

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1694 Session of 2013

INTRODUCED BY BAKER, TURZAI, DiGIROLAMO, RAPP, JAMES, HEFFLEY, SCHLOSSBERG, WATSON, HACKETT, GROVE, C. HARRIS, CLYMER, COHEN, GINGRICH, MAHONEY, PETRI, FARRY, EVERETT, MICCARELLI, MURT, BARBIN, CALTAGIRONE AND PYLE, SEPTEMBER 23, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 16, 2013

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, establishing the Pharmaceutical
3 Accountability Monitoring System; abrogating a regulation;
4 and imposing penalties.

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

7 Section 1. Title 44 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

CHAPTER 27

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PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

11 Sec.

12 2701. Short title of chapter.

13 2702. Purpose.

14 2703. Scope of chapter.

15 2704. Definitions.

16 2705. Advisory committee.

17 2706. Establishment of Pharmaceutical Accountability Monitoring

1 ~~System.~~
2 ~~2707. Requirements for Pharmaceutical Accountability Monitoring~~
3 ~~System.~~
4 ~~2708. Access to prescription information.~~
5 ~~2709. Unlawful acts and penalties.~~
6 ~~2710. Education and treatment.~~
7 ~~2711. Immunity.~~
8 ~~2712. Additional provisions.~~
9 ~~2713. Use of money collected.~~
10 ~~2714. Rules and regulations.~~
11 ~~2715. Evaluation, data analysis and reporting.~~
12 ~~2716. Concurrent jurisdiction.~~
13 ~~2717. Nonapplicability.~~
14 ~~2718. Expiration of chapter.~~
15 ~~§ 2701. Short title of chapter.~~

16 ~~This chapter shall be known and may be cited as the~~
17 ~~Pharmaceutical Accountability Monitoring System Act.~~

18 ~~§ 2702. Purpose.~~

19 ~~The purpose of this chapter is to reduce the abuse of~~
20 ~~controlled substances and fraud by providing a tool that will~~
21 ~~ensure that practitioners making prescribing decisions have~~
22 ~~complete and reliable information about what, if any, other~~
23 ~~prescription drugs have recently been prescribed to their~~
24 ~~patients. It is the purpose of this act to provide reporting~~
25 ~~mechanisms, with full confidentiality protections, in which~~
26 ~~dispensers report prescription information to a central~~
27 ~~repository, in order to identify ultimate user and practitioner~~
28 ~~behaviors that give rise to a reasonable suspicion that~~
29 ~~prescription drugs are being inappropriately obtained or~~
30 ~~prescribed, so that appropriate ameliorative and corrective~~

~~1 action, including treatment for individuals suffering from drug
2 and alcohol addiction, may be taken. This chapter is further
3 intended to help detect, refer to law enforcement and regulatory
4 agencies and deter prescription drug fraud and diversion.~~

~~5 § 2703. Scope of chapter.~~

~~6 This chapter is intended to improve the Commonwealth's
7 ability to enable informed and responsible prescribing and
8 dispensing of controlled substances and to reduce diversion and
9 misuse of such drugs in an efficient and cost-effective manner
10 that will not impede the appropriate medical utilization of
11 licit controlled substances.~~

~~12 § 2704. Definitions.~~

~~13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:~~

~~16 "Active investigation." An investigation that is being
17 conducted with a reasonable good faith belief that it could lead
18 to the filing of administrative, civil or criminal proceedings,
19 or that is ongoing and continuing and for which there is a
20 reasonable good faith anticipation of securing an arrest or
21 prosecution in the foreseeable future.~~

~~22 "Alcohol and other drug addiction treatment program." Any
23 facility or treatment program that is licensed by the
24 Commonwealth to provide alcohol and other drug addiction
25 treatment on a hospital, nonhospital residential or outpatient
26 basis.~~

~~27 "ASAP." The American Society for Automation in Pharmacy.~~

~~28 "Controlled substance." A drug, substance or immediate
29 precursor included in Schedule II, III, IV or V of the act of
30 April 14, 1972 (P.L.233, No.64), known as The Controlled~~

1 ~~Substance, Drug, Device and Cosmetic Act, or the Controlled~~
2 ~~Substances Act (Public Law 91-513, 84 Stat. 1236).~~

3 ~~"Database." The Pharmaceutical Accountability Monitoring~~
4 ~~System established in section 2706 (relating to establishment of~~
5 ~~Pharmaceutical Accountability Monitoring System).~~

6 ~~"Department." The Department of Drug and Alcohol Programs.~~

7 ~~"Dispense." To deliver a controlled substance, other drug or~~
8 ~~device to an ultimate user by or pursuant to the lawful order of~~
9 ~~a practitioner.~~

10 ~~"Dispenser." A practitioner who dispenses in this~~
11 ~~Commonwealth, including mail order and Internet sales of~~
12 ~~pharmaceuticals. The term does not include any of the following:~~

13 ~~(1) A licensed health care facility or long term care~~
14 ~~pharmacy that distributes such substances for the purpose of~~
15 ~~inpatient hospital, long term care facility administration or~~
16 ~~licensed life provider.~~

17 ~~(2) A practitioner or other authorized person who~~
18 ~~administers such a substance.~~

19 ~~(3) A wholesale distributor of a controlled substance.~~

20 ~~(4) A hospice care provider.~~

21 ~~(5) A medical practitioner at a health care facility~~
22 ~~licensed by this Commonwealth if the quantity of controlled~~
23 ~~substances dispensed is limited to an amount adequate to~~
24 ~~treat the patient for a maximum of 24 hours with not more~~
25 ~~than two 24-hour cycles within any 15-day period.~~

26 ~~"Dispensing veterinarian." A veterinarian who dispenses in~~
27 ~~this Commonwealth.~~

28 ~~"Internet pharmacy." A person, entity or Internet site,~~
29 ~~whether in the United States or abroad, that knowingly or~~
30 ~~intentionally delivers, distributes or dispenses, or offers or~~

1 ~~attempts to deliver, distribute or dispense, a controlled~~
2 ~~substance by means of the Internet, including a pharmacy.~~

3 ~~"Licensed health care facility." A health care facility that~~
4 ~~is licensed under Article X of the act of June 13, 1967 (P.L.~~
5 ~~31, No.21), known as the Public Welfare Code, or the act of July~~
6 ~~19, 1979 (P.L.130, No.48), known as the Health Care Facilities~~
7 ~~Act.~~

8 ~~"LIFE." The program of medical and supportive services known~~
9 ~~as Living Independently for Elders.~~

10 ~~"Mail order pharmacy." A pharmacy that dispenses controlled~~
11 ~~substances using the United States Postal Service or any express~~
12 ~~delivery service.~~

13 ~~"NDC." The National Drug Code.~~

14 ~~"NPI." The National Provider Identifier.~~

15 ~~"PAMS." The Pharmaceutical Accountability Monitoring System~~
16 ~~established in section 2706 (relating to establishment of~~
17 ~~Pharmaceutical Accountability Monitoring System).~~

18 ~~"Practitioner." The term shall mean:~~

19 ~~(1) a physician, dentist, pharmacist, podiatrist,~~
20 ~~physician assistant, certified registered nurse practitioner,~~
21 ~~optometrist, dispensing veterinarian or other person~~
22 ~~licensed, registered or otherwise permitted to distribute,~~
23 ~~dispense or to administer a controlled substance, other drug~~
24 ~~or device in the course of professional practice or research~~
25 ~~in this Commonwealth; or~~

26 ~~(2) a pharmacy, hospital, clinic or other institution~~
27 ~~licensed, registered or otherwise permitted to distribute,~~
28 ~~dispense, conduct research with respect to or to administer a~~
29 ~~controlled substance, other drug or device in the course of~~
30 ~~professional practice or research in this Commonwealth.~~

1 ~~"Ultimate user." A person who lawfully possesses a~~
2 ~~controlled substance, other drug, device or cosmetic for his own~~
3 ~~use or for the use of a member of his household or for~~
4 ~~administering to an animal in his care.~~

5 ~~§ 2705. Advisory committee.~~

6 ~~(a) Establishment. An advisory committee is established to~~
7 ~~provide input and advice to the department regarding the~~
8 ~~establishment and maintenance of PAMS, including, but not~~
9 ~~limited to:~~

10 ~~(1) Use of PAMS to improve patient care, to identify and~~
11 ~~address addiction and to facilitate the goal of reducing~~
12 ~~misuse, abuse, overdose, addiction to and diversion of~~
13 ~~controlled substances and drugs of concern.~~

14 ~~(2) Safeguards for the release of information to~~
15 ~~authorized users.~~

16 ~~(3) The confidentiality of prescription monitoring~~
17 ~~information and the integrity of the patient's relationship~~
18 ~~with the patient's health care provider.~~

19 ~~(4) Development of criteria for referring prescription~~
20 ~~monitoring information to a law enforcement or professional~~
21 ~~licensing agency.~~

22 ~~(5) Development of criteria for referring a prescriber,~~
23 ~~dispensing veterinarian or dispenser to a professional~~
24 ~~licensing agency or impaired professionals association.~~

25 ~~(6) The design and implementation of training, education~~
26 ~~or instruction.~~

27 ~~(7) The provision of assessment and referral to alcohol~~
28 ~~and other drug addiction treatment as part of any other~~
29 ~~requirements of this chapter.~~

30 ~~(8) Technical standards for electronic reporting of~~

1 ~~prescription monitoring information.~~

2 ~~(9) Technological improvements to facilitate the~~
3 ~~interoperability of PAMS with other State prescription drug~~
4 ~~monitoring programs and electronic health information systems~~
5 ~~and to facilitate prescribers' and dispensers' access to and~~
6 ~~use of PAMS.~~

7 ~~(10) Proper analysis and interpretation of prescription~~
8 ~~monitoring information.~~

9 ~~(11) Design and implementation of an evaluation~~
10 ~~component.~~

11 ~~(12) Recommended appointments to the advisory committee.~~

12 ~~(b) Confidentiality. For the purpose of providing input and~~
13 ~~advice pursuant to subsection (a), no advisory committee member~~
14 ~~shall receive prescription monitoring information which~~
15 ~~identifies, or could reasonably be used to identify, the~~
16 ~~patient, prescriber, dispensing veterinarian, dispenser or other~~
17 ~~person who is the subject of the information.~~

18 ~~(c) Membership.~~

19 ~~(1) The department shall establish an advisory committee~~
20 ~~comprised of the following:~~

21 ~~(i) A representative recommended by the Department~~
22 ~~of State representing the State Board of Medicine, the~~
23 ~~State Board of Nursing and the State Board of Veterinary~~
24 ~~Medicine.~~

25 ~~(ii) A representative recommended by the State Board~~
26 ~~of Pharmacy.~~

27 ~~(iii) A representative recommended by the Attorney~~
28 ~~General.~~

29 ~~(iv) Two physicians recommended by the Pennsylvania~~
30 ~~Medical Society, one of whom holds membership in the~~

1 ~~American Society of Addiction Medicine and the other who~~
2 ~~is a physician with expertise in chronic pain management~~
3 ~~and treatment.~~

4 ~~(v) A physician who is a member of the Pennsylvania~~
5 ~~Psychiatric Society specializing in addiction psychiatry.~~

6 ~~(vi) A representative recommended by the~~
7 ~~Pennsylvania District Attorneys Association.~~

8 ~~(vii) A representative recommended by the~~
9 ~~Pennsylvania Coroners Association.~~

10 ~~(viii) A representative recommended by the Drug and~~
11 ~~Alcohol Service Providers Organization of Pennsylvania.~~

12 ~~(ix) A representative of chronic pain patients~~
13 ~~recommended by a physician with expertise in chronic pain~~
14 ~~management.~~

15 ~~(x) A representative of veterinary medicine with~~
16 ~~dispensing practice recommended by the Pennsylvania~~
17 ~~Veterinary Medical Association.~~

18 ~~(xi) A representative of pharmacies recommended by~~
19 ~~the Pennsylvania Association of Chain Drug Stores.~~

20 ~~(xii) A representative of pharmacies recommended by~~
21 ~~the Pennsylvania Pharmacists' Association.~~

22 ~~(2) The department may also appoint persons with~~
23 ~~recognized expertise, knowledge and experience in the~~
24 ~~establishment and maintenance of prescription monitoring~~
25 ~~programs, skills and expertise in alcohol and other drug~~
26 ~~addiction assessment and referral to addiction treatment or~~
27 ~~issues involving the misuse, abuse or diversion of, or the~~
28 ~~addiction to, controlled substances or drugs of concern.~~

29 ~~(d) Quorum. Nine members of the advisory committee shall~~
30 ~~constitute a quorum for the transaction of all business. The~~

