (ii) A psychiatrist off-site by the use of  
14 interactive audio and video using technology that  
15 conforms to industrywide compressed audio-video  
16 communication and protects confidentiality under Federal  
17 and State law in accordance with department-issued  
18 guidelines. Interactive audio without video, electronic  
19 mail message or facsimile transmission may not be used to  
20 meet the requirement under paragraph (1).

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

22 (3) Required psychiatric time may be provided in person  
23 or by the use of telebehavioral health technology by  
24 psychiatrists, as specified by department regulations.  
25 Advanced practice professionals may also provide a portion of  
26 the psychiatric time, as specified by department regulations,  
27 either in person or by the use of telebehavioral health  
28 technology.

29 (4) Nothing in this section shall be construed to limit  
30 the ability of the department to issue a waiver pursuant to

1 regulation.

2 Section 3. This act shall take effect immediately.