

**Subpart D. NONRESIDENTIAL AGENCIES/
FACILITIES/SERVICES**

Chap.		Sec.
5200.	PSYCHIATRIC OUTPATIENT CLINICS	5200.1
5210.	PARTIAL HOSPITALIZATION	5210.1
5221.	MENTAL HEALTH INTENSIVE CASE MANAGEMENT	5221.1
5230.	PSYCHIATRIC REHABILITATION SERVICES	5230.1
5240.	INTENSIVE BEHAVIORAL HEALTH SERVICES	5240.1

CHAPTER 5200. PSYCHIATRIC OUTPATIENT CLINICS

GENERAL PROVISIONS

- Sec.
- 5200.1. Legal base.
- 5200.2. Scope.
- 5200.3. Definitions.
- 5200.4. Provider eligibility.
- 5200.5. Application and review process.
- 5200.6. Objective.
- 5200.7. Program standards.

ORGANIZATION

- 5200.11. Organization and structure.
- 5200.12. Linkages with mental health service system.

STAFFING AND PERSONNEL

- 5200.21. Qualifications and duties of the director/clinical supervisor.
- 5200.22. Staffing pattern.
- 5200.23. Psychiatric supervision.
- 5200.24. Criminal history and child abuse certification.

TREATMENT STANDARDS

- 5200.31. Treatment planning.
- 5200.32. Treatment policies and procedures.
- 5200.33. Discharge.

MISCELLANEOUS PROVISIONS

- 5200.41. Records.
- 5200.42. Medications.
- 5200.42a. Medication prescription—statement of policy.
- 5200.42b. Clarification of the term “written”—statement of policy.
- 5200.43. Fee schedule.
- 5200.44. Quality assurance program.
- 5200.45. Physical facility.
- 5200.46. Notice of nondiscrimination.

5200-1

5200.47. Other applicable regulations.

5200.48. Waiver of standards.

MOBILE MENTAL HEALTH TREATMENT

5200.51. Provider service description.

5200.52. Treatment planning.

Authority

The provisions of this Chapter 5200 issued under sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 1021 of the Human Services Code (62 P.S. § 1021), unless otherwise noted.

Source

The provisions of this Chapter 5200 adopted March 20, 1981, effective April 20, 1981, 11 Pa.B. 1028, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 6100.2 (relating to applicability).

GENERAL PROVISIONS

§ 5200.1. Legal base.

The legal authority for this chapter is sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112), section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)) and section 1021 of the Human Services Code (62 P.S. § 1021).

Authority

The provisions of this § 5200.1 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.1 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (387836).

§ 5200.2. Scope.

(a) This chapter provides standards for the licensing of freestanding psychiatric outpatient clinics under section 1021 of the Human Services Code (62 P.S. § 1021), and approval of psychiatric outpatient clinics which are a part of a health care facility as defined in section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a), and under sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112).

(b) This chapter applies to private, nonprofit or for-profit corporations and public entities which provide medical examination, diagnosis, care, treatment and support to individuals with mental illness or emotional disturbance on an outpatient basis and which participate in the public mental health program. This chapter does not apply to group or individual practice arrangements of private practitioners.

Authority

The provisions of this § 5200.2 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.2 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (397656).

§ 5200.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Advanced practice professional—A person who holds a current Pennsylvania license as a certified registered nurse practitioner or a physician assistant and:

- (1) Holds a mental health certification, or
- (2) Obtains a mental health certification within 2 years of being hired by the psychiatric outpatient clinic or by July 30, 2020, whichever is later.

Assessment—A face-to-face interview that includes an evaluation of the behavioral health, medical, psychological, social, vocational and educational factors important to the individual.

Child psychiatrist—A physician who has completed a residency in psychiatry and who has a specialty in child psychiatry and is licensed to practice in this Commonwealth.

Department—The Department of Human Services.

FTE—Full-time equivalent—Thirty-seven and one half hours per week.

Facility—A mental health establishment, hospital, clinic, institution, center or other organizational unit or part thereof, the primary function of which is the diagnosis, treatment, care and rehabilitation of individuals with mental illness or emotional disturbance.

Interactive audio and video—Real-time two-way or multiple-way communication.

LPHA—Licensed Practitioner of the Healing Arts—A person who is licensed by the Commonwealth to practice the healing arts. The term is limited to a physician, physician assistant, certified registered nurse practitioner, licensed clinical social worker, licensed marriage and family therapist, licensed professional counselor or psychologist.

