

## No. 2003-28

## AN ACT

## SB 265

Providing for treatment of psychological problems in health care facilities.

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

**Section 1. Short title.**

This act shall be known and may be cited as the Consumers' Continuity of Care Act.

**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:

"Clinical privileges." The authority to provide patient care which may include, but is not limited to, psychological assessments, psychotherapy, consultation and other privileges consistent with section 4.

"Hospital." As defined under section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Physician." An individual licensed under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

"Psychologist." A person who is licensed in accordance with the provisions of the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.

**Section 3. Appointment to staff of hospital.**

The bylaws of any hospital may provide for the appointment of a psychologist as a voting member of the professional staff on such terms and conditions as the hospital shall reasonably establish. Notwithstanding a provision in the bylaws permitting a hospital to provide for the appointment of a psychologist as a voting member of the professional staff, the hospital shall not be required to do so. The medical staff of any hospital whose bylaws permit appointment of a psychologist as a voting member of the professional staff shall define in its bylaws the requirements for the delineation and retention of clinical privileges by a psychologist. Each psychologist accepted on the professional staff shall be qualified for the exercise of the specific clinical privileges granted to that psychologist. Those granted clinical privileges shall currently hold licenses to practice in this Commonwealth.

**Section 4. Standards for clinical privileges.**

(a) **Criteria.**—The delineation of clinical privileges shall be determined on an individual basis commensurate with an applicant's education,

training, experience and demonstrated current competence in accordance with the bylaws of the medical staff. Whenever possible, the credentials committee and other staff who evaluate and determine an applicant's qualifications for clinical privileges under this act shall include members of the applicant's profession.

(b) Clinical privileges.—The exercise of clinical privileges in any hospital may be limited, restricted or revoked for reasons including, but not limited to, violations of the rules, regulations or administrative procedures of the hospital which are applied in good faith and in a nondiscriminatory manner to all practitioners granted clinical privileges by the hospital.

Section 5. Status of present psychologist staff members and employees.

Nothing in this act shall prohibit a psychologist who is currently a member of the medical or professional staff of a hospital from continuing to work or practice according to the clinical privileges granted to the psychologist.

Section 6. Scope.

Nothing in this act shall:

(1) Modify or qualify the responsibility of a physician to provide clinical evaluation of or clinical management for mentally disabled persons within hospitals. Further, nothing in this act shall authorize any staff member to practice beyond the scope of that member's current license.

(2) Be construed to require or otherwise affect third-party reimbursement.

Section 7. Admission for psychiatric services.

In order to provide appropriate collaboration and communication when a patient is admitted to a hospital for inpatient psychiatric treatment, the following shall apply:

(1) The physician shall make reasonable attempts to identify the patient's outpatient treating psychologist, if any, and, with the consent of the patient, shall make reasonable attempts to notify such psychologist of the patient's hospitalization. Such psychologist may confer with the attending physician to facilitate initial treatment planning and may assist in establishing the patient's baseline status.

(2) If a patient's treating psychologist is credentialed at the hospital where the patient is being treated, the psychologist may attend and participate in the treatment team meetings during the patient's hospitalization.

(3) Regardless of a psychologist's credentialing status with a hospital, the patient's attending physician shall make reasonable attempts to maintain communication with the patient's psychologist, provided that the patient consents to such communication and that the communication is determined by the attending physician to be consistent with the patient's needs.

(4) If the patient consents, the physician shall make reasonable attempts to contact the patient's treating psychologist prior to or at discharge from the hospital.

(5) Any use or disclosure of patient information under this section shall be subject to applicable Federal and State laws.

**Section 8. Effective date.**

This act shall take effect in 90 days.

**APPROVED—The 3rd day of October, A.D. 2003.**

**EDWARD G. RENDELL**