

No. 2004-44

AN ACT

HB 304

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," defining "home health care agency"; and providing for home health care services ordered by physicians from another state.

The General Assembly finds and declares as follows:

- (1) Home health care agencies are widely accepted by the general public because they allow people to age in place, maintain their independence and exercise decision making and personal choice.
- (2) Pennsylvanians have the right to seek out the medical care they feel is most appropriate to meet their needs.
- (3) Nationally, 72% of home health care services recipients on average are elderly. Pennsylvania has the second oldest population in the nation, which is projected to grow from 16% to 25% over the next 20 years.
- (4) Pennsylvania's home health care agencies provided direct services in the homes of nearly 500,000 Pennsylvania residents in 1999 alone.
- (5) It is expected that the need for home health care services by Pennsylvania residents will continue to increase in the coming years.
- (6) Some Pennsylvanians have been denied access to home health care services because their out-of-State physicians are not authorized to write orders for the delivery of home health care services within Pennsylvania.
- (7) It is in the best interest of all Pennsylvanians that the Commonwealth allow duly licensed out-of-State physicians to order home health care services to be delivered by licensed Pennsylvania agencies in the Commonwealth.

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

Section 1. Section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is amended by adding a definition to read:

Section 2. Definitions.

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

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"Home health care agency." An organization or part thereof licensed by the Department of Health under the act of July 19, 1979 (P.L.130,

No.48), known as the Health Care Facilities Act, staffed and equipped to provide nursing and at least one therapeutic service to persons who are disabled, aged, injured or sick in their place of residence. The agency may also provide other health-related services to protect and maintain persons in their own home.

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Section 2. The act is amended by adding a section to read:

Section 36.2. Home health care services ordered by physicians.

(a) General rule.—A home health care agency may deliver home health care services to a patient who resides in this Commonwealth based upon an order from a physician from another state who meets all of the following requirements:

(1) Holds a license in good standing conferred by the medical board or other medical licensing authority in another state, as shown by a photocopy or facsimile of the physician's valid license submitted to the home health care agency, and available upon request by the board or the department.

(2) Prescribes home health care services pursuant to an in-person physical examination of the patient performed within the jurisdictional boundaries of the state in which the physician is licensed.

(b) Duties of referring physician from another state.—A referring physician from another state shall ask the patient if the patient has a primary care physician in this Commonwealth. If so, the referring physician shall contact the primary care physician and obtain the concurrence of that individual for ordering home health care services. The referring physician shall make a notation of such contact in the patient's medical record.

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

APPROVED—The 23rd day of June, A.D. 2004.

EDWARD G. RENDELL