

No. 2008-108

AN ACT

HB 1177

Amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of service and for rights of health service doctors.

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

Section 1. The definitions of "health service doctor" and "professional health services" in section 6302(a) of Title 40 of the Pennsylvania Consolidated Statutes are amended and the subsection is amended by adding definitions to read:

§ 6302. Definitions.

(a) General rule.—The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Clinical social work services." The general and usual services rendered and care administered by licensed clinical social workers, as defined by the "practice of clinical social work" in the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

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"Health service doctor." [A] Any health care professional duly licensed or certified under Commonwealth statute regulating a particular branch of health care practice, including, but not limited to, doctor of dental surgery, doctor of medicine, doctor of optometry, doctor of osteopathy, doctor of podiatry, doctor of chiropractic, licensed physical therapist, licensed clinical social worker, licensed occupational therapist, licensed marriage and family therapist, licensed professional counselor, certified registered nurse anesthetist, certified registered nurse practitioner, certified enterostomal therapy nurse, certified community health nurse, certified psychiatric mental health nurse, certified clinical nurse specialist, licensed psychologist, licensed speech-language pathologist, licensed audiologist or licensed teacher of persons who are hearing impaired.

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"Licensed marriage and family therapy services." The general and usual services rendered and care administered by persons licensed pursuant to 49 Pa. Code Ch. 48 (relating to State Board of Social Workers, Marriage and Family Therapists and Professional Counselors-Licensure of Marriage and Family Therapists).

“Licensed professional counseling services.” The general and usual services rendered and care administered by persons licensed pursuant to 49 Pa. Code Ch. 49 (relating to State Board of Social Workers, Marriage and Family Therapists and Professional Counselors-Licensure of Professional Counselors).

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“Occupational therapy services.” The general and usual services rendered and care administered by licensed occupational therapists, as defined by “occupational therapy” in the act of June 15, 1982 (P.L. 502, No. 140), known as the Occupational Therapy Practice Act.

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“Professional health services.” [Dental services, medical services, optometric services, osteopathic services, podiatry services, chiropractic services, physical therapy services, psychological services, speech-language pathology services, audiology services, services of teachers of persons who are hearing impaired, certified registered nurse services provided by a certified registered nurse at any time except when the certified registered nurse is acting as an employee of a health care facility or of an anesthesiology group or any one or more of them, provided any of the above-listed services are medically necessary.] Professional services provided by a duly licensed health service doctor, provided that the services are medically necessary.

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Section 2. Sections 6322(f) and 6324(a) of Title 40 are amended to read:
§ 6322. Scope of service.

* * *

(f) Legislative amendment of stated purposes of existing corporations.—The stated purposes of all existing general medical service corporations are hereby amended so as to include the furnishing of osteopathic, dental, optometric, podiatry, chiropractic, physical therapy, *clinical social work, occupational therapy*, psychological, speech-language pathology and audiology services and the services of teachers of persons who are hearing impaired through doctors of osteopathy, dentistry, optometry, podiatry and chiropractic and through licensed physical therapists, *licensed clinical social workers, licensed marriage and family therapists, licensed occupational therapists, licensed professional counselors*, psychologists, speech-language pathologists, audiologists and teachers of persons who are hearing impaired, respectively.

§ 6324. Rights of health service doctors.

(a) Admission to plan.—Every health service doctor practicing within the area covered by any professional health service corporation shall have the right, on complying with such regulations as the corporation may make with the approval of the Department of Health, to register with such corporation for such general or special professional health services as he may be licensed to practice, within that area, but the corporation may, with the approval of the

Department of Health, refuse to place the name of any health service doctor on its register. Any professional health service corporation may, with the approval of the Department of Health, remove from its register the name of any health service doctor after due notice and opportunity for hearing for cause satisfactory to the corporation. *Nothing in this section shall be construed to limit the discretion of a professional health service corporation to determine the classes or kinds of services that will be covered under its contracts.*

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Section 3. This act shall take effect in 120 days.

APPROVED—The 9th day of October, A.D. 2008.

EDWARD G. RENDELL