



PROVIDER ALERT

Alert 2 – 2005 – 1 – 31 – HCAL, HCYA, HCBerks, HCCH

Act 147

The purpose of this memo is to provide notification that Senate Bill 137, introduced on February 3, 2003, was signed into law on November 23, 2004 as Act 147 of 2004 and will take effect January 22, 2005. Act 147 amends the Act of February 13, 1970 (P.L.19, No.10) known as the Minor's Consent to Treatment Act and will impact consent to treatment by minors, parents or legal guardians, and consent to release of medical records and information of such treatment by minors, parents or legal guardians. The Act is not intended to restrict or alter a minor's existing rights, including, but not limited to, those enumerated under the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," to consent to voluntary inpatient mental health treatment on his or her own behalf at fourteen years of age or older.

The HealthChoices Behavioral Health Program Standards states that Primary Contractors must adhere to state and federal laws and regulations, which includes recently enacted Act 147. It is the Primary Contractor's responsibility to ensure that the Primary Contractor, its BH-MCO as well as all network providers comply with the provisions of Act 147 regarding: consent to voluntary outpatient and inpatient treatment by minors, parents and legal guardians; continuity of care provisions for consent to release of medical records/information; and, confidentiality provisions.

The Office of Mental Health and Substance Abuse Services (OMHSAS) will be issuing a Bulletin to outline the requirements and responsibilities prescribed under the Act. OMHSAS is also reviewing HealthChoices Behavioral Health Policy Clarifications (PC) 09-03, Consent for Grievance and Appeals, and PC RFP 11-97-84 Confidentiality and Consent of Minors to determine if changes are required to comply with the provisions set forth in the Act.

Please inform your providers of this important piece of legislation. Act 147 can be viewed in pdf document format at the following web site address:

<http://www2.legis.state.pa.us/WU01/LI/BI/BT/2003/0/SB0137P1921.pdf>

Also attached are preliminary responses to questions received by OMHSAS for you to use and share with your provider networks. If you have any questions regarding this piece of legislation, please contact Sherry Peters, OMHSAS, Bureau of Children's Services at 717-772-7855.