

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1294 Session of
2015

INTRODUCED BY DiGIROLAMO, ROZZI, TAYLOR, THOMAS, V. BROWN,
MILLARD, DONATUCCI, SCHLOSSBERG, DAVIS, KILLION, DRISCOLL,
McNEILL, MURT, A. HARRIS, MAHONEY, HARHAI, D. COSTA, COHEN
AND HEFFLEY, JUNE 10, 2015

REFERRED TO COMMITTEE ON HEALTH, JUNE 10, 2015

AN ACT

1 Amending the act of October 27, 2014 (P.L.2911, No.191),
2 entitled "An act providing for prescription drug monitoring;
3 creating the ABC-MAP Board; establishing the Achieving Better
4 Care by Monitoring All Prescriptions Program; and providing
5 for unlawful acts and penalties," further providing for
6 access to prescription information.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9(b) of the act of October 27, 2014
10 (P.L.2911, No.191), known as the Achieving Better Care by
11 Monitoring All Prescriptions Program (ABC-MAP) Act, is amended
12 to read:

13 Section 9. Access to prescription information.

14 * * *

15 (b) Authorized users.--The following individuals may query
16 the system according to procedures determined by the board and
17 with the following limitations:

18 (1) Prescribers may query the system for:

19 (i) an existing patient; and

(ii) prescriptions written using the prescriber's own Drug Enforcement Agency number.

(1.1) Prescribers shall query the system every time a prescription for buprenorphine is written.

(2) Dispensers may query the system for a current patient to whom the dispenser is dispensing or considering dispensing any controlled substance.

(3) (i) The Office of Attorney General shall query the system on behalf of all law enforcement agencies, including, but not limited to, the Office of the Attorney General and Federal, State and local law enforcement agencies for:

(A) Schedule II controlled substances as indicated in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and in the manner determined by the Pennsylvania Attorney General pursuant to 28 Pa. Code § 25.131 (relating to every dispensing practitioner); and

(B) all other schedules upon receipt of a court order obtained by the requesting law enforcement agency. Upon receipt of a motion under this clause, the court may enter an ex parte order granting the motion if the law enforcement agency has demonstrated by a preponderance of the evidence that:

(I) the motion pertains to a person who is the subject of an active criminal investigation with a reasonable likelihood of securing an arrest or prosecution in the foreseeable future; and

(II) there is reasonable suspicion that a criminal act has occurred.

(ii) Data obtained by a law enforcement agency under this paragraph shall only be used to establish probable cause to obtain a search warrant or arrest warrant.

(iii) Requests made to the Office of Attorney General to query the system under this paragraph shall be made in a form or manner prescribed by the Office of Attorney General and shall include the court order, when applicable. Each individual designee of the Office of Attorney General shall have a unique identifier when accessing the system.

(4) The Office of Attorney General shall query the system on behalf of a grand jury investigating a criminal violation of a law governing controlled substances.

(5) Approved department personnel may query the system for the purpose of:

(i) conducting internal reviews related to controlled substance laws; or

(ii) engaging in the analysis of controlled substance prescription information as part of the assigned duties and responsibilities of employment.

(6) Designated representatives from the Commonwealth or out-of-State agency or board responsible for licensing or certifying prescribers or dispensers whose professional practice was or is regulated by that agency or board for the purpose of conducting administrative investigations or proceedings.

(7) Designated Commonwealth personnel who are responsible for the development and evaluation of quality

1 improvement strategies, program integrity initiatives or
2 conducting internal compliance reviews and data reporting for
3 the medical assistance program, Children's Health Insurance
4 Program (CHIP), Pharmaceutical Assistance Contract for the
5 Elderly (PACE) or Pharmaceutical Assistance Contract for the
6 Elderly Needs Enhancement Tier (PACENET).

7 (8) Personnel from the Department of Drug and Alcohol
8 Programs engaged in the administration of the Methadone and
9 Buprenorphine Death and Incident Review Team.

10 (9) A medical examiner or county coroner for the purpose
11 of investigating the death of the individual whose record is
12 being queried.

13 (10) A prescription drug monitoring official, dispenser
14 or prescriber of a state with which this Commonwealth has an
15 interoperability agreement.

16 (11) Upon providing evidence of identity and within 30
17 days from the date of the request, an individual who is the
18 recipient of a controlled substance prescription entered into
19 the system, the individual's parent or guardian if the
20 individual is under 18 years of age or the individual's
21 health care power of attorney.

22 * * *

23 Section 2. This act shall take effect in 60 days.