~~1 members shall elect a chairman and such other officers as deemed
2 necessary whose duties shall be established by the advisory
3 committee. The department shall convene the advisory committee
4 at least quarterly using telecommunication whenever possible.~~

~~5 (c) Staff assistance. The department shall provide the
6 advisory committee with any staff services which may be
7 necessary for the advisory committee to carry out its duties
8 under this chapter.~~

~~9 § 2706. Establishment of Pharmaceutical Accountability
10 Monitoring System.~~

~~11 (a) General rule. The department shall establish and
12 administer the Pharmaceutical Accountability Monitoring System
13 (PAMS) for monitoring all controlled substances that are
14 dispensed within this Commonwealth by all practitioners,
15 dispensing veterinarians or dispensers, including, but not
16 limited to, a practitioner, dispensing veterinarian or dispenser
17 that dispenses to a person or ships to an address within this
18 Commonwealth.~~

~~19 (b) Disclosure. Each practitioner shall disclose to all
20 persons receiving a controlled substance that the identifying
21 prescription information will be entered into the PAMS and may
22 be accessed for limited purposes by specified individuals.~~

~~23 (c) Data compliance. Data required by this section shall be
24 submitted in compliance with this section to the department by
25 the pharmacy or other dispensing entity.~~

~~26 (d) Registration. Each dispenser, practitioner and designee
27 dispensing or prescribing controlled substances shall register
28 with and establish a user name and personal identification
29 number that permits access to the secure website housing PAMS
30 established by this chapter.~~

1 ~~§ 2707. Requirements for Pharmaceutical Accountability~~

2 ~~Monitoring System.~~

3 ~~(a) Submission. The dispenser shall, regarding each~~
4 ~~controlled substance dispensed, submit by electronic means,~~
5 ~~using the most current version of the ASAP prescription~~
6 ~~monitoring program web service standard, to the department the~~
7 ~~following information using methods of transmission protocols~~
8 ~~and in a format established by the department:~~

9 ~~(1) Full name of the prescribing practitioner.~~

10 ~~(2) Prescriber Drug Enforcement Agency (DEA)~~
11 ~~registration number.~~

12 ~~(3) Date the prescription was written.~~

13 ~~(4) Date the prescription was dispensed.~~

14 ~~(5) Full name, date of birth, gender and address of the~~
15 ~~person for whom the prescription was written and dispensed.~~

16 ~~(6) The NDC.~~

17 ~~(7) Dosage quantity and days' supply.~~

18 ~~(8) Name of the pharmacy or other entity dispensing the~~
19 ~~controlled substance.~~

20 ~~(9) Dispensing entity's DEA registration number and NPI.~~

21 ~~(10) Source of payment for the prescription.~~

22 ~~(b) Veterinary dispensers. The dispensing veterinarian~~
23 ~~shall, regarding each controlled substance dispensed, submit~~
24 ~~by electronic mail to the department the following~~
25 ~~information:~~

26 ~~(1) Pet's name.~~

27 ~~(2) Owner's name.~~

28 ~~(3) Pet's or owner's address.~~

29 ~~(4) Practice's name.~~

30 ~~(5) Dispensing veterinarian's name.~~

- 1 ~~(6) DEA license number.~~
- 2 ~~(7) Date the prescription was written.~~
- 3 ~~(8) Date the prescription was dispensed.~~
- 4 ~~(9) Name of the controlled substance.~~
- 5 ~~(10) Quantity and strength of the medication.~~
- 6 ~~(11) Dosage and frequency of the medication.~~

7 ~~(c) Frequency.~~

8 ~~(1) Each dispenser shall submit the information required~~
9 ~~by this chapter not later than seventy two hours after the~~
10 ~~dispensing of a controlled substance monitored by PAMS. The~~
11 ~~department shall implement a real time reporting requirement~~
12 ~~as expeditiously as possible.~~

13 ~~(2) Each dispensing veterinarian shall submit the~~
14 ~~information required by this chapter within six months of~~
15 ~~dispensing a controlled substance monitored by PAMS to the~~
16 ~~department.~~

17 ~~(d) Maintenance. The department shall maintain PAMS in an~~
18 ~~electronic file or by other means established by the department~~
19 ~~to facilitate use of the database.~~

20 ~~(e) Recordkeeping. The department shall maintain a record~~
21 ~~of PAMS queries for reference, including:~~

22 ~~(1) Identification of each person who requests or~~
23 ~~receives information from PAMS.~~

24 ~~(2) The information provided to each person.~~

25 ~~(3) The date and time the information is requested and~~
26 ~~provided.~~

27 ~~(f) Expungement. The department shall remove from PAMS all~~
28 ~~identifying information more than six years old from the date of~~
29 ~~collection. Such information shall then be destroyed unless a~~
30 ~~law enforcement agency or a professional licensing or~~

1 ~~certification agency or board for prescribers or dispensers has~~
2 ~~submitted a written request to the department for retention of~~
3 ~~specific information. All requests shall comply with procedures~~
4 ~~adopted by the department.~~

5 ~~§ 2708. Access to prescription information.~~

6 ~~(a) General rule. Except as set forth in subsection (c),~~
7 ~~prescription information submitted to the department and records~~
8 ~~of requests to query the data shall be confidential and not~~
9 ~~subject to disclosure under the act of February 14, 2008 (P.L.6,~~
10 ~~No.3), known as the Right to Know Law.~~

11 ~~(b) Privacy procedures. The department shall maintain~~
12 ~~procedures to ensure that the privacy and confidentiality of~~
13 ~~patients and patient information collected, recorded,~~
14 ~~transmitted and maintained is not disclosed to persons except~~
15 ~~those enumerated in subsection (d).~~

16 ~~(c) Queries.—~~

17 ~~(1) A practitioner may query the data for an existing~~
18 ~~patient.~~

19 ~~(2) A practitioner may query the data for prescriptions~~
20 ~~written using his or her own DEA number.~~

21 ~~(3) Upon request of a Federal or State law enforcement~~
22 ~~official, information from PAMS related to a controlled~~
23 ~~substance on Schedule II of the act of April 14, 1972~~
24 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~
25 ~~Device and Cosmetic Act, shall be provided by the department.~~

26 ~~(4) A Federal or State law enforcement official whose~~
27 ~~duties include enforcing laws relating to controlled~~
28 ~~substances and prescription drugs shall be provided access to~~
29 ~~the information from PAMS relating to the person who is the~~
30 ~~subject of an active investigation of a drug abuse offense,~~

1 ~~including, but not limited to, violations of The Controlled~~
2 ~~Substance, Drug, Device and Cosmetic Act, insurance fraud,~~
3 ~~medicare fraud or medicaid fraud pursuant to an active~~
4 ~~investigation.~~

5 ~~(d) Limited availability. The department shall make~~
6 ~~information in PAMS available only to the following persons and~~
7 ~~in accordance with department regulations:~~

8 ~~(1) Personnel of the department specifically assigned to~~
9 ~~conduct internal reviews related to controlled substances~~
10 ~~laws under the jurisdiction of the department.~~

11 ~~(2) Authorized department personnel engaged in analysis~~
12 ~~of controlled substance prescription information as a part of~~
13 ~~the assigned duties and responsibilities of their employment.~~

14 ~~(3) Qualified personnel for the purpose of bona fide~~
15 ~~research or education. Data elements that would reasonably~~
16 ~~identify a specific recipient, prescriber, dispensing~~
17 ~~veterinarian or dispenser shall be deleted or redacted from~~
18 ~~such information prior to disclosure. Release of the~~
19 ~~information shall only be made pursuant to a written~~
20 ~~agreement between such qualified personnel and the department~~
21 ~~in order to ensure compliance with this chapter.~~

22 ~~(4) A practitioner, dispensing veterinarian or one~~
23 ~~representative employed by the practitioner, designated by~~
24 ~~the practitioner pursuant to criteria established by the~~
25 ~~department, having authority to prescribe controlled~~
26 ~~substances, to the extent that the information relates to a~~
27 ~~current patient of the practitioner or dispensing~~
28 ~~veterinarian to whom the practitioner or dispensing~~
29 ~~veterinarian is prescribing or considering prescribing any~~
30 ~~controlled substance.~~

1 ~~(5) A pharmacist, or one designee employed by the~~
2 ~~pharmacy, designated by the pharmacist pursuant to criteria~~
3 ~~established by the department, having authority to dispense~~
4 ~~controlled substances to the extent the information relates~~
5 ~~specifically to a current patient to whom that pharmacist is~~
6 ~~dispensing or considering dispensing any controlled~~
7 ~~substance.~~

8 ~~(6) A designated representative from the Commonwealth or~~
9 ~~out of State agency or board responsible for licensing or~~
10 ~~certifying prescribers, dispensing veterinarians or~~
11 ~~dispensers who is involved in a bona fide investigation of a~~
12 ~~prescriber, dispensing veterinarian or dispenser whose~~
13 ~~professional practice was or is regulated by that agency or~~
14 ~~board.~~

15 ~~(7) A medical examiner or county coroner for the purpose~~
16 ~~of investigating the death of an individual.~~

17 ~~(8) A designated prescription monitoring official of a~~
18 ~~state with which this Commonwealth has an interoperability~~
19 ~~agreement may access prescription monitoring information in~~
20 ~~accordance with the provisions of this chapter and procedures~~
21 ~~adopted by the department.~~

22 ~~(9) An individual who is the recipient of a controlled~~
23 ~~substance prescription entered into PAMS upon providing~~
24 ~~evidence satisfactory to the PAMS manager that the individual~~
25 ~~requesting the information is in fact the person about whom~~
26 ~~the data entry was made. In the case where law enforcement~~
27 ~~has accessed the data for an active investigation, the~~
28 ~~information about that query shall be withheld from the~~
29 ~~individual for a period of six months.~~

30 ~~(10) The Office of Attorney General of Pennsylvania or~~

~~the equivalent law enforcement officer of another state may access information from the PAMS for an active investigation of a criminal violation of law governing controlled substances.~~

~~(11) A grand jury may access information from the PAMS for an active investigation of a criminal violation of law governing controlled substances.~~

~~(12) Authorized personnel of the Department of Public Welfare engaged in the administration of the medical assistance program, and authorized personnel of the Insurance Department engaged in the administration of the Children's Health Insurance Program (CHIP).~~

~~(c) Dispenser access. No person shall knowingly hinder a pharmacist, dispensing veterinarian or practitioner who dispenses who is eligible to receive information from PAMS from requesting and receiving such information in a timely fashion. § 2709. Unlawful acts and penalties.~~

~~(a) Knowing, intentional or negligent release or use. A person may not knowingly, intentionally or negligently use, release, publish or otherwise make available any information obtained from PAMS for any purpose other than those specified in section 2708(c) (relating to access to prescription information). A person who does knowingly, negligently or intentionally release or use information from PAMS that is not authorized in section 2708 commits a felony of the third degree and is subject to a civil penalty of not less than \$5,000, or shall be sentenced to imprisonment of not more than 90 days, or both, for each offense.~~

~~(b) Misrepresentation or fraud. Any person who obtains or attempts to obtain information from PAMS by misrepresentation or~~

1 ~~fraud commits a felony of the third degree.~~

2 ~~(c) Unauthorized purpose. Any person who obtains or~~
3 ~~attempts to obtain information from PAMS for a purpose other~~
4 ~~than a purpose authorized by this chapter or by department~~
5 ~~regulations commits a felony of the third degree.~~

6 ~~(d) Civil violation. The procedure for determining a civil~~
7 ~~violation of this subsection shall be in accordance with~~
8 ~~department regulations. Civil penalties assessed under this~~
9 ~~subsection shall be deposited in the General Fund, appropriated~~
10 ~~to the department and dedicated to PAMS operations.~~

11 ~~(e) Failure to submit. The failure of a dispenser or~~
12 ~~dispensing veterinarian to submit information to PAMS as~~
13 ~~required under this section, after the department has submitted~~
14 ~~a specific written request for the information or when the~~
15 ~~department determines the individual has a demonstrable pattern~~
16 ~~of knowing that failure to submit the information as required,~~
17 ~~is grounds for the appropriate licensing board to take the~~
18 ~~following action in accordance with the appropriate licensing~~
19 ~~act:~~

20 ~~(1) Prohibit an Internet pharmacy from conducting~~
21 ~~business in this Commonwealth.~~

22 ~~(2) Refuse to issue a license to the individual.~~

23 ~~(3) Refuse to renew the individual's license.~~

24 ~~(4) Revoke, suspend, restrict or place on probation the~~
25 ~~license.~~

26 ~~(5) Issue a public or private reprimand to the~~
27 ~~individual.~~

28 ~~(6) Issue a cease and desist order.~~

29 ~~(7) Impose a civil penalty of not more than \$1,000 for~~
30 ~~each failure to submit information required by this act.~~

