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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 524 Session of 2015

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INTRODUCED BY SCARNATI, YAW, GREENLEAF, ALLOWAY, FOLMER, WAGNER, VULAKOVICH, STEFANO, WHITE, RAFFERTY, WARD, HUGHES, YUDICHAK, TEPLITZ, SCHWANK AND BLAKE, FEBRUARY 19, 2015

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 2015

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AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, establishing the Non-narcotic  
3 Medication Assisted Substance Abuse Treatment Grant Pilot  
4 Program; and, imposing powers and duties on the Department of  
5 Corrections.

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

8 Section 1. Title 61 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 46

11 NON-NARCOTIC MEDICATION ASSISTED

12 SUBSTANCE ABUSE TREATMENT GRANT PILOT PROGRAM

13 Sec.

14 4601. Definitions.

15 4602. Establishment of pilot program.

16 4603. County participation requirements.

17 4604. Use of grant funding.

18 4605. Powers and duties of department.

1 4606. Prior authorization.

2 4607. Report to General Assembly.

3 4608. Construction.

4 § 4601. Definitions.

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

8 "Eligible offender." A defendant or inmate convicted of a  
9 criminal offense who will be committed to the custody of the  
10 county and who meets all of the following eligibility  
11 requirements:

12 (1) Does not demonstrate a history of present or past  
13 violent behavior.

14 (2) Has not been subject to a sentence the calculation  
15 of which includes an enhancement for the use of a deadly  
16 weapon as defined under law or the sentencing guidelines  
17 promulgated by the Pennsylvania Commission on Sentencing or  
18 the attorney for the Commonwealth has not demonstrated that  
19 the defendant has been found guilty of or was convicted of an  
20 offense involving a deadly weapon or offense under 18 Pa.C.S.  
21 Ch. 61 (relating to firearms and other dangerous articles) or  
22 the equivalent offense under the laws of the United States or  
23 one of its territories or possessions, another state, the  
24 District of Columbia, the Commonwealth of Puerto Rico or a  
25 foreign nation.

26 (3) Has not been found guilty of or previously convicted  
27 of or adjudicated delinquent for or an attempt or conspiracy  
28 to commit a personal injury crime as defined under section  
29 103 of the act of November 24, 1998 (P.L.882, No.111), known  
30 as the Crime Victims Act, except for an offense under 18

1 Pa.C.S. § 2701 (relating to simple assault) when the offense  
2 is a misdemeanor of the third degree, or an equivalent  
3 offense under the laws of the United States or one of its  
4 territories or possessions, another state, the District of  
5 Columbia, the Commonwealth of Puerto Rico or a foreign  
6 nation.

7 (4) Has not been found guilty or previously convicted or  
8 adjudicated delinquent for violating any of the following  
9 provisions or an equivalent offense under the laws of the  
10 United States or one of its territories or possessions,  
11 another state, the District of Columbia, the Commonwealth of  
12 Puerto Rico or a foreign nation:

13 18 Pa.C.S. § 4302(a) (relating to incest).

14 18 Pa.C.S. § 5901 (relating to open lewdness).

15 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet  
16 child pornography).

17 Received a criminal sentence pursuant to 42 Pa.C.S. §  
18 9712.1 (relating to sentences for certain drug offenses  
19 committed with firearms).

20 Any offense for which registration is required under  
21 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of  
22 sexual offenders).

23 (5) Is not awaiting trial or sentencing for additional  
24 criminal charges, if a conviction or sentence on the  
25 additional charges would cause the defendant to become  
26 ineligible under this definition.

27 "Pilot program." The Non-narcotic Medication Assisted  
28 Substance Abuse Treatment Grant Pilot Program established under  
29 this chapter.

30 § 4602. Establishment of pilot program.

1 The Non-narcotic Medication Assisted Substance Abuse  
2 Treatment Grant Pilot Program is established in the department  
3 to increase opportunities for counties to provide long acting  
4 non-narcotic, nonaddictive medication combined with  
5 comprehensive substance abuse treatment to eligible offenders  
6 upon release from county correctional institutions. Grants shall  
7 be limited to fiscal year 2015-2016 and awarded to counties  
8 eligible to participate in the pilot program within six months  
9 of the effective date of this section.

10 § 4603. County participation requirements.

11 In order to be eligible for grant funding under the pilot  
12 program, a county must:

13 (1) Make application to the department in a form and  
14 manner as provided by the department.

