

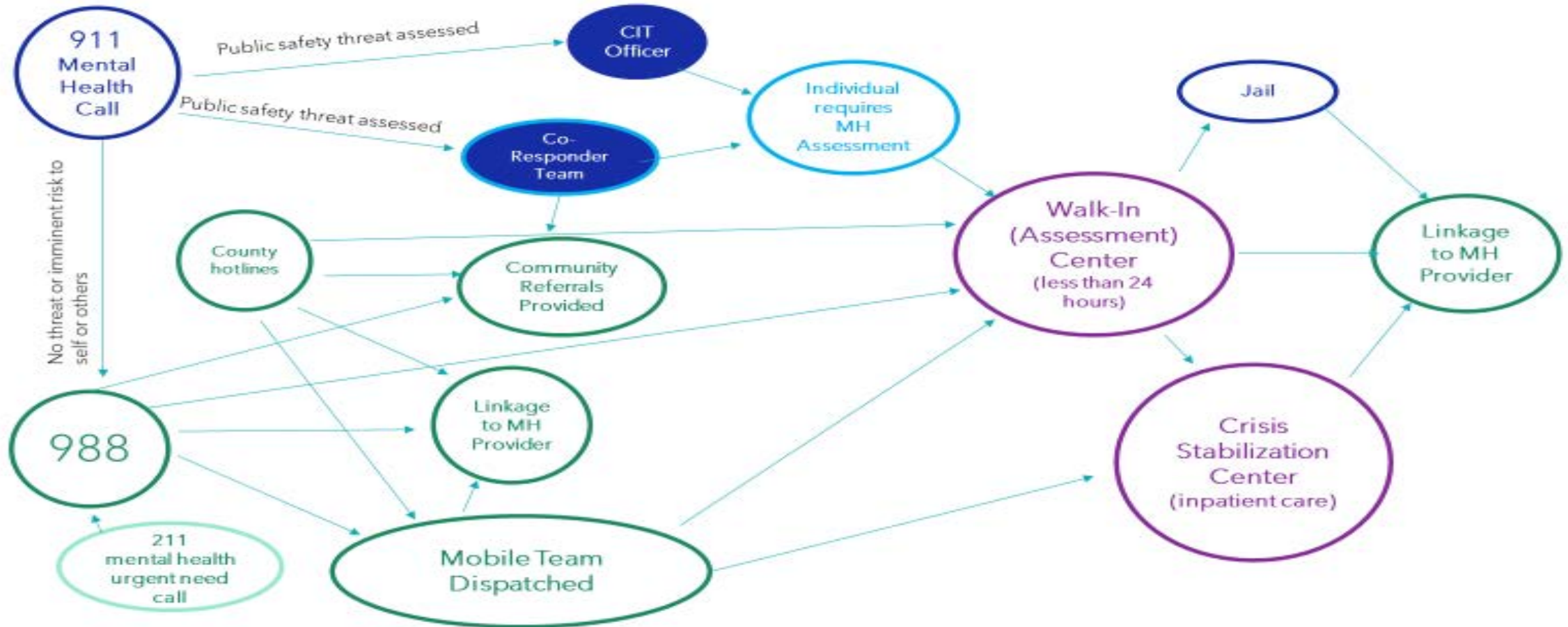
Medical Assistance Advisory Committee Meeting

October 27, 2022

Office of Mental Health and Substance Abuse Services
Dr. Dale Adair, Acting Deputy Secretary

- **Crisis Services & 988**
- **Telehealth**
- **Transition Planning**
- **Behavioral Health Commission**
- **Act 32 – Confidentiality in the Mental Health Procedures Act**

PA BEHAVIORAL HEALTH CRISIS SYSTEM ROADMAP



Regulation Suspension Ending

Unless extended by the Pennsylvania Legislature, the suspension of regulations covered by Act 30 of 2022 will end on October 31, 2022.

The ending of the Federal PHE does not impact suspension of regulations in Pennsylvania. Suspension of regulations is the domain of the PA Legislature.

Full compliance with all regulations including those that were previously suspended must be in place when the suspension of regulations ends unless a waiver has been obtained from OMHSAS.

OMHSAS will end the suspension of bulletins effective **12/31/22**

- Bulletin OMHSAS-19-05
- Bulletin OMHSAS-10-03
- Bulletin OMH-93-09
- Bulletin OMH-93-10
- Un-promulgated Chapter 5240
- Bulletin OMHSAS-08-03
- Bulletin MAB 01-01-05
- Bulletin OMHSAS-17-01
- Bulletin MAB 01-94-01
- Bulletin MAB 1157-95-01
- Un-promulgated Chapter 5260.

The Governor's Office continues to advocate for the permanent suspension of the following regulations.

- Outpatient Psychiatric Services ([55 Pa. Code §1153.14](#)) prohibits telephone delivery of services
- Outpatient Drug and Alcohol Clinic Services ([55 Pa. Code §1223.14 \(2\)](#)) prohibits telephone delivery of services
- Mental Health Intensive Case Management ([55 Pa. Code §5221.33](#)) requires signatures

OMHSAS has issued waivers and will continue to do so specific to the aspects of the above regulations that prevention the utilization of telehealth.

U.S. DHHS will not seek punitive action against a provider who is not utilizing a HIPAA compliant platform until the end of the public health emergency.

[HIPAA flexibility for telehealth technology | Telehealth.HHS.gov.](https://www.hhs.gov/telehealth/hipaa-flexibility)

The federal PHE was just formally extended again and the new timeline for the new extension is:

- If this is the last renewal, then the PHE would end on **January 11, 2023.**
- If this is the last renewal, then the 60-day advance notice of the end of the PHE would be issued on **November 12, 2022.**

The list below from the U.S. DHHS includes some vendors that represent that they provide HIPAA-compliant video communication products and that they will enter into a HIPAA Business Associate Agreement.

- Skype for Business / Microsoft Teams
- Updox
- VSee
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet
- Cisco Webex Meetings / Webex Teams
- Amazon Chime
- GoToMeeting
- Spruce Health Care Messenger

Pre and Post-Transition Priorities



- Enhancing the crisis services system and 988
- Strengthening the behavioral health workforce
- Supporting the forensic population

- Behavioral Health Commission
- Act 32 – Confidentiality in the MHPA