~~(f) Medical record. Nothing in this section shall prohibit a practitioner from maintaining a PAMS patient report as part of the patient's medical record.~~

~~§ 2710. Education and treatment.~~

~~(a) General rule. With the input and advice of the advisory committee, the department shall:~~

~~(1) assist the appropriate agency, board or association for each category of authorized user in this act to incorporate the appropriate information regarding PAMS into the training, education or instruction provided to each category of authorized user;~~

~~(2) assist the State or regional chapter of the American Society of Addiction Medicine, the Pennsylvania Medical Society, the Pennsylvania Psychiatric Society, the Pennsylvania Veterinary Medical Association, the Pennsylvania Academy of Family Physicians and the Pennsylvania Coalition of Nurse Practitioners to develop a continuing education course for health care professionals on prescribing practices, pharmacology and identification, referral and treatment of patients addicted to or abusing controlled substances monitored by PAMS; and~~

~~(3) implement, or assist other appropriate agencies to implement, an educational program to inform the public about the use, diversion and abuse of, addiction to and treatment for the addiction to the controlled substances monitored by PAMS, including the nature and scope of PAMS.~~

~~(b) Referral. With the input and advice of the advisory committee, the department shall refer prescribers, dispensing veterinarians and dispensers it has reason to believe may be impaired to the appropriate professional licensing or~~

~~1 certification agency, and to the appropriate impaired
2 professionals associations, to provide intervention, assessment
3 and referral to alcohol and other drug addiction treatment
4 programs, and ongoing monitoring and follow up.~~

~~5 (c) Identification. With the input and advice of the
6 advisory committee, the department shall work with the patient's
7 individual practitioner and the appropriate alcohol and other
8 drug addiction treatment professionals to provide that patients
9 identified through PAMS as potentially addicted to a controlled
10 substance are assessed and referred to alcohol and other drug
11 addiction treatment programs.~~

~~12 § 2711. Immunity.~~

~~13 An individual who has submitted to or received information
14 from PAMS in accordance with section 2706 (relating to
15 establishment of Pharmaceutical Accountability Monitoring
16 System) may not be held civilly liable or disciplined in a
17 licensing board action for having submitted the information or
18 for not seeking or obtaining information from the prescription
19 monitoring program prior to prescribing or dispensing a
20 controlled substance to an ultimate user.~~

~~21 § 2712. Additional provisions.~~

~~22 (a) Funding. A practitioner or a pharmacist shall not be
23 required to pay a fee or tax specifically dedicated to
24 establishment, operation or maintenance of the system.~~

~~25 (b) Costs. All costs associated with recording and
26 submitting data as required in this section shall be assumed by
27 the submitting dispenser.~~

~~28 (c) Use of data. Except as provided in subsection (d), data
29 provided to, maintained in or accessed from PAMS that may be
30 identified to, or with, a particular person is not subject to~~

1 ~~discovery, subpoena or similar compulsory process in any civil,~~
2 ~~judicial, administrative or legislative proceeding, nor shall~~
3 ~~any individual or organization with lawful access to the data be~~
4 ~~compelled to testify with regard to the data.~~

5 ~~(d) Exceptions. The restrictions in subsection (c) do not~~
6 ~~apply to:~~

7 ~~(1) A criminal proceeding.~~

8 ~~(2) A civil, judicial or administrative action brought~~
9 ~~to enforce the provisions of this section.~~

10 ~~§ 2713. Use of money collected.~~

11 ~~(a) General rule. The department may use the moneys~~
12 ~~deposited in the General Fund and appropriated to the department~~
13 ~~for the following purposes:~~

14 ~~(1) Maintenance and replacement of PAMS equipment,~~
15 ~~including hardware and software.~~

16 ~~(2) Training of staff.~~

17 ~~(3) Pursuit of grants and matching funds.~~

18 ~~(b) Collections. The department may collect any penalty~~
19 ~~imposed under section 2709 (relating to unlawful acts and~~
20 ~~penalties) and which is not paid by bringing an action in the~~
21 ~~court of common pleas of the county in which the person owing~~
22 ~~the debt resides or in the county where the department is~~
23 ~~located.~~

24 ~~(c) Legal assistance. The department may seek legal~~
25 ~~assistance from the Attorney General or the county or district~~
26 ~~attorney of the county in which the action is brought to collect~~
27 ~~the fine.~~

28 ~~(d) Attorney fees and costs. The court shall award~~
29 ~~reasonable attorney fees and costs to the department for~~
30 ~~successful collection actions under section 2709.~~

1 ~~§ 2714. Rules and regulations.~~

2 ~~The department shall promulgate rules and regulations setting~~
3 ~~forth the procedures and methods for implementing this chapter.~~

4 ~~At a minimum, the rules and regulations shall include the~~
5 ~~following:~~

6 ~~(1) Effectively enforce the limitations on access to~~
7 ~~PAMS prescribed in section 2708 (relating to access to~~
8 ~~prescription information).~~

9 ~~(2) Establish standards and procedures to ensure~~
10 ~~accurate identification of individuals requesting information~~
11 ~~or receiving information from PAMS.~~

12 ~~(3) Allow adequate time following implementation of this~~
13 ~~chapter for dispensers, dispensing veterinarians and~~
14 ~~practitioners to make the changes to their operational~~
15 ~~systems necessary to comply with this chapter.~~

16 ~~(4) Allow for dispensers and dispensing veterinarians to~~
17 ~~have ease of transition to comply with the requirements of~~
18 ~~the Pharmaceutical Accountability Monitoring System.~~

19 ~~(5) Not place an undue burden on law enforcement seeking~~
20 ~~information related to an investigation.~~

21 ~~(6) Dispensers, dispensing veterinarians and~~
22 ~~practitioners licensed to practice in this Commonwealth shall~~
23 ~~not be held liable for failure to comply with PAMS~~
24 ~~requirements until all changes are fully operational and~~
25 ~~dispensers, dispensing veterinarians and practitioners have~~
26 ~~had adequate time to make necessary adjustments to operating~~
27 ~~systems and to receive training to fully accommodate such~~
28 ~~changes upon promulgation of the regulations, but not later~~
29 ~~than one year after the effective date of this chapter.~~

30 ~~(7) Dispensers and dispensing veterinarians who can show~~

~~good cause for not submitting data electronically may be authorized to submit data manually if they lack Internet access.~~

~~§ 2715. Evaluation, data analysis and reporting.~~

~~(a) General rule. The department shall design and implement an evaluation component to identify:~~

~~(1) cost benefits of PAMS;~~

~~(2) the impact on efforts to reduce misuse, abuse, overdose and diversion of, or addiction to, controlled substances;~~

~~(3) the impact on prescribing practices for controlled substances;~~

~~(4) the number of ultimate users identified through PAMS as potentially addicted to a controlled substance that were assessed for alcohol and other drug addictions;~~

~~(5) the number of ultimate users in paragraph (4) that received alcohol and other drug addiction treatment and the names of the licensed alcohol and other drug addiction treatment facilities in which the ultimate users were treated;~~

~~(6) the progress made in implementing real time reporting; and~~

~~(7) other information relevant to policy, research and education involving controlled substances and drugs of concern monitored by PAMS.~~

~~(b) Annual report. The department shall annually report the information specified in subsection (a) to the Public Health and Welfare Committee of the Senate, the Human Services Committee of the House of Representatives, the United States Department of Justice, the Substance Abuse and Mental Health Services~~

1 ~~Administration of the Office of National Drug Control Policy and~~
2 ~~members of Pennsylvania's United States Congressional~~
3 ~~delegation. Additionally, the department shall make the annual~~
4 ~~report available to the public on its publicly accessible~~
5 ~~Internet website.~~

6 ~~(c) Evaluation. Within six years of the effective date of~~
7 ~~this act, the department shall submit to the chairman and~~
8 ~~minority chairman of the Public Health and Welfare Committee of~~
9 ~~the Senate and the chairman and minority chairman of the Human~~
10 ~~Services Committee of the House of Representatives, a written~~
11 ~~report containing information regarding the collection of data~~
12 ~~within PAMS. The report must include, but need not be limited~~
13 ~~to, the following information pertaining to the data collected~~
14 ~~within PAMS since its inception:~~

15 ~~(1) The number of times information from PAMS has been~~
16 ~~illegally accessed.~~

17 ~~(2) The number of times a patient's privacy or~~
18 ~~confidentiality was compromised through use of the system.~~

19 ~~(3) The number of times the security of the PAMS~~
20 ~~database has been breached by hackers operating under~~
21 ~~malicious purposes.~~

22 ~~(4) A comparison of the rate of death by accidental~~
23 ~~overdose before the implementation of PAMS and the rate of~~
24 ~~death by accidental overdose after the implementation of~~
25 ~~PAMS.~~

26 ~~(5) The rate by which doctors are utilizing PAMS to~~
27 ~~query patients identified as being potentially addicted to a~~
28 ~~controlled substance through PAMS for referral to alcohol and~~
29 ~~other drug addiction treatment programs.~~

30 ~~(6) The cost effectiveness of the frequency of data~~

1 ~~submission.~~

2 ~~(7) Any impact on efforts to reduce misuse, abuse,~~
3 ~~overdose and diversion of, or addiction to, controlled~~
4 ~~substances.~~

5 ~~(8) Any impact on prescribing practices for controlled~~
6 ~~substances.~~

7 ~~(9) The number of patients that were referred for~~
8 ~~alcohol and other drug addiction treatment.~~

9 ~~(10) The effectiveness of the interoperability with~~
10 ~~other states.~~

11 ~~§ 2716. Concurrent jurisdiction.~~

12 ~~The Attorney General shall have concurrent prosecutorial~~
13 ~~jurisdiction with the county district attorney for violations of~~
14 ~~this chapter. No person charged with a violation of this chapter~~
15 ~~by the Attorney General shall have standing to challenge the~~
16 ~~authority of the Attorney General to prosecute the case and, if~~
17 ~~any such challenge is made, the challenge shall be dismissed and~~
18 ~~no relief shall be available in the courts of this Commonwealth~~
19 ~~to the person making the challenge.~~

20 ~~§ 2717. Nonapplicability.~~

21 ~~The requirements of this chapter shall not apply to:~~

22 ~~(1) the direct administration of a controlled substance~~
23 ~~to the body of an ultimate user; or~~

24 ~~(2) the administration or dispensing of a controlled~~
25 ~~substance that is otherwise exempted as determined by the~~
26 ~~Federal Secretary of Health and Human Services under the~~
27 ~~National All Schedules Prescription Electronic Reporting Act~~
28 ~~of 2005 (Public Law 109-60, 119 Stat. 1979).~~

29 ~~§ 2718. Expiration of chapter.~~

30 ~~This chapter shall expire seven years after the date of the~~

1 ~~enactment of this chapter.~~

2 ~~Section 2. The regulation of the Department of Health in 28-~~
3 ~~Pa. Code § 25.131 (relating to every dispensing practitioner) is~~
4 ~~abrogated.~~

5 ~~Section 3. Upon the full operation of PAMS, the Department~~
6 ~~of Drug and Alcohol Programs shall transmit notice to the~~
7 ~~Legislative Reference Bureau for publication in the Pennsylvania~~
8 ~~Bulletin.~~

9 ~~Section 4. The provisions of this act are severable. If any~~
10 ~~provision of this act or its application to any person or~~
11 ~~circumstance is held invalid, the invalidity shall not affect~~
12 ~~other provisions or applications of this act which can be given~~
13 ~~effect without the invalid provision or application.~~

14 ~~Section 5. This act shall take effect as follows:~~

15 ~~(1) Section 2 shall take effect 90 days after~~
16 ~~publication of the notice under section 3 of this act.~~

17 ~~(2) This section shall take effect immediately.~~

18 ~~(3) The remainder of this act shall take effect in 60-~~
19 ~~days.~~

20 CHAPTER 27

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21 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

22 SEC.

23 2701. SHORT TITLE OF CHAPTER.

24 2702. PURPOSE.

25 2703. SCOPE OF CHAPTER.

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28 2706. ESTABLISHMENT OF PHARMACEUTICAL ACCOUNTABILITY MONITORING
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30 2707. REQUIREMENTS FOR PHARMACEUTICAL ACCOUNTABILITY MONITORING

1 SYSTEM.
2 2708. ACCESS TO PAMS INFORMATION.
3 2709. UNLAWFUL ACTS, PENALTIES AND PRIVATE RIGHT OF ACTION.
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5 2711. IMMUNITY.
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9 2715. EVALUATION, DATA ANALYSIS AND REPORTING.
10 2716. CONCURRENT JURISDICTION.
11 2717. NONAPPLICABILITY.
12 2718. EXPIRATION OF CHAPTER AND EXPUNGEMENT.
13 § 2701. SHORT TITLE OF CHAPTER.