MMHT—Mobile Mental Health Treatment—One or more of the following services provided in an individual's residence or approved community site:

- (i) Assessment.
- (ii) Individual, group or family therapy.
- (iii) Medication visits.

Mental health professional—A person who meets one of the following:

- (i) Has a graduate degree from a college or university that is accredited by an agency recognized by the United States Department of Education

or the Council for Higher Education Accreditation (CHEA) in a generally recognized clinical discipline in which the degree program includes a clinical practicum.

(ii) Has an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. (AICE) or the National Association of Credential Evaluation Services (NACES). The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(iii) Is licensed in a generally recognized clinical discipline that includes mental health clinical experience.

Mental health worker—A person acting under the supervision of a mental health professional to provide services who meets one of the following:

(i) Has a bachelor's degree from a college or university that is accredited by an agency recognized by the United States Department of Education or the CHEA in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapies.

(ii) Has a graduate degree in a clinical discipline with 12 graduate-level credits in mental health or counseling from a program that is accredited by an agency recognized by the United States Department of Education or the CHEA.

(iii) Has an equivalent degree from a foreign college or university that has been evaluated by the AICE or the NACES. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

Mental illness or emotional disturbance—A mental disorder that meets the diagnostic criteria within the current version of the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases (ICD)*.

Psychiatric outpatient clinic—A nonresidential treatment setting in which psychiatric, psychological, social, educational and other related services are provided under medical supervision. It is designed for the evaluation and treatment of individuals with mental illness or emotional disturbance. Psychiatric outpatient services are provided on a planned and regularly scheduled basis.

Psychiatrist—A physician who has completed at least 3 years of a residency in psychiatry and is licensed to practice in this Commonwealth.

Psychologist—A person licensed to practice psychology in this Commonwealth.

Quality assurance program—A formal process to assure quality care and maximize program benefits to individuals receiving services.

Tele-behavioral health—

(i) The use of interactive audio and video communication to provide clinical services at a distance using technology that conforms to the industry-wide standards and is in compliance with State and Federal privacy and security laws.

(ii) Tele-behavioral health does not include telephone conversation, electronic mail message or facsimile transmission between a psychiatrist or an advanced practice professional and an individual receiving services, or a

consultation between two health care practitioners, although these activities may support the delivery of tele-behavioral health.

Authority

The provisions of this § 5200.3 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25).

Source

The provisions of this § 5200.3 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (397656) and (247791).

§ 5200.4. Provider eligibility.

Psychiatric outpatient clinic services for individuals with mental illness or emotional disturbance shall be provided only by a facility which complies with this chapter and is licensed by the Department. Nothing in this chapter is intended to regulate the provision of mental health services in individual or group private practice.

Authority

The provisions of this § 5200.4 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25).

Source

The provisions of this § 5200.4 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247791).

§ 5200.5. Application and review process.

(a) A facility intending to provide psychiatric outpatient clinic services shall file an application for a certificate of compliance with the Department in accordance with Chapter 20 (relating to licensure or approval of facilities and agencies). Facilities shall meet both the requirements of Chapter 20 and this chapter to obtain a certificate. Submission of an application does not constitute a certificate to operate pending Departmental approval.

(b) Facilities will be inspected a minimum of once per year, and are subject to visits by the Department's designee at other times at the Department's discretion. The facility shall provide information concerning program and fiscal operation at the Department's request.

Authority

The provisions of this § 5200.5 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.5 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (247791) to (247792).

§ 5200.6. Objective.

The objective of the psychiatric outpatient clinic treatment services is to facilitate an individual's recovery to improve functioning, enhance resiliency and well-

being, promote independence and maintain optimal functioning in the community consistent with the individual's preferences. The service may be provided to individuals with short-term or long-term treatment needs.

Authority

The provisions of this § 5200.6 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.6 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247792).

§ 5200.7. Program standards.

This chapter shall be met by a facility seeking licensure or approval.

Authority

The provisions of this § 5200.7 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.7 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247792).

ORGANIZATION

§ 5200.11. Organization and structure.

(a) The psychiatric outpatient clinic must be a separate, identifiable organizational unit with its own director, clinical supervisor and staffing pattern. When the psychiatric outpatient clinic is a portion of a larger organizational structure, the director and clinical supervisor of the psychiatric outpatient clinic shall be identified and their responsibilities clearly defined.

