

Special Notice Regarding Home Health Care Services Ordered by Out-of-State Physicians

Act 44 of 2004, signed into law on June 23, 2004, amends the Medical Practice Act to address home health care services ordered for Pennsylvania residents by physicians from another state. This revision to the law permits a Pennsylvania home health agency, licensed by Pennsylvania Department of Health under the Health Care Facilities Act, to deliver home health care services to a patient who resides in Pennsylvania upon an order of a physician from another state who holds a license in good standing in the other state and who prescribes home health care services after the physician has performed an in-person physical examination of the patient in the state where the physician is licensed. This new law removes the former prohibition on Pennsylvania home health care services accepting prescriptions and orders from out-of-state doctors.

The intent behind the change is to permit individuals who live in or have recently moved to Pennsylvania to retain an out-of-state physician (such as a specialist from Johns Hopkins Medical Center in Baltimore or a trusted primary care physician) who may order home health care if the patient needs it. The change will eliminate the need for such a patient to obtain an intermediary Pennsylvania physician to write for home health care services to be rendered in Pennsylvania.

Home health care services may include, but are not limited to, nursing services, respiratory therapy, occupational therapy, physical therapy, speech and hearing therapy. The practical effect on such home care providers is that Act 44 effectively modifies the general rule that Pennsylvania home health care providers may only execute medical regimens and orders as prescribed by a physician licensed in Pennsylvania. This change permits Pennsylvania home health care providers delivering home health care services under the auspices of a Pennsylvania licensed home health care agency to accept orders for home health care services from out-of-state physicians, if the above conditions have been met. This change is only in home health care. The change does not address any other health care setting or services nor does it include other types of ordering and prescribing practitioners, such as out-of-state certified registered nurse practitioners or physician assistants.

Act 44 of 2004 became effective on August 23, 2004.

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