14 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
15 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM ACT.

16 § 2702. PURPOSE.

17 THE PURPOSE OF THIS CHAPTER IS TO REDUCE THE ABUSE OF
18 CONTROLLED SUBSTANCES AND FRAUD BY PROVIDING A TOOL THAT WILL
19 ENSURE THAT PRACTITIONERS MAKING PRESCRIBING DECISIONS HAVE
20 COMPLETE AND RELIABLE INFORMATION ABOUT WHAT, IF ANY, OTHER
21 PRESCRIPTION DRUGS HAVE RECENTLY BEEN PRESCRIBED TO THEIR
22 PATIENTS. IT IS THE PURPOSE OF THIS ACT TO PROVIDE REPORTING
23 MECHANISMS, WITH FULL CONFIDENTIALITY PROTECTIONS, IN WHICH
24 DISPENSERS REPORT PRESCRIPTION INFORMATION TO A CENTRAL
25 REPOSITORY, IN ORDER TO IDENTIFY ULTIMATE USER AND PRACTITIONER
26 BEHAVIORS THAT GIVE RISE TO A REASONABLE SUSPICION THAT
27 PRESCRIPTION DRUGS ARE BEING INAPPROPRIATELY OBTAINED OR
28 PRESCRIBED, SO THAT APPROPRIATE AMELIORATIVE AND CORRECTIVE
29 ACTION, INCLUDING TREATMENT FOR INDIVIDUALS SUFFERING FROM DRUG
30 AND ALCOHOL ADDICTION, MAY BE TAKEN. THIS CHAPTER IS FURTHER

1 INTENDED TO HELP DETECT, REFER TO REGULATORY AGENCIES AND DETER
2 PRESCRIPTION DRUG FRAUD AND DIVERSION.

3 § 2703. SCOPE OF CHAPTER.

4 THIS CHAPTER IS INTENDED TO IMPROVE THE COMMONWEALTH'S
5 ABILITY TO ENABLE INFORMED AND RESPONSIBLE PRESCRIBING AND
6 DISPENSING OF CONTROLLED SUBSTANCES AND TO REDUCE DIVERSION AND
7 MISUSE OF SUCH DRUGS IN AN EFFICIENT AND COST-EFFECTIVE MANNER
8 THAT WILL NOT IMPEDE THE APPROPRIATE MEDICAL UTILIZATION OF
9 LICIT CONTROLLED SUBSTANCES.

10 § 2704. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "ACTIVE INVESTIGATION." AN INVESTIGATION THAT IS BEING
15 CONDUCTED WITH A REASONABLE SUSPICION THAT IT COULD LEAD TO THE
16 FILING OF ADMINISTRATIVE, CIVIL OR CRIMINAL PROCEEDINGS, OR THAT
17 IS ONGOING AND CONTINUING AND FOR WHICH THERE IS A REASONABLE
18 SUSPICION OF SECURING AN ARREST OR PROSECUTION IN THE
19 FORESEEABLE FUTURE.

20 "ASAP." THE AMERICAN SOCIETY FOR AUTOMATION IN PHARMACY.

21 "CONTROLLED SUBSTANCE." A DRUG, SUBSTANCE OR IMMEDIATE
22 PRECURSOR INCLUDED IN SCHEDULE II, III, IV OR V OF THE ACT OF
23 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
24 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR THE CONTROLLED
25 SUBSTANCES ACT (PUBLIC LAW 91-513, 84 STAT. 1236). THE TERM
26 SHALL NOT INCLUDE A DRUG, SUBSTANCE OR IMMEDIATE PRECURSOR
27 INCLUDED IN SCHEDULE V OF THE CONTROLLED SUBSTANCES ACT PROVIDED
28 THAT IT HAS BEEN IDENTIFIED IN 21 CFR § 1308.15(E) (RELATING TO
29 SCHEDULE V).

30 "CONTINUING CARE PROVIDER." A FACILITY LICENSED BY THE

1 DEPARTMENT OF INSURANCE UNDER THE ACT OF JUNE 18, 1984 (P.L.391,
2 NO.82), KNOWN AS THE CONTINUING-CARE PROVIDER REGISTRATION AND
3 DISCLOSURE ACT.

4 "DATABASE." THE PHARMACEUTICAL ACCOUNTABILITY MONITORING
5 SYSTEM ESTABLISHED IN SECTION 2706 (RELATING TO ESTABLISHMENT OF
6 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM).

7 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS.

8 "DISPENSE." TO DELIVER A CONTROLLED SUBSTANCE, OTHER DRUG OR
9 DEVICE TO AN ULTIMATE USER BY OR PURSUANT TO THE LAWFUL ORDER OF
10 A PRACTITIONER.

11 "DISPENSER." A PRACTITIONER WHO DISPENSES IN THIS
12 COMMONWEALTH, INCLUDING MAIL ORDER AND INTERNET SALES OF
13 PHARMACEUTICALS. THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

14 (1) THE USE OF SUCH SUBSTANCES ON THE ORDER OF A
15 PRACTITIONER FOR THE PURPOSE OF TREATING PATIENTS WHO ARE
16 INPATIENT AT A LICENSED HOSPITAL, A LICENSED AMBULATORY CARE
17 FACILITY, A CONTINUING CARE PROVIDER OR A LICENSED LONG-TERM
18 CARE NURSING FACILITY.

19 (2) A LICENSED PROVIDER UNDER THE LIFE PROGRAM.

20 (3) A LICENSED HEALTH CARE FACILITY OR LONG-TERM CARE
21 PHARMACY THAT DISTRIBUTES SUCH SUBSTANCES FOR THE PURPOSE OF
22 INPATIENT HOSPITAL OR LONG-TERM CARE FACILITY ADMINISTRATION.

23 (4) A PRACTITIONER OR OTHER AUTHORIZED PERSON WHO
24 ADMINISTERS SUCH A SUBSTANCE.

25 (5) A WHOLESALE DISTRIBUTOR OF A CONTROLLED SUBSTANCE.

26 (6) A HOSPICE CARE PROVIDER IN THE COURSE OF PROVIDING
27 HOSPICE CARE.

28 (7) A MEDICAL PRACTITIONER AT A HEALTH CARE FACILITY
29 LICENSED BY THIS COMMONWEALTH IF THE QUANTITY OF CONTROLLED
30 SUBSTANCES DISPENSED IS LIMITED TO AN AMOUNT ADEQUATE TO

1 TREAT THE PATIENT FOR A MAXIMUM OF 24 HOURS WITH NOT MORE
2 THAN TWO 24-HOUR CYCLES WITHIN ANY 15-DAY PERIOD.

3 "DISPENSING VETERINARIAN." A VETERINARIAN WHO DISPENSES IN
4 THIS COMMONWEALTH.

5 "INTERNET PHARMACY." A PERSON, ENTITY OR INTERNET SITE,
6 WHETHER IN THE UNITED STATES OR ABROAD, THAT KNOWINGLY OR
7 INTENTIONALLY DELIVERS, DISTRIBUTES OR DISPENSES, OR OFFERS OR
8 ATTEMPTS TO DELIVER, DISTRIBUTE OR DISPENSE A CONTROLLED
9 SUBSTANCE BY MEANS OF THE INTERNET, INCLUDING A PHARMACY.

10 "LICENSED ADDICTION TREATMENT PROGRAM." AN ALCOHOL AND OTHER
11 DRUG ADDICTION TREATMENT PROGRAM LICENSED BY THE DEPARTMENT.

12 "LICENSED HEALTH CARE FACILITY." A HEALTH CARE FACILITY THAT
13 IS LICENSED UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48),
14 KNOWN AS THE HEALTH CARE FACILITIES ACT, OR A PERSONAL CARE HOME
15 OR ASSISTED LIVING RESIDENCE THAT IS LICENSED UNDER ARTICLE X OF
16 THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
17 WELFARE CODE.

18 "LIFE." THE PROGRAM OF MEDICAL AND SUPPORTIVE SERVICES KNOWN
19 AS LIVING INDEPENDENTLY FOR ELDERS.

20 "MAIL-ORDER PHARMACY." A PHARMACY THAT DISPENSES CONTROLLED
21 SUBSTANCES USING THE UNITED STATES POSTAL SERVICE OR ANY EXPRESS
22 DELIVERY SERVICE.

23 "NDC." THE NATIONAL DRUG CODE.

24 "NPI." THE NATIONAL PROVIDER IDENTIFIER.

25 "PAMS." THE PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM
26 ESTABLISHED IN SECTION 2706 (RELATING TO ESTABLISHMENT OF
27 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM) OR ITS
28 SUCCESSOR.

29 "PRACTITIONER." THE TERM SHALL MEAN:

30 (1) A PHYSICIAN, DENTIST, PHARMACIST, PODIATRIST,

1 PHYSICIAN ASSISTANT, CERTIFIED REGISTERED NURSE PRACTITIONER,
2 OPTOMETRIST, DISPENSING VETERINARIAN OR OTHER PERSON
3 LICENSED, REGISTERED OR OTHERWISE PERMITTED TO DISTRIBUTE,
4 DISPENSE OR TO ADMINISTER A CONTROLLED SUBSTANCE, OTHER DRUG
5 OR DEVICE IN THE COURSE OF PROFESSIONAL PRACTICE OR RESEARCH
6 IN THIS COMMONWEALTH; OR

7 (2) A PHARMACY, HOSPITAL, CLINIC OR OTHER INSTITUTION
8 LICENSED, REGISTERED OR OTHERWISE PERMITTED TO DISTRIBUTE,
9 DISPENSE, CONDUCT RESEARCH WITH RESPECT TO OR TO ADMINISTER A
10 CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE IN THE COURSE OF
11 PROFESSIONAL PRACTICE OR RESEARCH IN THIS COMMONWEALTH.

12 "ULTIMATE USER." A PERSON WHO LAWFULLY POSSESSES A
13 CONTROLLED SUBSTANCE, OTHER DRUG, DEVICE OR COSMETIC FOR HIS OWN
14 USE OR FOR THE USE OF A MEMBER OF HIS HOUSEHOLD OR FOR
15 ADMINISTERING TO AN ANIMAL IN HIS CARE.

16 § 2705. ADVISORY COMMITTEE.

17 (A) ESTABLISHMENT.--AN ADVISORY COMMITTEE IS ESTABLISHED TO
18 PROVIDE INPUT AND ADVICE TO THE DEPARTMENT REGARDING THE
19 ESTABLISHMENT AND MAINTENANCE OF PAMS, INCLUDING, BUT NOT
20 LIMITED TO:

21 (1) THE USE OF PAMS TO IMPROVE PATIENT CARE, TO IDENTIFY
22 AND ADDRESS ADDICTION AND TO FACILITATE THE GOAL OF REDUCING
23 MISUSE, ABUSE, OVERDOSE, ADDICTION TO AND DIVERSION OF
24 CONTROLLED SUBSTANCES AND DRUGS OF CONCERN.

25 (2) SAFEGUARDS FOR THE RELEASE OF INFORMATION TO PERSONS
26 AUTHORIZED TO ACCESS PAMS IN ACCORDANCE WITH SECTION 2708
27 (RELATING TO ACCESS TO PAMS INFORMATION).

28 (3) THE CONFIDENTIALITY OF PRESCRIPTION MONITORING
29 INFORMATION AND THE INTEGRITY OF THE PATIENT'S RELATIONSHIP
30 WITH THE PATIENT'S HEALTH CARE PROVIDER.

1 (4) THE DEVELOPMENT OF CRITERIA FOR REFERRING
2 PRESCRIPTION MONITORING INFORMATION TO A PROFESSIONAL
3 LICENSING AGENCY.

4 (5) THE DEVELOPMENT OF CRITERIA FOR REFERRING A
5 PRACTITIONER TO A PROFESSIONAL LICENSING AGENCY OR IMPAIRED
6 PROFESSIONALS ASSOCIATION.

7 (6) THE DESIGN AND IMPLEMENTATION OF TRAINING, EDUCATION
8 OR INSTRUCTION.

9 (7) THE PROVISION OF ASSESSMENT AND REFERRAL TO ALCOHOL
10 AND OTHER DRUG ADDICTION TREATMENT AS PART OF ANY OTHER
11 REQUIREMENTS OF THIS CHAPTER.

12 (8) THE DEVELOPMENT OF TECHNICAL STANDARDS FOR
13 ELECTRONIC REPORTING OF PRESCRIPTION MONITORING INFORMATION.