(b) The organizational structure of the unit must be described in an organizational chart.

(c) A written description of programs provided by the unit shall be available to the Department.

(d) The psychiatric outpatient clinic shall notify the Department within 10 days of a major change in the organizational structure or services.

Authority

The provisions of this § 5200.11 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.11 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247792).

§ 5200.12. Linkages with mental health service system.

(a) A psychiatric outpatient clinic requires a close relationship with an acute psychiatric inpatient service and a provider of emergency examination and treat-

ment. A written statement describing the accessibility and availability of the services to individuals is required and shall be maintained on file at the psychiatric outpatient clinic and updated as needed.

(b) A psychiatric outpatient clinic shall maintain linkages with other treatment and rehabilitative services for a full continuum of care, including crisis services, partial hospitalization programs, peer support, psychiatric rehabilitation programs, intensive community services, community residential programs and community psychiatric hospitals. A written statement describing the accessibility and availability of the services to individuals is required and shall be maintained on file at the psychiatric outpatient clinics and updated as needed to accurately state the services currently available.

(c) When the psychiatric outpatient clinic serves children, linkages with the appropriate educational and social service agencies shall also be maintained. A written statement describing the accessibility and availability of the services to children is required and shall be maintained on file at the psychiatric outpatient clinic and updated as needed to accurately state the services currently available.

(d) A psychiatric outpatient clinic shall participate in the overall system of care as defined in the County Mental Health/Intellectual Disability (MH/ID) plan. A psychiatric outpatient clinic shall have an agreement regarding continuity of care and information exchange with the County MH/ID authority. A copy of an agreement must be included in the application package. Psychiatric outpatient clinics shall document the need for their services in their application for a certificate of compliance.

(e) New psychiatric outpatient clinics or new sites of existing psychiatric outpatient clinics established after the effective date of this chapter shall document the need in the proposed service area for the expansion of outpatient services. County MH/ID authorities shall review this documentation and make a recommendation to the Department. The Department may deny approval of the expansion where inadequate justification is provided.

Authority

The provisions of this § 5200.12 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.12 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (247792) to (247793).

STAFFING AND PERSONNEL

§ 5200.21. Qualifications and duties of the director/clinical supervisor.

(a) Each psychiatric outpatient clinic shall have a director and clinical supervisor, who may be the same individual. A clinical supervisor shall be a mental health professional with at least 2 years of supervisory experience.

(b) The director shall be responsible for the overall operation of the psychiatric outpatient clinic, including daily management, ensuring that clinical supervision is available during all operational hours, developing a quality improvement plan for the psychiatric outpatient clinic and monitoring adherence with this chapter.

(c) The clinical supervisor's responsibilities shall include all of the following:

- (1) Supervision of clinical staff.

- (2) Development or implementation of the policies and procedures for the operation of the psychiatric outpatient clinic.
- (3) Regular meetings of clinical staff to discuss clinical cases, treatment plans, policies and procedures.
- (4) Liaison with other portions of the service system.
- (5) Employment, supervision and discharge of clinical staff according to established personnel policies.
- (6) Supervision and documentation of clinical staff training and development.

Authority

The provisions of this § 5200.21 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.21 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247793).

§ 5200.22. Staffing pattern.

- (a) There shall be qualified staff and supporting personnel in sufficient numbers to provide the services included in the psychiatric outpatient clinic's program as follows:
 - (1) At least 50% of the treatment staff providing psychotherapy services shall be mental health professionals.
 - (2) A psychiatric outpatient clinic is required to have 2 hours of psychiatric time per week for each FTE mental health professional and mental health worker providing clinical services.
 - (3) The psychiatrist must provide 50% of the required psychiatric time at the psychiatric outpatient clinic.
 - (4) The remaining 50% of the psychiatric time may be provided by:
 - (i) An advanced practice professional.
 - (ii) A psychiatrist off-site by the use of tele-behavioral health.
 - (iii) A combination of subparagraphs (i) and (ii).
- (b) All clinical staff shall be supervised by the psychiatrist having the overall responsibility for clinical services provided by the psychiatric outpatient clinic as defined in § 5200.23 (relating to psychiatric supervision).
- (c) There shall be sufficient clerical staff to keep correspondence, records and files current and in good order.
- (d) The psychiatric outpatient clinic shall recruit and hire staff that is appropriate for the population to be served.
- (e) If the psychiatric outpatient clinic serves children, specialized personnel are required, as appropriate, to deliver services to children.
- (f) Each psychiatric outpatient clinic shall have a written comprehensive personnel policy.
- (g) There shall be a written plan for regular, ongoing staff development and training.
- (h) Graduate and undergraduate students in accredited training programs in various mental health disciplines may participate in the treatment of individuals receiving services when under the direct supervision of a mental health professional, but are not to be included for the purpose of defining staffing patterns.

