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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1923 Session of 2017

INTRODUCED BY GAINEY, THOMAS, KINSEY, DRISCOLL, CALTAGIRONE, WARREN, WATSON, COX, SCHWEYER, KORTZ AND PASHINSKI, NOVEMBER 16, 2017

REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 16, 2017

AN ACT

Amending the act of October 27, 2014 (P.L.2911, No.191), entitled "An act providing for prescription drug monitoring; creating the ABC-MAP Board; establishing the Achieving Better Care by Monitoring All Prescriptions Program; and providing for unlawful acts and penalties," further providing for definitions, for powers and duties of board, for establishment of program and for requirements for dispensers and pharmacies.

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

Section 1. The definitions of "dispenser" and "prescriber" in section 3 of the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, are amended and the section is amended by adding definitions to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Dispenser." A person lawfully authorized to dispense in this Commonwealth, including mail order and Internet sales of pharmaceuticals. The term shall include a veterinarian. The term does not include any of the following:

(1) A licensed health care facility that distributes the controlled substance for the purpose of administration in the licensed health care facility.

(2) A correctional facility or its contractors if the confined person cannot lawfully visit a prescriber outside the correctional facility without being escorted by a corrections officer.

(3) An authorized person who administers a controlled substance, other drug or device.

(4) A wholesale distributor of a controlled substance.

(5) A licensed provider in the LIFE program.

(6) A provider of hospice as defined in the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(7) A prescriber at a licensed health care facility if the quantity of controlled substances dispensed is limited to an amount adequate to treat the patient for a maximum of five days and does not allow for a refill.

[(8) A veterinarian.]

* * *

"Patient." The person or animal who is the ultimate user of a controlled substance for whom a lawful prescription is issued and for whom a controlled substance is lawfully dispensed or administered.

* * *

"Prescriber." A person who is licensed, registered or

otherwise lawfully authorized to distribute, dispense or administer a controlled substance, other drug or device in the course of professional practice or research in this Commonwealth. The term [does not] shall include a veterinarian.

* * *

"Ultimate user." A person who lawfully possesses a controlled substance for:

(1) the person's own use;

(2) the use of a member of the person's household; or

(3) the administration to an animal owned by a person or by a member of the person's household.

"Universal claim form" or "form." The paper form developed by the department for use by dispensers who lack Internet access or the electronic capability to enter information regarding prescriptions for controlled substances into the system.

"Veterinarian." A licensed doctor of veterinary medicine as the term is defined in the act of December 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine Practice Act.

"Veterinary medicine." The term shall have the meaning given to it in the act of December 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine Practice Act.

Section 2. Section 5(5) of the act is amended by adding a subparagraph and the section is amended by adding a paragraph to read:

Section 5. Powers and duties of board.

The board shall have the following powers and duties:

* * *

(5) Develop policies and procedures to:

* * *

(xvii) Govern the use and submission of a universal

claim form by veterinarians.

(6) Authorize the use of the universal claim form by veterinarians who lack Internet access or who do not have the electronic capability to submit information regarding prescriptions for controlled substances into the system. The board shall consult with the Pennsylvania State Board of Veterinary Medicine to make modifications to the universal claim form as may be deemed necessary and appropriate to facilitate the use of the form to monitor and track the dispensing of veterinary controlled substances.

Section 3. Section 6(b) of the act is amended by adding a paragraph to read:

Section 6. Establishment of program.

* * *

(b) Program components.--The program shall:

* * *

(6) Provide for the use of a universal claim form by veterinarians who lack Internet access or who may not have the electronic capability to make submissions of information relating to veterinary controlled substances into the system in accordance with section 7(a).

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Section 4. Section 7 of the act is amended by adding a subsection to read:

Section 7. Requirements for dispensers and pharmacies.

* * *

(b.1) Additional data elements.--In the case of a controlled substance dispensed for administration to an animal, a dispenser or pharmacy shall provide the following information:

(1) The full name of the prescriber.

(2) The prescriber's Drug Enforcement Agency (DEA) registration number.

(3) The DEA registration number and National Provider Identifier of the dispenser or pharmacy.

(4) The National Drug Code.

(5) The quantity and days' supply of the controlled substance.

(6) The date the prescription was written, issued or otherwise dispensed.

(7) The full name and address of the owner or caretaker of the animal.

(8) Identification of the animal by the last name of the owner and the first name of the animal.

(9) The date of birth of the animal, if known. If the date of birth is unknown, the animal's approximate year of birth.

(10) The species and gender of the animal.

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Section 5. This act shall take effect immediately.