14 (9) THE MAINTENANCE OF TECHNOLOGICAL IMPROVEMENTS TO
15 FACILITATE THE INTEROPERABILITY OF PAMS WITH OTHER STATE
16 PRESCRIPTION DRUG MONITORING PROGRAMS AND ELECTRONIC HEALTH
17 INFORMATION SYSTEMS AND TO FACILITATE PRACTITIONERS' ACCESS
18 TO AND USE OF PAMS.

19 (10) THE PROPER ANALYSIS AND INTERPRETATION OF
20 PRESCRIPTION MONITORING INFORMATION.

21 (11) THE DESIGN AND IMPLEMENTATION OF AN EVALUATION
22 COMPONENT.

23 (12) RECOMMENDED APPOINTMENTS TO THE ADVISORY COMMITTEE.

24 (B) CONFIDENTIALITY.--FOR THE PURPOSE OF PROVIDING INPUT AND
25 ADVICE PURSUANT TO SUBSECTION (A), NO ADVISORY COMMITTEE MEMBER
26 SHALL RECEIVE PRESCRIPTION MONITORING INFORMATION WHICH
27 IDENTIFIES, OR COULD REASONABLY BE USED TO IDENTIFY, THE
28 ULTIMATE USE OR PRACTITIONER WHO IS THE SUBJECT OF THE
29 INFORMATION. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, ANY
30 AND ALL MEETINGS OF THE PAMS ADVISORY COMMITTEE ARE TO BE

1 CONSIDERED CONFIDENTIAL AND CLOSED TO THE PUBLIC. MEMBERS AND
2 STAFF SHALL MAINTAIN STRICT STANDARDS OF CONFIDENTIALITY IN THE
3 HANDLING OF ALL MATTERS BEFORE THE ADVISORY COMMITTEE. IN
4 ADDITION, ALL RELEVANT FEDERAL AND STATE LAWS REGARDING PATIENT
5 PRIVACY AND CONFIDENTIALITY WILL BE ADHERED TO. ALL MATERIAL AND
6 INFORMATION, REGARDLESS OF FORM, MEDIUM OR METHOD OF
7 COMMUNICATION PROVIDED TO OR ACQUIRED BY AN ADVISORY COMMITTEE
8 MEMBER OR STAFF IN THE COURSE OF THE ADVISORY COMMITTEE'S WORK,
9 SHALL BE REGARDED AS CONFIDENTIAL INFORMATION, SHALL NOT BE
10 DISCLOSED AND ARE NOT PUBLIC RECORDS. IN ADDITION, ALL MATERIAL
11 AND INFORMATION, REGARDLESS OF FORM, MEDIUM OR METHOD OF
12 COMMUNICATION, MADE OR GENERATED BY A MEMBER OF DEPARTMENT STAFF
13 IN THE COURSE OF THE ADVISORY COMMITTEE'S WORK, SHALL BE
14 REGARDED AS CONFIDENTIAL INFORMATION AND SHALL NOT BE DISCLOSED
15 AND ARE DEEMED NOT TO BE A PUBLIC RECORD. ALL NECESSARY STEPS
16 SHALL BE TAKEN BY MEMBERS AND STAFF TO SAFEGUARD THE
17 CONFIDENTIALITY OF SUCH MATERIAL OR INFORMATION IN CONFORMANCE
18 WITH FEDERAL AND STATE LAW.

19 (C) MEMBERSHIP.--

20 (1) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY COMMITTEE
21 COMPRISED OF THE FOLLOWING:

22 (I) A REPRESENTATIVE RECOMMENDED BY THE DEPARTMENT
23 OF STATE REPRESENTING THE STATE BOARD OF MEDICINE, THE
24 STATE BOARD OF NURSING AND THE STATE BOARD OF VETERINARY
25 MEDICINE.

26 (II) A REPRESENTATIVE RECOMMENDED BY THE STATE BOARD
27 OF PHARMACY.

28 (III) A REPRESENTATIVE RECOMMENDED BY THE ATTORNEY
29 GENERAL.

30 (IV) TWO PHYSICIANS RECOMMENDED BY THE PENNSYLVANIA

1 MEDICAL SOCIETY, ONE OF WHOM HOLDS MEMBERSHIP IN THE
2 AMERICAN SOCIETY OF ADDICTION MEDICINE AND THE OTHER WHO
3 IS A PHYSICIAN WITH EXPERTISE IN CHRONIC PAIN MANAGEMENT
4 AND TREATMENT.

5 (V) A PHYSICIAN WHO IS A MEMBER OF THE PENNSYLVANIA
6 PSYCHIATRIC SOCIETY SPECIALIZING IN ADDICTION PSYCHIATRY.

7 (VI) A REPRESENTATIVE RECOMMENDED BY THE
8 PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION.

9 (VII) A REPRESENTATIVE RECOMMENDED BY THE
10 PENNSYLVANIA CORONERS ASSOCIATION.

11 (VIII) A REPRESENTATIVE RECOMMENDED BY THE DRUG AND
12 ALCOHOL SERVICE PROVIDERS ORGANIZATION OF PENNSYLVANIA.

13 (IX) A REPRESENTATIVE OF CHRONIC PAIN PATIENTS
14 RECOMMENDED BY A PHYSICIAN WITH EXPERTISE IN CHRONIC PAIN
15 MANAGEMENT.

16 (X) A REPRESENTATIVE OF VETERINARY MEDICINE WITH
17 DISPENSING PRACTICE RECOMMENDED BY THE PENNSYLVANIA
18 VETERINARY MEDICAL ASSOCIATION.

19 (XI) A REPRESENTATIVE OF PHARMACIES RECOMMENDED BY
20 THE PENNSYLVANIA ASSOCIATION OF CHAIN DRUG STORES.

21 (XII) A REPRESENTATIVE OF PHARMACIES RECOMMENDED BY
22 THE PENNSYLVANIA PHARMACISTS' ASSOCIATION.

23 (XIII) A REPRESENTATIVE RECOMMENDED BY THE
24 PENNSYLVANIA STATE NURSES ASSOCIATION.

25 (2) THE DEPARTMENT MAY ALSO SEEK INPUT FROM PERSONS WITH
26 RECOGNIZED EXPERTISE, KNOWLEDGE AND EXPERIENCE IN THE
27 ESTABLISHMENT AND MAINTENANCE OF PRESCRIPTION MONITORING
28 PROGRAMS, SKILLS AND EXPERTISE IN ALCOHOL AND OTHER DRUG
29 ADDICTION ASSESSMENT AND REFERRAL TO ADDICTION TREATMENT OR
30 ISSUES INVOLVING THE MISUSE, ABUSE OR DIVERSION OF, OR THE

1 ADDICTION TO, CONTROLLED SUBSTANCES.

2 (D) QUORUM.--NINE MEMBERS OF THE ADVISORY COMMITTEE SHALL
3 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS. THE
4 MEMBERS SHALL ELECT A CHAIRMAN AND SUCH OTHER OFFICERS AS DEEMED
5 NECESSARY WHOSE DUTIES SHALL BE ESTABLISHED BY THE ADVISORY
6 COMMITTEE. THE DEPARTMENT SHALL CONVENE THE ADVISORY COMMITTEE
7 AT LEAST QUARTERLY USING TELECOMMUNICATION WHENEVER POSSIBLE.

8 (E) STAFF ASSISTANCE.--THE DEPARTMENT SHALL PROVIDE THE
9 ADVISORY COMMITTEE WITH ANY STAFF SERVICES WHICH MAY BE
10 NECESSARY FOR THE ADVISORY COMMITTEE TO CARRY OUT ITS DUTIES
11 UNDER THIS CHAPTER.

12 § 2706. ESTABLISHMENT OF PHARMACEUTICAL ACCOUNTABILITY
13 MONITORING SYSTEM.

14 (A) GENERAL RULE.--WITH THE INPUT AND ADVICE OF THE ADVISORY
15 COMMITTEE, THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER THE
16 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM (PAMS) FOR
17 MONITORING ALL CONTROLLED SUBSTANCES THAT ARE DISPENSED BY
18 DISPENSERS OR DISPENSING VETERINARIANS WITHIN THIS COMMONWEALTH,
19 INCLUDING, BUT NOT LIMITED TO, THOSE DISPENSED TO A PERSON OR
20 SHIPPED TO AN ADDRESS WITHIN THIS COMMONWEALTH. THE SYSTEM SHALL
21 COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
22 ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT. 1936) AS IT PERTAINS
23 TO PROTECTED HEALTH INFORMATION (PHI) AND ELECTRONIC PROTECTED
24 HEALTH INFORMATION (E PHI), AS WELL AS ALL OTHER RELEVANT FEDERAL
25 AND STATE PRIVACY AND SECURITY LAWS AND REGULATIONS.

26 (B) DISCLOSURE.--EACH PRACTITIONER SHALL DISCLOSE TO ALL
27 PERSONS FOR WHOM A CONTROLLED SUBSTANCE IS PRESCRIBED THAT THE
28 IDENTIFYING PRESCRIPTION INFORMATION WILL BE ENTERED INTO THE
29 PAMS WHEN THE CONTROLLED SUBSTANCE IS DISPENSED AND MAY BE
30 ACCESSED ONLY FOR LIMITED PURPOSES BY SPECIFIED INDIVIDUALS.

1 (C) DATA COMPLIANCE.--DATA REQUIRED BY THIS SECTION SHALL BE
2 SUBMITTED IN COMPLIANCE WITH THIS SECTION TO THE DEPARTMENT BY
3 THE PHARMACY OR OTHER DISPENSING ENTITY.

4 (D) REGISTRATION.--EACH DISPENSER, PRACTITIONER AND PERSON
5 DESIGNATED BY EACH DISPENSER AND PRACTITIONER IN ACCORDANCE WITH
6 SECTION 2707(D) (RELATING TO REQUIREMENTS FOR PHARMACEUTICAL
7 ACCOUNTABILITY MONITORING SYSTEM) SHALL REGISTER WITH AND
8 ESTABLISH A USER NAME AND PERSONAL IDENTIFICATION NUMBER THAT
9 PERMITS ACCESS TO THE SECURE WEBSITE HOUSING PAMS ESTABLISHED BY
10 THIS CHAPTER.

11 § 2707. REQUIREMENTS FOR PHARMACEUTICAL ACCOUNTABILITY
12 MONITORING SYSTEM.

13 (A) SUBMISSION.--THE DISPENSER SHALL, REGARDING EACH
14 CONTROLLED SUBSTANCE DISPENSED, SUBMIT BY ELECTRONIC MEANS,
15 USING THE MOST CURRENT VERSION OF THE ASAP PRESCRIPTION
16 MONITORING PROGRAM WEB SERVICE STANDARD, TO THE DEPARTMENT THE
17 FOLLOWING INFORMATION USING METHODS OF TRANSMISSION PROTOCOLS
18 AND IN A FORMAT ESTABLISHED BY THE DEPARTMENT:

19 (1) FULL NAME OF THE PRESCRIBING PRACTITIONER.

20 (2) PRESCRIBER DRUG ENFORCEMENT AGENCY (DEA)
21 REGISTRATION NUMBER.

22 (3) DATE THE PRESCRIPTION WAS WRITTEN.

23 (4) DATE THE PRESCRIPTION WAS DISPENSED.

24 (5) FULL NAME, DATE OF BIRTH, GENDER AND ADDRESS OF THE
25 PATIENT FOR WHOM THE PRESCRIPTION WAS WRITTEN AND DISPENSED.

26 (6) THE NDC.

27 (7) QUANTITY AND DAYS' SUPPLY.

28 (8) NAME OF THE PHARMACY OR OTHER ENTITY DISPENSING THE
29 CONTROLLED SUBSTANCE.

30 (9) DISPENSING ENTITY'S DEA REGISTRATION NUMBER AND NPI.

1 (10) SOURCE OF PAYMENT FOR THE PRESCRIPTION.
2 AT THE START UP OF THE PROGRAM, THE MOST CURRENT VERSION OF THE
3 ASAP PRESCRIPTION MONITORING PROGRAM STANDARD SHALL BE USED AND
4 UPDATES ARE ONLY REQUIRED WHEN SUBSTANTIVE CHANGES ARE MADE TO
5 THE STANDARD.