(i) Psychiatric residents with an unrestricted license to practice medicine in this Commonwealth who are under the direct supervision of a psychiatrist are defined as mental health professionals for the purpose of defining staffing patterns.

(j) Volunteers may be used in various support and activity functions of the clinic, but are not considered for the purposes of defining staffing patterns.

Authority

The provisions of this § 5200.22 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.22 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (247793) to (247794).

§ 5200.23. Psychiatric supervision.

The supervision of a psychiatric outpatient clinic shall be by a psychiatrist and, at a minimum, include the following:

(a) Establishment of appropriate standards for treatment and prescribing practices.

(b) Involvement in the quality management process.

(c) Participation in clinical staff meetings 2 times per month. The psychiatric outpatient clinic shall maintain written documentation of clinical staff meetings, including attendance.

(d) Consultation to all clinical staff.

Authority

The provisions of this § 5200.23 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.23 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247794).

Cross References

This section cited in 55 Pa. Code § 5200.22 (relating to staffing pattern).

§ 5200.24. Criminal history and child abuse certification.

(a) A psychiatric outpatient clinic shall have documentation of the completed criminal history background check for staff, including volunteers that will have direct contact with an individual.

(b) A psychiatric outpatient clinic that serves children shall have documentation of the completed criminal history and child abuse certifications, and mandated reporter training in accordance with 23 Pa.C.S. §§ 6301—6386 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services) for all staff, including volunteers that will have direct contact with children.

(c) A psychiatric outpatient clinic shall develop and implement written policies and procedures regarding personnel decisions based on the criminal history and child abuse certification, including volunteers.

Authority

The provisions of this § 5200.24 adopted under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.24 adopted October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943.

TREATMENT STANDARDS**§ 5200.31. Treatment planning.**

(a) For each individual receiving services, a mental health professional or mental health worker under the supervision of a mental health professional shall complete an assessment of the behavioral health, medical, psychological, social, vocational, educational and other factors important to the individual prior to the development of the initial comprehensive treatment plan.

(b) An initial comprehensive treatment plan shall be developed, reviewed and approved within 30 days of the intake and assessment with every individual who continues to participate in the treatment process in accordance with the following:

(1) The mental health professional or the mental health worker under the supervision of the mental health professional and the individual receiving services shall develop, sign and date the initial treatment plan.

(2) If the individual is receiving psychotherapy and other clinical services, the psychiatrist or advanced practice professional shall review, approve, sign and date the initial treatment plan.

(3) If the individual is receiving medication management services only, the psychiatrist, physician, certified registered nurse practitioner or physician assistant responsible for prescribing and monitoring the use of the medication shall review, approve, sign and date the initial treatment plan.

(4) For individuals under an involuntary outpatient commitment, the mental health professional or advanced practice professional providing services and the individual shall develop, review, sign and date the initial treatment plan. The treatment plan shall be reviewed and signed by the psychiatrist as part of the oversight of the treatment services provided.

(c) The treatment plan must be based upon the assessment and shall:

(1) Specify the goals and objectives of the plan, prescribe an integrated program of therapeutic activities and experiences, specify the modalities to be utilized and the expected duration of services and the person or persons responsible for carrying out the plan.

(2) Be directed at specific outcomes and connect these outcomes with the treatment modalities and activities proposed.

(3) Be developed with the active involvement of the individual receiving services and shall include strengths and needs. The treatment plan may also address individual preferences, resilience and functioning.

(4) For children and adolescents under 14 years of age, be developed and implemented with the consent of parents or guardians and include their participation in treatment as required by statute or regulation.

(5) Specify an individualized treatment program for each individual, which shall include clinically appropriate services such as psychiatric evaluation and

diagnosis, psychological evaluation, individual, group and family psychotherapy, behavior therapy, crisis intervention services, medication evaluation and management, and similar services.