15 (2) Have a county correctional institution with an  
16 institutional substance abuse treatment program that supports  
17 offenders transitioning from a county correctional  
18 institution to the community or offenders who are sentenced  
19 to serve COUNTY intermediate punishment ~~or restricted~~ <--  
20 ~~intermediate punishment sentences, or both types of such~~ <--  
21 offenders.

22 (3) Be able to contract with a provider as required  
23 under section 4604 (relating to use of grant funding).

24 (4) Meet any other requirements established by the  
25 department.

26 § 4604. Use of grant funding.

27 A county awarded a grant under the pilot program shall  
28 contract with an entity, provider or organization that shall:

29 (1) Assess each offender, prior to re-entry into the  
30 community, and determine if the offender is a candidate to

1 whom should be administered medication that prevents relapse  
2 to opioid dependence or alcohol dependence, or both.

3 (2) Create an individualized program for each offender  
4 identified under paragraph (1).

5 (3) Provide access to and administer long-acting non-  
6 narcotic, non-addictive medication assisted treatment.

7 (4) Provide clinically appropriate inpatient or  
8 outpatient services determined as necessary to support each  
9 individual's treatment plan.

10 (5) Cooperate with the county probation and parole  
11 office as to the use of any drug under paragraph (1) by any  
12 eligible offender.

13 (6) Create a discharge plan for each offender under  
14 paragraph (1).

15 § 4605. Powers and duties of department.

16 (a) General rule.--The department shall:

17 (1) Establish a form for counties to apply for grant  
18 funding under the pilot program.

19 (2) Establish criteria for counties making application  
20 for grant funding under the pilot program.

21 (3) Develop or approve training and instructional  
22 materials for the law enforcement community about opioid and  
23 alcohol addiction and the proper and effective use of non-  
24 narcotic medication assisted substance abuse treatment in  
25 consultation with the appropriate State agencies, including,  
26 but not limited to, the Department of Drug and Alcohol  
27 Programs, the Department of Human Services, the Department of  
28 Health, the Pennsylvania Board of Probation and Parole and  
29 the Pennsylvania Commission on Crime and Delinquency.

30 (4) Make a form available to providers to be used to

1 confirm that an offender is eligible for and enrolled in the  
2 pilot program.

3 (5) Promulgate any rules and regulations necessary to  
4 implement this chapter.

5 (b) Limitation on grant awards.--Grant awards shall be at  
6 the discretion of the department and shall be limited to amounts  
7 annually appropriated to the department for the pilot program.  
8 § 4606. Prior authorization.

9 Long acting injectable naltrexone shall be approved as part  
10 of a prior authorization process by any Medicaid managed care  
11 plan operating under contract with the Commonwealth for eligible  
12 offenders enrolled in the pilot program and receiving  
13 comprehensive substance abuse treatment which includes the  
14 monitoring of medication adherence upon their release from  
15 county correctional institutions. Within 90 days of the  
16 effective date of this section, the Department of Human Services  
17 shall issue a bulletin notice to instruct Medicaid managed care  
18 plans that approval for the use of long acting injectable  
19 naltrexone must be granted if the eligible offenders are  
20 enrolled in the pilot program upon their release from county  
21 correctional institutions.

22 § 4607. Report to General Assembly.

23 Within 18 months of the effective date of this section, the  
24 department shall issue a report to the Judiciary Committee of  
25 the Senate and the Appropriations Committee of the Senate and  
26 the Judiciary Committee of the House of Representatives and the  
27 Appropriations Committee of the House of Representatives  
28 evaluating the effectiveness of the pilot program. The report  
29 shall include:

30 (1) The number of eligible offenders to whom long-acting

1 non-narcotic, non-addictive medication assisted treatment was  
2 administered.

3 (2) The number of eligible offenders who completed the  
4 program of long-acting non-narcotic, non-addictive medication  
5 assisted treatment.

6 (3) Recidivism rates of eligible offenders to whom long-  
7 acting non-narcotic, non-addictive medication assisted  
8 treatment was administered.

9 (4) The average amount of grants awarded to counties.

10 (5) The number of providers available to meet the  
11 requirements provided in section 4603 (relating to county  
12 participation requirements) on a county-by-county basis.

13 (6) The impact of the use of long-acting non-narcotic,  
14 non-addictive medication assisted treatment on treatment  
15 outcomes and any potential cost savings.

16 § 4608. Construction.

17 Nothing in this act shall be construed to create an  
18 entitlement or a right of an eligible offender to receive  
19 treatment upon release from a county correctional institution.

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