6 (B) VETERINARY DISPENSERS.--THE DISPENSING VETERINARIAN
7 SHALL, REGARDING EACH CONTROLLED SUBSTANCE DISPENSED, SUBMIT
8 BY ELECTRONIC MAIL TO THE DEPARTMENT THE FOLLOWING
9 INFORMATION:

- 10 (1) PET'S NAME.
- 11 (2) OWNER'S NAME.
- 12 (3) PET'S OR OWNER'S ADDRESS.
- 13 (4) PRACTICE'S NAME.
- 14 (5) DISPENSING VETERINARIAN'S NAME.
- 15 (6) DEA LICENSE NUMBER.
- 16 (7) DATE THE PRESCRIPTION WAS WRITTEN.
- 17 (8) DATE THE PRESCRIPTION WAS DISPENSED.
- 18 (9) NAME OF THE CONTROLLED SUBSTANCE.
- 19 (10) QUANTITY AND STRENGTH OF THE MEDICATION.
- 20 (11) DOSAGE AND FREQUENCY OF THE MEDICATION.

21 (C) FREQUENCY.--

22 (1) EACH DISPENSER SHALL SUBMIT THE INFORMATION REQUIRED
23 BY THIS CHAPTER NOT LATER THAN SEVENTY-TWO HOURS AFTER THE
24 DISPENSING OF A CONTROLLED SUBSTANCE MONITORED BY PAMS. THE
25 DEPARTMENT SHALL IMPLEMENT A REAL-TIME REPORTING REQUIREMENT
26 AS EXPEDITIOUSLY AS POSSIBLE.

27 (2) EACH DISPENSING VETERINARIAN SHALL SUBMIT THE
28 INFORMATION REQUIRED BY THIS CHAPTER WITHIN SIX MONTHS OF
29 DISPENSING A CONTROLLED SUBSTANCE MONITORED BY PAMS TO THE
30 DEPARTMENT.

1 (D) MAINTENANCE.--THE DEPARTMENT SHALL MAINTAIN PAMS IN AN
2 ELECTRONIC FILE OR BY OTHER MEANS ESTABLISHED BY THE DEPARTMENT
3 TO FACILITATE USE OF THE DATABASE.

4 (E) RECORDKEEPING.--THE DEPARTMENT SHALL MAINTAIN A RECORD
5 OF PAMS QUERIES FOR REFERENCE, INCLUDING:

6 (1) IDENTIFICATION OF EACH PERSON WHO REQUESTS OR
7 RECEIVES INFORMATION FROM PAMS.

8 (2) THE INFORMATION PROVIDED TO EACH PERSON.

9 (3) THE DATE AND TIME THE INFORMATION IS REQUESTED AND
10 PROVIDED.

11 (4) IN THE EVENT THAT A REQUEST WAS MADE BY THE OFFICE
12 OF ATTORNEY GENERAL ON BEHALF OF FEDERAL OR STATE LAW
13 ENFORCEMENT OFFICIALS, THE NAME SHALL BE LISTED AS "OAG" SO
14 THE NAMES OF LAW ENFORCEMENT OFFICIALS REMAIN CONFIDENTIAL.

15 (F) EXPUNGEMENT.--THE DEPARTMENT SHALL REMOVE FROM PAMS ALL
16 INFORMATION IDENTIFYING THE ULTIMATE USER OR PRACTITIONER MORE
17 THAN SIX YEARS OLD FROM THE DATE OF COLLECTION. SUCH INFORMATION
18 SHALL THEN BE DESTROYED UNLESS A LAW ENFORCEMENT AGENCY OR A
19 PROFESSIONAL LICENSING OR CERTIFICATION AGENCY OR BOARD FOR
20 PRESCRIBERS OR DISPENSERS HAS SUBMITTED A WRITTEN REQUEST TO THE
21 DEPARTMENT FOR RETENTION OF SPECIFIC INFORMATION. ALL REQUESTS
22 SHALL COMPLY WITH PROCEDURES ADOPTED BY THE DEPARTMENT.

23 § 2708. ACCESS TO PAMS INFORMATION.

24 (A) GENERAL RULE.--ALL INFORMATION ENTERED INTO THE DATABASE
25 OR OTHERWISE SUBMITTED TO THE DEPARTMENT AND RECORDS OF REQUESTS
26 TO QUERY THE DATA SHALL BE CONFIDENTIAL AND NOT SUBJECT TO
27 DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
28 KNOWN AS THE RIGHT-TO-KNOW LAW.

29 (B) PRIVACY PROCEDURES.--

30 (1) THE DEPARTMENT SHALL MAINTAIN PROCEDURES TO ENSURE

1 THAT THE PRIVACY AND CONFIDENTIALITY OF PATIENTS AND PATIENT
2 INFORMATION COLLECTED, RECORDED, ENTERED, TRANSMITTED AND
3 MAINTAINED IS NOT DISCLOSED TO PERSONS EXCEPT THOSE
4 ENUMERATED IN SUBSECTIONS (E) AND (F).

5 (2) ALL TRANSMISSIONS OF DATA UNDER THIS SECTION SHALL
6 COMPLY WITH RELEVANT FEDERAL AND STATE PRIVACY AND SECURITY
7 LAWS AND REGULATIONS.

8 (C) INVESTIGATIONS.--THE DEPARTMENT SHALL NOT DISCLOSE THE
9 EXISTENCE OF AN ACTIVE INVESTIGATION.

10 (D) DATABASE QUERIES.--IN ADDITION TO THE DEPARTMENT:

11 (1) A PRACTITIONER MAY QUERY THE DATABASE FOR THE
12 FOLLOWING INFORMATION ABOUT AN EXISTING PATIENT:

13 (I) A PRACTITIONER OR ONE PERSON EMPLOYED,
14 DESIGNATED AND SUPERVISED BY A PRACTITIONER PURSUANT TO
15 CRITERIA ESTABLISHED BY THE DEPARTMENT TO THE EXTENT THAT
16 THE INFORMATION RELATES TO A CURRENT PATIENT OF THE
17 PRACTITIONER OR DISPENSING VETERINARIAN TO WHOM THE
18 PRACTITIONER OR DISPENSING VETERINARIAN IS PRESCRIBING OR
19 CONSIDERING PRESCRIBING ANY CONTROLLED SUBSTANCE.

20 (II) A PHARMACIST OR DESIGNATED PHARMACY ASSOCIATE
21 UNDER THE SUPERVISION OF THE PHARMACIST, DESIGNATED BY
22 THE PHARMACIST PURSUANT TO CRITERIA ESTABLISHED BY THE
23 DEPARTMENT, HAVING AUTHORITY TO DISPENSE CONTROLLED
24 SUBSTANCES TO THE EXTENT THE INFORMATION RELATES
25 SPECIFICALLY TO A CURRENT PATIENT TO WHOM THAT PHARMACIST
26 IS DISPENSING OR CONSIDERING DISPENSING ANY CONTROLLED
27 SUBSTANCE.

28 (2) A PRACTITIONER MAY QUERY THE DATABASE FOR
29 PRESCRIPTIONS WRITTEN USING HIS OR HER OWN DRUG ENFORCEMENT
30 AGENCY NUMBER.

1 (E) INFORMATION.--UPON WRITTEN REQUEST, IN THE MANNER AND
2 FORM REQUIRED BY THE DEPARTMENT, INFORMATION CONTAINED IN PAMS
3 SHALL BE MADE AVAILABLE BY THE DEPARTMENT ONLY TO THE FOLLOWING
4 PERSONS AND IN ACCORDANCE WITH DEPARTMENT REGULATIONS:

5 (1) AUTHORIZED PERSONNEL OF THE DEPARTMENT WHO ARE
6 SPECIFICALLY ASSIGNED TO CONDUCT INTERNAL REVIEWS RELATED TO
7 CONTROLLED SUBSTANCES LAWS UNDER THE JURISDICTION OF THE
8 DEPARTMENT.

9 (2) AUTHORIZED PERSONNEL OF THE DEPARTMENT WHO ARE
10 ENGAGED IN ANALYSIS OF CONTROLLED SUBSTANCE PRESCRIPTION
11 INFORMATION AS A PART OF THE ASSIGNED DUTIES AND
12 RESPONSIBILITIES OF THEIR EMPLOYMENT.

13 (3) RESEARCHERS FOR THE PURPOSE OF BONA FIDE RESEARCH OR
14 EDUCATION. ALL INFORMATION THAT WOULD IDENTIFY THE ULTIMATE
15 USER OR PRACTITIONER SHALL BE DELETED OR REDACTED FROM SUCH
16 INFORMATION PRIOR TO DISCLOSURE. RELEASE OF THE INFORMATION
17 SHALL ONLY BE MADE PURSUANT TO A WRITTEN AGREEMENT BETWEEN
18 SUCH RESEARCHER AND THE DEPARTMENT IN ORDER TO ENSURE
19 COMPLIANCE WITH THIS CHAPTER.

20 (4) A DESIGNATED REPRESENTATIVE FROM THE COMMONWEALTH OR
21 OUT-OF-STATE AGENCY OR BOARD RESPONSIBLE FOR LICENSING OR
22 CERTIFYING PRACTITIONERS WHO IS INVOLVED IN A BONA FIDE
23 INVESTIGATION OF A PRESCRIBER, DISPENSING VETERINARIAN OR
24 DISPENSER WHOSE PROFESSIONAL PRACTICE WAS OR IS REGULATED BY
25 THAT AGENCY OR BOARD.

26 (5) A CORONER FOR THE PURPOSE OF INVESTIGATING THE DEATH
27 OF AN INDIVIDUAL.

28 (6) A DESIGNATED PRESCRIPTION MONITORING OFFICIAL OF A
29 STATE WITH WHICH THIS COMMONWEALTH HAS AN INTEROPERABILITY
30 AGREEMENT MAY ACCESS PRESCRIPTION MONITORING INFORMATION IN

1 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

2 (7) AN INDIVIDUAL ABOUT WHOM INFORMATION HAS BEEN
3 ENTERED INTO PAMS UPON PROVIDING EVIDENCE SATISFACTORY TO THE
4 DEPARTMENT THAT THE INDIVIDUAL REQUESTING THE INFORMATION IS
5 IN FACT THE PERSON ABOUT WHOM THE DATA ENTRY WAS MADE.

6 (8) AUTHORIZED PERSONNEL OF THE DEPARTMENT OF PUBLIC
7 WELFARE ENGAGED IN THE ADMINISTRATION OF THE MEDICAL
8 ASSISTANCE PROGRAM, AUTHORIZED PERSONNEL OF THE INSURANCE
9 DEPARTMENT ENGAGED IN THE ADMINISTRATION OF THE CHILDREN'S
10 HEALTH INSURANCE PROGRAM (CHIP) AND AUTHORIZED PERSONNEL OF
11 THE DEPARTMENT OF AGING ENGAGED IN THE ADMINISTRATION OF THE
12 PHARMACEUTICAL ASSISTANCE CONTRACT FOR THE ELDERLY PROGRAM.

13 (F) DISPENSER ACCESS.--NO PERSON SHALL KNOWINGLY HINDER A
14 PRACTITIONER WHO IS ELIGIBLE TO RECEIVE INFORMATION FROM PAMS
15 FROM REQUESTING AND RECEIVING SUCH INFORMATION IN A TIMELY
16 FASHION.

17 (G) LAW ENFORCEMENT ACCESS.--

18 (1) THE OFFICE OF ATTORNEY GENERAL SHALL SUBMIT REQUESTS
19 FOR INFORMATION FROM PAMS TO THE DEPARTMENT ON BEHALF OF ALL
20 LAW ENFORCEMENT AGENCIES, INCLUDING, BUT NOT LIMITED TO, THE
21 OFFICE OF ATTORNEY GENERAL AND FEDERAL, STATE AND LOCAL LAW
22 ENFORCEMENT AGENCIES, AS WELL AS AN ATTORNEY GENERAL OR
23 SIMILAR OFFICIAL FROM ANOTHER STATE. THE DEPARTMENT SHALL
24 PROVIDE THE OFFICE OF ATTORNEY GENERAL ACCESS TO INFORMATION
25 AS FOLLOWS:

26 (I) PURSUANT TO A VALID SEARCH WARRANT, THE
27 DEPARTMENT SHALL PROVIDE INFORMATION FROM PAMS IN
28 RELATION TO A CONTROLLED SUBSTANCE ON SCHEDULE II OF THE
29 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
30 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

1 (II) IF THE ATTORNEY GENERAL DETERMINES THAT
2 INFORMATION IN PAMS IS RELEVANT TO AN ACTIVE
3 INVESTIGATION, UPON REQUEST OF THE OFFICE OF ATTORNEY
4 GENERAL, THE DEPARTMENT SHALL PROVIDE THE OFFICE ACCESS
5 TO INFORMATION FROM PAMS IN RELATION TO A CONTROLLED
6 SUBSTANCE ON SCHEDULES III, IV AND V OF THE CONTROLLED
7 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT ONLY AS IT
8 RELATES TO PERSONS WHO ARE THE SUBJECT OF THE ACTIVE
9 INVESTIGATION.