(d) The treatment plan shall be reviewed and updated throughout the duration of treatment as follows:

(1) For individuals under an involuntary outpatient commitment, the treatment plan shall be reviewed and updated every 30 days by the mental health professional or advanced practice professional providing treatment services and the individual receiving services. The treatment plan update shall be reviewed and signed by the psychiatrist as part of the oversight of treatment services provided.

(2) For individuals voluntarily receiving treatment, the treatment plan shall be reviewed and updated at a minimum of every 180 days by the mental health professional, mental health worker under the supervision of a mental health professional, certified registered nurse practitioner or physician assistant providing treatment services and the individual receiving services.

(3) The treatment plan update shall be signed and dated by the mental health professional, mental health worker under the supervision of a mental health professional, certified registered nurse practitioner or physician assistant providing treatment services.

(4) The mental health professional or mental health worker shall request the individual to sign and date the treatment plan update. In the event the individual does not sign the treatment plan update, the mental health professional or mental health worker shall document the request in the record.

(e) All treatment services shall be provided in accordance with the identified goals in the treatment plan and updates.

(f) The treatment plan and updates shall be kept in the individual record.

(g) The treatment plan shall be reviewed on an annual basis by the psychiatrist or advanced practice professional throughout the course of treatment from the psychiatric outpatient clinic and documented in the individual record.

Authority

The provisions of this § 5200.31 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.31 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (247794) and (368119).

Cross References

This section cited in 55 Pa. Code § 5200.52 (relating to treatment planning).

§ 5200.32. Treatment policies and procedures.

Each psychiatric outpatient clinic shall have on file a written plan specifying the clinical policy and procedures of the facility and shall provide services in accordance with them. This plan must provide for the following:

- (1) Intake and assessment policy and procedures.
- (2) Admission policies including time frames for the following:
 - (i) Referrals from crisis intervention or emergency services.
 - (ii) Referrals from inpatient units.
 - (iii) Referrals for medication management services.

- (iv) Other referrals.
- (3) The services to be provided and the scope of these services.
- (4) Discharge policies providing for continuity of care for individuals discharged from the program.
- (5) Complaint policies and procedures.
- (6) Statement of rights in accordance with 55 Pa. Code §§ 5100.51—5100.56 (relating to patient rights).

Authority

The provisions of this § 5200.32 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.32 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (368119).

§ 5200.33. Discharge.

- (a) A psychiatric outpatient clinic shall complete a discharge summary for each individual at least 45 days before discharge from services that includes the following:
 - (1) Summary of services provided and outcomes.
 - (2) Reason for discharge.
 - (3) Referral or recommendation for other services if needed.
- (b) The psychiatric outpatient clinic shall provide the following information to individuals at discharge:
 - (1) Contact information for the local crisis intervention service.
 - (2) Contact information for any referrals.

Authority

The provisions of this § 5200.33 adopted under sections 201(2) and 1021 of the Human Services Code (62 P.S. §§ 201(2) and 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25).

Source

The provisions of this § 5200.33 adopted October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943.

MISCELLANEOUS PROVISIONS

§ 5200.41. Records.

- (a) Under section 602 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4602), and in accordance with recognized and acceptable principles of recordkeeping, the facility shall maintain a record for each individual receiving services from a psychiatric outpatient clinic. The record must include the following:
 - (1) Identifying information.
 - (2) Referral source.
 - (3) Assessment including presenting problems.
 - (4) Appropriately signed consent forms.
 - (5) Medical, social and developmental history.
 - (6) Diagnosis and evaluation.

- (7) Treatment plan and updates.
 - (8) Treatment progress notes for each contact.
 - (9) Medication orders.
 - (10) Discharge summary.
 - (11) Referrals to other agencies, when indicated.
 - (12) A written recommendation from a LPHA acting within the practitioner's scope of practice for any MMHT services provided.
- (b) Records shall also be maintained as follows:
- (1) Legible and permanent.
 - (2) Reviewed twice a year as to quality by the director, clinical supervisor or psychiatrist.
 - (3) Maintained in a uniform manner so that information can be provided in a prompt, efficient, accurate manner and so that data is accessible for administrative and professional purposes.
 - (4) Signed and dated by the staff member writing in the record.
- (c) All protected individual records, written and electronic, shall be secured in accordance with all applicable Federal and State privacy and confidentiality statutes and regulations.

Authority

The provisions of this § 5200.41 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.41 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (368119) to (368120).

§ 5200.42. Medications.