10 (2) THE DEPARTMENT MAY PROVIDE ACCESS TO INFORMATION
11 FROM PAMS TO A GRAND JURY EMPANELED TO INVESTIGATE A CRIMINAL
12 VIOLATION OF A LAW GOVERNING CONTROLLED SUBSTANCES,
13 INCLUDING, BUT NOT LIMITED TO, VIOLATIONS OF THE CONTROLLED
14 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, AND TO INVESTIGATE
15 INSURANCE, MEDICARE OR MEDICAID FRAUD.

16 (3) LAW ENFORCEMENT OFFICIALS MAY ONLY USE PAMS DATA TO
17 AID IN ESTABLISHING PROBABLE CAUSE IN ORDER TO OBTAIN A
18 SEARCH OR ARREST WARRANT.

19 § 2709. UNLAWFUL ACTS, PENALTIES AND PRIVATE RIGHT OF ACTION.

20 (A) UNLAWFUL ACTS.--A PERSON COMMITS AN OFFENSE WHEN THE
21 PERSON:

22 (1) KNOWINGLY, INTENTIONALLY OR NEGLIGENTLY USES,
23 RELEASES, PUBLISHES OR OTHERWISE MAKES AVAILABLE ANY
24 INFORMATION OBTAINED FROM PAMS FOR ANY PURPOSE OTHER THAN
25 THOSE SPECIFIED IN SECTION 2708 (RELATING TO ACCESS TO PAMS
26 INFORMATION).

27 (2) OBTAINS OR ATTEMPTS TO OBTAIN INFORMATION FROM PAMS
28 BY MISREPRESENTATION OR FRAUD.

29 (3) OBTAINS OR ATTEMPTS TO OBTAIN INFORMATION FROM PAMS
30 FOR A PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY THIS CHAPTER

1 OR BY DEPARTMENT REGULATIONS.

2 (B) GRADING.--A PERSON WHO VIOLATES SUBSECTION (A) (1), (2)
3 OR (3) COMMITS A FELONY OF THE THIRD DEGREE AND SHALL, UPON
4 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$5,000
5 OR TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

6 (C) CIVIL VIOLATION.--THE PROCEDURE FOR DETERMINING A CIVIL
7 VIOLATION OF THIS SUBSECTION SHALL BE IN ACCORDANCE WITH
8 DEPARTMENT REGULATIONS. CIVIL PENALTIES ASSESSED UNDER THIS
9 SUBSECTION SHALL BE DEPOSITED IN THE GENERAL FUND, APPROPRIATED
10 TO THE DEPARTMENT AND DEDICATED TO PAMS OPERATIONS.

11 (D) FAILURE TO SUBMIT.--THE FAILURE OF A DISPENSER OR
12 DISPENSING VETERINARIAN TO SUBMIT INFORMATION TO PAMS AS
13 REQUIRED UNDER THIS SECTION, AFTER THE DEPARTMENT HAS SUBMITTED
14 A SPECIFIC WRITTEN REQUEST FOR THE INFORMATION OR WHEN THE
15 DEPARTMENT DETERMINES THE INDIVIDUAL HAS A DEMONSTRABLE PATTERN
16 OF FAILURE TO SUBMIT THE INFORMATION AS REQUIRED, IS GROUNDS FOR
17 THE APPROPRIATE LICENSING BOARD TO TAKE THE FOLLOWING ACTION IN
18 ACCORDANCE WITH THE APPROPRIATE LICENSING ACT:

19 (1) PROHIBIT AN INTERNET PHARMACY FROM CONDUCTING
20 BUSINESS IN THIS COMMONWEALTH.

21 (2) REFUSE TO ISSUE A LICENSE TO THE INDIVIDUAL.

22 (3) REFUSE TO RENEW THE INDIVIDUAL'S LICENSE.

23 (4) REVOKE OR SUSPEND THE LICENSE.

24 (5) RESTRICT OR PLACE ON PROBATION THE LICENSEE.

25 (6) ISSUE A PUBLIC OR PRIVATE REPRIMAND TO THE
26 INDIVIDUAL.

27 (7) ISSUE A CEASE AND DESIST ORDER.

28 (8) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR
29 EACH FAILURE TO SUBMIT INFORMATION REQUIRED BY THIS ACT.

30 (9) AUTHORIZE ANY OTHER ACTION UNDER THE APPROPRIATE

1 LICENSING ACT.

2 (E) MEDICAL RECORD.--NOTHING IN THIS SECTION SHALL PROHIBIT
3 A PRACTITIONER FROM MAINTAINING A PAMS PATIENT REPORT AS PART OF
4 THE PATIENT'S MEDICAL RECORD.

5 (F) PRIVATE RIGHT OF ACTION.--

6 (1) ANY PERSON WHOSE PRIVATE PERSONAL OR MEDICAL
7 INFORMATION FROM PAMS IS KNOWINGLY, INTENTIONALLY OR
8 NEGLIGENTLY RELEASED, OBTAINED THROUGH FRAUD OR
9 MISREPRESENTATION OR USED FOR A PURPOSE OTHER THAN A PURPOSE
10 AUTHORIZED BY THIS SECTION OR DEPARTMENT REGULATIONS AND
11 THEREBY SUFFERS ANY ASCERTAINABLE LOSS OF PRIVACY OR
12 REPUTATION AS A RESULT OF AN ACT BY ANY PERSON DECLARED
13 UNLAWFUL BY SUBSECTION (A), MAY BRING A PRIVATE ACTION TO
14 RECOVER ACTUAL DAMAGES OR \$1,000, WHICHEVER IS GREATER. THE
15 COURT MAY, IN ITS DISCRETION, AWARD UP TO THREE TIMES THE
16 ACTUAL DAMAGES SUSTAINED, BUT NOT LESS THAN \$1,000, AND MAY
17 PROVIDE SUCH ADDITIONAL RELIEF AS IT DEEMS NECESSARY OR
18 PROPER. THE COURT SHALL AWARD TO THE PLAINTIFF, IN ADDITION
19 TO OTHER RELIEF PROVIDED IN THIS SECTION, COSTS AND
20 REASONABLE ATTORNEY FEES.

21 (2) ANY PERMANENT INJUNCTION, JUDGMENT OR ORDER OF THE
22 COURT MADE UNDER SUBSECTION (A) SHALL BE PRIMA FACIE EVIDENCE
23 IN AN ACTION BROUGHT UNDER PARAGRAPH (1) THAT THE DEFENDANT
24 ENGAGED IN ACTIVITY DECLARED UNLAWFUL BY SUBSECTION (A).

25 § 2710. EDUCATION AND TREATMENT.

26 (A) GENERAL RULE.--WITH THE INPUT AND ADVICE OF THE ADVISORY
27 COMMITTEE, THE DEPARTMENT SHALL:

28 (1) ASSIST THE APPROPRIATE AGENCY, BOARD OR ASSOCIATION
29 FOR EACH CATEGORY OF PERSON AUTHORIZED TO CONTRIBUTE OR
30 ACCESS INFORMATION FROM PAMS TO INCORPORATE THE APPROPRIATE

1 INFORMATION REGARDING PAMS INTO THE TRAINING, EDUCATION OR
2 INSTRUCTION PROVIDED TO EACH CATEGORY OF AUTHORIZED USER;

3 (2) ASSIST THE STATE OR REGIONAL CHAPTER OF THE AMERICAN
4 SOCIETY OF ADDICTION MEDICINE, THE PENNSYLVANIA MEDICAL
5 SOCIETY, THE PENNSYLVANIA PSYCHIATRIC SOCIETY, THE
6 PENNSYLVANIA VETERINARY MEDICAL ASSOCIATION, THE PENNSYLVANIA
7 ACADEMY OF FAMILY PHYSICIANS AND THE PENNSYLVANIA COALITION
8 OF NURSE PRACTITIONERS TO DEVELOP A CONTINUING EDUCATION
9 COURSE FOR HEALTH CARE PROFESSIONALS ON PRESCRIBING
10 PRACTICES, PHARMACOLOGY AND IDENTIFICATION, REFERRAL AND
11 TREATMENT OF PATIENTS ADDICTED TO OR ABUSING CONTROLLED
12 SUBSTANCES MONITORED BY PAMS; AND

13 (3) IMPLEMENT, OR ASSIST OTHER APPROPRIATE AGENCIES TO
14 IMPLEMENT, AN EDUCATIONAL PROGRAM TO INFORM THE PUBLIC ABOUT
15 THE USE, DIVERSION AND ABUSE OF, ADDICTION TO AND TREATMENT
16 FOR THE ADDICTION TO THE CONTROLLED SUBSTANCES MONITORED BY
17 PAMS, INCLUDING THE NATURE AND SCOPE OF PAMS.

18 (B) REFERRAL AND NOTIFICATION.--IN ACCORDANCE WITH CRITERIA
19 ESTABLISHED BY THE ADVISORY COMMITTEE IN SECTION 2705(A)
20 (RELATING TO ADVISORY COMMITTEE), THE DEPARTMENT SHALL:

21 (1) REFER A PRACTITIONER IT HAS REASONABLE SUSPICION TO
22 BELIEVE MAY BE IMPAIRED TO THE APPROPRIATE IMPAIRED
23 PROFESSIONALS ASSOCIATIONS TO PROVIDE INTERVENTION,
24 ASSESSMENT AND REFERRAL TO ALCOHOL AND OTHER DRUG ADDICTION
25 TREATMENT PROGRAMS, INCLUDING ONGOING MONITORING AND FOLLOW-
26 UP.

27 (2) NOTIFY THE APPROPRIATE LICENSING AGENCY OR BOARD.

28 (C) IDENTIFICATION.--WITH THE INPUT AND ADVICE OF THE
29 ADVISORY COMMITTEE, THE DEPARTMENT SHALL WORK WITH THE PATIENT'S
30 INDIVIDUAL PRACTITIONER AND THE APPROPRIATE ALCOHOL AND OTHER

1 DRUG ADDICTION TREATMENT PROFESSIONALS TO PROVIDE THAT PATIENTS
2 IDENTIFIED THROUGH PAMS AS POTENTIALLY ADDICTED TO A CONTROLLED
3 SUBSTANCE ARE ASSESSED AND REFERRED TO A LICENSED ADDICTION
4 TREATMENT PROGRAM.

5 § 2711. IMMUNITY.

6 AN INDIVIDUAL WHO HAS SUBMITTED TO OR RECEIVED INFORMATION
7 FROM PAMS IN ACCORDANCE WITH SECTION 2706 (RELATING TO
8 ESTABLISHMENT OF PHARMACEUTICAL ACCOUNTABILITY MONITORING
9 SYSTEM) MAY NOT BE HELD CIVILLY LIABLE OR DISCIPLINED IN A
10 LICENSING BOARD ACTION FOR HAVING SUBMITTED THE INFORMATION OR
11 FOR NOT SEEKING OR OBTAINING INFORMATION FROM THE PRESCRIPTION
12 MONITORING PROGRAM PRIOR TO PRESCRIBING OR DISPENSING A
13 CONTROLLED SUBSTANCE TO AN ULTIMATE USER EXCEPT AS OTHERWISE
14 DETERMINED BY A LICENSING AGENCY OR BOARD OR AS SET FORTH IN
15 THIS CHAPTER.

16 § 2712. ADDITIONAL PROVISIONS.

17 (A) FUNDING.--A PRACTITIONER OR A PHARMACIST SHALL NOT BE
18 REQUIRED TO PAY A FEE OR TAX SPECIFICALLY DEDICATED TO
19 ESTABLISHMENT, OPERATION OR MAINTENANCE OF THE SYSTEM.

20 (B) COSTS.--ALL INTERNAL COSTS ASSOCIATED WITH RECORDING AND
21 SUBMITTING DATA AS REQUIRED IN THIS SECTION SHALL BE ASSUMED BY
22 THE SUBMITTING DISPENSER.

23 (C) USE OF DATA.--EXCEPT AS PROVIDED IN SUBSECTION (D), DATA
24 PROVIDED TO, MAINTAINED IN OR ACCESSED FROM PAMS THAT MAY BE
25 IDENTIFIED TO, OR WITH, A PARTICULAR PERSON IS NOT SUBJECT TO
26 DISCOVERY, SUBPOENA OR SIMILAR COMPULSORY PROCESS IN ANY CIVIL,
27 CRIMINAL, JUDICIAL, ADMINISTRATIVE OR LEGISLATIVE PROCEEDING,
28 NOR SHALL ANY INDIVIDUAL OR ORGANIZATION WITH LAWFUL ACCESS TO
29 THE DATA BE COMPELLED TO TESTIFY WITH REGARD TO THE DATA.