- (a) If medication is prescribed or dispensed by the psychiatric outpatient clinic, the requirements of all applicable Federal and State drug statutes and regulations shall be met. In addition, all of the following apply:
- (1) Prescriptions shall be written only by a licensed psychiatrist, physician, certified registered nurse practitioner or physician assistant within the practitioner's scope of practice.
 - (2) The term "written" includes prescriptions that are handwritten or recorded and transmitted by electronic means.
 - (3) Written prescriptions transmitted by electronic means must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by an unauthorized person.
 - (4) A record of any medication prescribed shall be documented in the individual record.
- (b) Written policies and procedures providing for the safe dispensing and administration of medication by the medical and nursing staff shall be in writing and on file. The policy must include all of the following:
- (1) Medications shall be dispensed only on an order of a licensed psychiatrist, physician, certified registered nurse practitioner or physician assistant within the practitioner's scope of practice.
 - (2) All medication shall be kept in a secure place.

(3) Each dose of medication administered by the psychiatric outpatient clinic shall be properly recorded in the individual's record.

Authority

The provisions of this § 5200.42 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.42 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (368120).

Cross References

This section cited in 55 Pa. Code § 5200.42b (relating to clarification of the term “written”—statement of policy).

§ 5200.42a. Medication prescription—statement of policy.

Prescriptions for medications may be written by and dispensed on the order of a certified registered nurse practitioner in outpatient psychiatric clinics as authorized under 49 Pa. Code Chapter 18, Subchapter C (relating to certified registered nurse practitioners) and Chapter 21, Subchapter C (relating to certified registered nurse practitioners).

Source

The provisions of this § 5200.42a adopted March 26, 2010, effective March 27, 2010, 40 Pa.B. 1644.

Cross References

This section cited in 55 Pa. Code § 5200.42b (relating to clarification of the term “written”—statement of policy).

§ 5200.42b. Clarification of the term “written”—statement of policy.

(a) The term “written” in §§ 5200.42(b)(1) and 5200.42a (relating to drugs and medications; and medication prescription—statement of policy) includes prescriptions that are handwritten or recorded and transmitted by electronic means.

(b) Written prescriptions transmitted by electronic means must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by an unauthorized person.

Source

The provisions of this § 5200.42b adopted August 2, 2013, effective August 3, 2013, 43 Pa.B. 4355.

§ 5200.43. Fee schedule.

Each psychiatric outpatient clinic shall maintain a schedule of uniform basic charges for services which are available to all individuals receiving services.

Authority

The provisions of this § 5200.43 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.43 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (367825).

§ 5200.44. Quality assurance program.

All psychiatric outpatient clinics shall have a utilization review and clinical audit process designed to ensure that the most appropriate treatment is delivered to the individual receiving services and that treatment is indicated. Psychiatric outpatient clinics that provide MMHT services shall include MMHT services in the Quality Assurance plan. The Quality Assurance plan shall include the following:

- (1) Process for the annual review of the quality, timeliness and appropriateness of the services provided, including feedback on satisfaction with services from individuals receiving services.
- (2) Identification of the type of review and the methodology for the review.
- (3) Documentation of the findings of the annual review.
- (4) Utilization of the annual review findings to improve psychiatric outpatient clinic services.

Authority

The provisions of this § 5200.44 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.44 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (367825).

§ 5200.45. Physical facility.

(a) Adequate space, equipment and supplies shall be provided in order that the outpatient services can be provided effectively and efficiently. Functional surroundings shall be readily accessible to the individual and community served.

(b) All space and equipment shall be well maintained and must meet applicable Federal, State and local requirements for safety, fire, accessibility and health.

(c) A waiting room which is clean, comfortable and sensitive to the culture of the population served shall be provided.

(d) There shall be office space for the clinical staff suitably equipped with chairs, desks, tables and other necessary equipment.

(e) There shall be an adequate number of suitably equipped conference rooms to provide for staff conferences and therapy.

(f) There shall be adequate provisions for privacy within the psychiatric outpatient clinic.

(g) A psychiatric outpatient clinic is defined by its staff and organizational structure rather than by a specific building or facility. It may operate at more than one site if the respective sites meet all physical facility standards and the sites

operate as a portion of the psychiatric outpatient clinic. The staffing pattern at each site shall be based on the ratio of total individuals served at that site to the total individuals served in the psychiatric outpatient clinic as a whole. The Department will issue a single certificate of compliance to the parent organization which will list all operational sites.

Authority

The provisions of this § 5200.45 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.45 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247797).