30 (D) EXCEPTIONS.--THE RESTRICTIONS IN SUBSECTION (C) DO NOT

1 APPLY TO A CIVIL, JUDICIAL OR ADMINISTRATIVE ACTION BROUGHT TO
2 ENFORCE THE PROVISIONS OF THIS CHAPTER.

3 § 2713. USE OF MONEY COLLECTED.

4 (A) GENERAL RULE.--THE DEPARTMENT MAY USE THE MONEYS
5 DEPOSITED IN THE GENERAL FUND AND APPROPRIATED TO THE DEPARTMENT
6 FOR THE FOLLOWING PURPOSES:

7 (1) MAINTENANCE AND REPLACEMENT OF PAMS EQUIPMENT,
8 INCLUDING HARDWARE AND SOFTWARE.

9 (2) TRAINING OF STAFF.

10 (3) PURSUIT OF GRANTS AND MATCHING FUNDS.

11 (4) IMPLEMENTING AND COMPLYING WITH THE PROVISIONS OF
12 THIS CHAPTER.

13 (B) COLLECTIONS.--THE DEPARTMENT MAY COLLECT ANY PENALTY
14 IMPOSED UNDER SECTION 2709 (RELATING TO UNLAWFUL ACTS, PENALTIES
15 AND PRIVATE RIGHT OF ACTION) AND WHICH IS NOT PAID BY BRINGING
16 AN ACTION IN THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH
17 THE PERSON OWING THE DEBT RESIDES OR IN THE COUNTY WHERE THE
18 DEPARTMENT IS LOCATED.

19 (C) LEGAL ASSISTANCE.--THE DEPARTMENT MAY SEEK LEGAL
20 ASSISTANCE FROM THE ATTORNEY GENERAL OR DISTRICT ATTORNEY OF THE
21 COUNTY IN WHICH THE ACTION IS BROUGHT TO COLLECT THE FINE.

22 (D) ATTORNEY FEES AND COSTS.--THE COURT SHALL AWARD
23 REASONABLE ATTORNEY FEES AND COSTS TO THE DEPARTMENT, THE
24 ATTORNEY GENERAL OR THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH
25 THE ACTION IS BROUGHT TO COLLECT THE FINE FOR SUCCESSFUL
26 COLLECTION ACTIONS UNDER SECTION 2709.

27 § 2714. RULES AND REGULATIONS.

28 WITH INPUT AND ADVICE FROM THE ADVISORY COMMITTEE, THE
29 DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS SETTING FORTH
30 THE PROCEDURES AND METHODS FOR IMPLEMENTING THIS CHAPTER. AT A

1 MINIMUM, THE RULES AND REGULATIONS SHALL INCLUDE THE FOLLOWING:

2 (1) EFFECTIVELY ENFORCE THE LIMITATIONS ON ACCESS TO
3 PAMS PRESCRIBED IN SECTION 2708 (RELATING TO ACCESS TO
4 PRESCRIPTION INFORMATION).

5 (2) ESTABLISH STANDARDS AND PROCEDURES TO ENSURE
6 ACCURATE IDENTIFICATION OF INDIVIDUALS REQUESTING INFORMATION
7 OR RECEIVING INFORMATION FROM PAMS.

8 (3) ALLOW ADEQUATE TIME FOLLOWING IMPLEMENTATION OF THIS
9 CHAPTER FOR DISPENSERS, DISPENSING VETERINARIANS AND
10 PRACTITIONERS TO MAKE THE CHANGES TO THEIR OPERATIONAL
11 SYSTEMS NECESSARY TO COMPLY WITH THIS CHAPTER.

12 (4) ALLOW FOR DISPENSERS AND DISPENSING VETERINARIANS TO
13 HAVE EASE OF TRANSITION TO COMPLY WITH THE REQUIREMENTS OF
14 THE PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM.

15 (5) NOT PLACE AN UNDUE BURDEN ON LAW ENFORCEMENT SEEKING
16 INFORMATION RELATED TO AN INVESTIGATION.

17 (6) PRACTITIONERS SHALL NOT BE HELD LIABLE FOR FAILURE
18 TO COMPLY WITH PAMS REQUIREMENTS UNTIL ALL CHANGES ARE FULLY
19 OPERATIONAL AND PRACTITIONERS HAVE HAD ADEQUATE TIME TO MAKE
20 NECESSARY ADJUSTMENTS TO OPERATING SYSTEMS AND TO RECEIVE
21 TRAINING TO FULLY ACCOMMODATE SUCH CHANGES UPON PROMULGATION
22 OF THE REGULATIONS, BUT NOT LATER THAN ONE YEAR AFTER THE
23 EFFECTIVE DATE OF THIS CHAPTER.

24 (7) DISPENSERS AND DISPENSING VETERINARIANS WHO CAN SHOW
25 GOOD CAUSE FOR NOT SUBMITTING DATA ELECTRONICALLY MAY BE
26 AUTHORIZED TO SUBMIT DATA MANUALLY IF THEY LACK INTERNET
27 ACCESS.

28 § 2715. EVALUATION, DATA ANALYSIS AND REPORTING.

29 (A) GENERAL RULE.--WITH INPUT AND ADVICE FROM THE ADVISORY
30 COMMITTEE, THE DEPARTMENT SHALL DESIGN AND IMPLEMENT AN

1 EVALUATION COMPONENT TO IDENTIFY:

2 (1) COST BENEFITS OF PAMS;

3 (2) THE IMPACT ON EFFORTS TO REDUCE MISUSE, ABUSE,
4 OVERDOSE AND DIVERSION OF, AND ADDICTION TO, CONTROLLED
5 SUBSTANCES;

6 (3) THE IMPACT ON PRESCRIBING PRACTICES FOR CONTROLLED
7 SUBSTANCES;

8 (4) THE NUMBER OF INDIVIDUALS IDENTIFIED THROUGH PAMS AS
9 POTENTIALLY ADDICTED TO A CONTROLLED SUBSTANCE THAT WERE
10 ASSESSED FOR ALCOHOL AND OTHER DRUG ADDICTIONS;

11 (5) THE NUMBER OF INDIVIDUALS IN PARAGRAPH (4) THAT WERE
12 REFERRED FOR ALCOHOL AND OTHER DRUG ADDICTION TREATMENT AND
13 THE NAMES OF THE LICENSED ADDICTION TREATMENT PROGRAMS IN
14 WHICH THE INDIVIDUALS WERE TREATED;

15 (6) THE PROGRESS MADE IN IMPLEMENTING REAL-TIME
16 REPORTING; AND

17 (7) OTHER INFORMATION RELEVANT TO POLICY, RESEARCH AND
18 EDUCATION INVOLVING CONTROLLED SUBSTANCES AND DRUGS OF
19 CONCERN MONITORED BY PAMS.

20 (B) ANNUAL REPORT.--THE DEPARTMENT SHALL ANNUALLY REPORT THE
21 INFORMATION SPECIFIED IN SUBSECTION (A) TO THE PUBLIC HEALTH AND
22 WELFARE COMMITTEE OF THE SENATE, THE HUMAN SERVICES COMMITTEE OF
23 THE HOUSE OF REPRESENTATIVES, THE UNITED STATES DEPARTMENT OF
24 JUSTICE, THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
25 ADMINISTRATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY AND
26 MEMBERS OF PENNSYLVANIA'S UNITED STATES CONGRESSIONAL
27 DELEGATION. ADDITIONALLY, THE DEPARTMENT SHALL MAKE THE ANNUAL
28 REPORT AVAILABLE TO THE PUBLIC ON ITS PUBLICLY ACCESSIBLE
29 INTERNET WEBSITE.

30 (C) EVALUATION.--WITHIN SIX YEARS OF THE EFFECTIVE DATE OF

1 THIS ACT, THE DEPARTMENT SHALL SUBMIT TO THE CHAIRMAN AND
2 MINORITY CHAIRMAN OF THE PUBLIC HEALTH AND WELFARE COMMITTEE OF
3 THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HUMAN
4 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, A WRITTEN
5 REPORT CONTAINING INFORMATION REGARDING THE COLLECTION OF DATA
6 WITHIN PAMS. THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED
7 TO, THE FOLLOWING INFORMATION PERTAINING TO THE DATA COLLECTED
8 WITHIN PAMS SINCE ITS INCEPTION:

9 (1) THE NUMBER OF TIMES INFORMATION FROM PAMS HAS BEEN
10 ILLEGALLY ACCESSED.

11 (2) THE NUMBER OF TIMES A PATIENT'S PRIVACY OR
12 CONFIDENTIALITY WAS COMPROMISED THROUGH USE OF THE SYSTEM.

13 (3) THE NUMBER OF TIMES THE SECURITY OF THE PAMS
14 DATABASE HAS BEEN BREACHED BY HACKERS OPERATING UNDER
15 MALICIOUS PURPOSES.

16 (4) A COMPARISON OF THE RATE OF DEATH BY ACCIDENTAL
17 OVERDOSE BEFORE THE IMPLEMENTATION OF PAMS AND THE RATE OF
18 DEATH BY ACCIDENTAL OVERDOSE AFTER THE IMPLEMENTATION OF
19 PAMS.

20 (5) THE RATE BY WHICH PRACTITIONERS ARE UTILIZING PAMS
21 TO QUERY PATIENTS IDENTIFIED AS BEING POTENTIALLY ADDICTED TO
22 A CONTROLLED SUBSTANCE THROUGH PAMS FOR REFERRAL TO ALCOHOL
23 AND OTHER DRUG ADDICTION TREATMENT PROGRAMS.

24 (6) THE COST EFFECTIVENESS OF THE FREQUENCY OF DATA
25 SUBMISSION.

26 (7) ANY IMPACT ON EFFORTS TO REDUCE MISUSE, ABUSE,
27 OVERDOSE AND DIVERSION OF, OR ADDICTION TO, CONTROLLED
28 SUBSTANCES.

29 (8) ANY IMPACT ON PRESCRIBING PRACTICES FOR CONTROLLED
30 SUBSTANCES.

1 (9) THE NUMBER OF PATIENTS THAT WERE REFERRED FOR
2 ALCOHOL AND OTHER DRUG ADDICTION TREATMENT.

3 (10) THE EFFECTIVENESS OF THE INTEROPERABILITY WITH
4 OTHER STATES.

5 (11) RECOMMENDATIONS FOR UPDATES AND IMPROVEMENTS TO
6 THIS CHAPTER OR OTHER LAW.

7 § 2716. CONCURRENT JURISDICTION.

8 THE ATTORNEY GENERAL SHALL HAVE CONCURRENT PROSECUTORIAL
9 JURISDICTION WITH THE COUNTY DISTRICT ATTORNEY FOR VIOLATIONS OF
10 THIS CHAPTER. NO PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER
11 BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE THE
12 AUTHORITY OF THE ATTORNEY GENERAL TO PROSECUTE THE CASE AND, IF
13 ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE DISMISSED AND
14 NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH
15 TO THE PERSON MAKING THE CHALLENGE.

16 § 2717. NONAPPLICABILITY.

17 THE REQUIREMENTS OF THIS CHAPTER SHALL NOT APPLY TO:

18 (1) THE DIRECT ADMINISTRATION OF A CONTROLLED SUBSTANCE
19 TO THE BODY OF AN ULTIMATE USER; OR

20 (2) THE ADMINISTRATION OR DISPENSING OF A CONTROLLED
21 SUBSTANCE THAT IS OTHERWISE EXEMPTED AS DETERMINED BY THE
22 UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES UNDER
23 THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING
24 ACT OF 2005 (PUBLIC LAW 109-60, 119 STAT. 1979).

25 § 2718. EXPIRATION OF CHAPTER AND EXPUNGEMENT.

26 THIS CHAPTER SHALL EXPIRE SEVEN YEARS AFTER THE DATE OF THE
27 ENACTMENT OF THIS CHAPTER. ALL INFORMATION IN PAMS SHALL BE
28 EXPUNGED UPON THE EXPIRATION OF THIS CHAPTER.

29 SECTION 2. THE REGULATION OF THE DEPARTMENT OF HEALTH IN 28
30 PA. CODE § 25.131 (RELATING TO EVERY DISPENSING PRACTITIONER) IS

1 ABROGATED.

2 SECTION 3. UPON THE FULL OPERATION OF PAMS, THE DEPARTMENT
3 OF DRUG AND ALCOHOL PROGRAMS SHALL TRANSMIT NOTICE TO THE
4 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
5 BULLETIN.

6 SECTION 4. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
7 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
8 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
9 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
10 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

11 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

12 (1) SECTION 2 SHALL TAKE EFFECT 90 DAYS AFTER
13 PUBLICATION OF THE NOTICE UNDER SECTION 3 OF THIS ACT.

14 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

15 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
16 DAYS.