§ 5200.46. Notice of nondiscrimination.

Programs may not discriminate against staff or individuals receiving services on the basis of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age, and shall comply with all applicable State and Federal statutes and regulations.

Authority

The provisions of this § 5200.46 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.46 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial page (247797).

§ 5200.47. Other applicable regulations.

This chapter does not supplant other applicable regulations which apply to mental health facilities in the Commonwealth such as 34 Pa. Code Chapter 49—59 (relating to administration; general requirement; A-1 assembly group; division A-2 assembly; division A-3 assembly; group B educational; division C-2 hotels, motels, apartment buildings, etc.; division C-3 small group habitation; divisions C-4 single exit apartments; division D-O ordinary commercial, industrial, office; and D-H hazardous commercial, industrial, office), §§ 5100.31—5100.39 (relating to confidentiality of mental health records), and §§ 5100.51—5100.56 (relating to patient rights).

§ 5200.48. Waiver of standards.

In instances where the development of specialty psychiatric outpatient clinic services is severely limited by these standards, such as rural clinics or specialty clinics, a waiver may be granted. Waivers may be applied only in areas where the need for these services and the attempts to meet the standards are adequately documented. Waivers are to be considered only in exceptional circumstances and are subject to approval by the Department.

Authority

The provisions of this § 5200.48 amended under section 1021 of the Human Services Code (62 P.S. § 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)).

Source

The provisions of this § 5200.48 amended October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943. Immediately preceding text appears at serial pages (247797) to (247798).

MOBILE MENTAL HEALTH TREATMENT**§ 5200.51. Provider service description.**

(a) Prior to the delivery of MMHT services, a psychiatric outpatient clinic shall submit to the Department for approval a MMHT service description that includes the information required under subsection (b). A psychiatric outpatient clinic shall submit a revised service description to the Department if there are changes to the information required under subsection (b).

(b) A service description must include all of the following:

(1) The population to be served, including all of the following:

- (i) Expected number of individuals to be served.
- (ii) The age ranges of the individuals to be served.
- (iii) The presenting problems and other characteristics supporting the need for MMHT services.
- (iv) The location of the provision of the services, whether in the home or community or both.
- (v) The goals, objectives and expected outcomes of the MMHT services.

(2) Staffing pattern, including all of the following:

- (i) Number of mental health professionals, licensed clinical psychologists, and psychiatrists providing MMHT services.
- (ii) The qualifications of a staff person providing a MMHT service.
- (iii) The specific clinical services to be provided by each staff.

(3) The policies and procedures for all of the following:

- (i) The supervision of MMHT services.
- (ii) Staff support in the provision of MMHT services.
- (iii) Coordination of care with physical health services.

(c) A psychiatric outpatient clinic shall provide MMHT services only as set forth in its approved service description.

Authority

The provisions of this § 5200.51 adopted under sections 201(2) and 1021 of the Human Services Code (62 P.S. §§ 201(2) and 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25).

Source

The provisions of this § 5200.51 adopted October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943.

Cross References

This section cited in 55 Pa. Code § 1153.41 (relating to participation requirements).

§ 5200.52. Treatment planning.

(a) Treatment planning shall be completed in accordance with § 5200.31 (relating to treatment planning) and shall include all of the following:

- (1) Services to be provided.
- (2) Treatment goals.
- (3) Duration of service.
- (4) Supports and interventions necessary to alleviate barriers to receiving services at a psychiatric outpatient clinic.
- (5) Identification of the professional providing each service.
- (6) Location of service provision.

(b) A MMHT services provider shall complete an assessment as required by § 5200.31(a) prior to developing the treatment plan. In addition, the following shall apply:

- (1) The assessment shall include documentation of the disabling effects of a mental or physical illness that impedes or precludes the individual's ability to participate in services at the psychiatric outpatient clinic.
- (2) The assessment shall be completed by a psychiatrist, mental health professional, or an advanced practice professional trained and qualified to provide services at a psychiatric outpatient clinic.
- (c) Treatment plans shall be updated at a minimum every 180 days.

Authority

The provisions of this § 5200.52 adopted under sections 201(2) and 1021 of the Human Services Code (62 P.S. §§ 201(2) and 1021); sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112); section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)); and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25).

Source

The provisions of this § 5200.52 adopted October 11, 2019, effective October 12, 2019, 49 Pa.B. 5943.

[Next page is 5210-1.]