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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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 24, 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.

1 4605. Powers and duties of department.

2 4606. Prior authorization.

3 4607. Report to General Assembly.

4 4608. Construction.

5 § 4601. Definitions.

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

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

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

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

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

1 as the Crime Victims Act, except for an offense under 18  
2 Pa.C.S. § 2701 (relating to simple assault) when the offense  
3 is a misdemeanor of the third degree, or an equivalent  
4 offense under the laws of the United States or one of its  
5 territories or possessions, another state, the District of  
6 Columbia, the Commonwealth of Puerto Rico or a foreign  
7 nation.

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

14 18 Pa.C.S. § 4302(a) (relating to incest).

15 18 Pa.C.S. § 5901 (relating to open lewdness).

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

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

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

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

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

1 § 4602. Establishment of pilot program.

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

11 § 4603. County participation requirements.

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

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

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

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

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

27 § 4604. Use of grant funding.

28 (A) COUNTY.--A county awarded a grant under the pilot <--  
29 program shall contract with an entity, provider or organization  
30 that shall:

1       (1) Assess each offender, prior to re-entry into the  
2 community, and determine if the offender is a candidate to  
3 whom should be administered medication that prevents relapse  
4 to ~~opioid~~ DRUG dependence or alcohol dependence, or both. <--

5       (2) Create an individualized program for each offender  
6 identified under paragraph (1).

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

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

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

15       (6) Create a discharge plan for each offender under  
16 paragraph (1).

17       (B) REQUIREMENT OF PARTICIPANTS.--EACH PARTICIPANT MUST <--  
18 AGREE TO WAIVE THE PRIVACY REQUIREMENTS OF THE HEALTH INSURANCE  
19 PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191,  
20 110 STAT. 1936) TO THE EXTENT NEEDED FOR THE COUNTY TO HAVE  
21 ACCESS TO THE INFORMATION REQUIRED UNDER THIS SECTION.

22       § 4605. Powers and duties of department.

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

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

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

28       (3) Develop or approve training and instructional  
29 materials for the law enforcement community about opioid and  
30 alcohol addiction and the proper and effective use of non-

1 narcotic medication assisted substance abuse treatment in  
2 consultation with the appropriate State agencies, including,  
3 but not limited to, the Department of Drug and Alcohol  
4 Programs, the Department of Human Services, the Department of  
5 Health, the Pennsylvania Board of Probation and Parole and  
6 the Pennsylvania Commission on Crime and Delinquency.

7 (4) Make a form available to providers to be used to  
8 confirm that an offender is eligible for and enrolled in the  
9 pilot program.

10 (5) SET FORTH THE BASIS FOR MEDICAL PROVIDERS TO BE <--  
11 REIMBURSED AND FOR MEDICAL PROVIDERS TO BE REIMBURSED FOR  
12 COUNSELING SERVICES.

13 ~~(5)~~ (6) Promulgate any rules and regulations necessary <--  
14 to implement this chapter.

15 (b) Limitation on grant awards.--Grant awards shall be at  
16 the discretion of the department and shall be limited to amounts  
17 annually appropriated to the department for the pilot program.  
18 \$ 4606. Prior authorization.

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

1 correctional institutions.

2 § 4607. Report to General Assembly.

3 Within 18 months of the effective date of this section, the  
4 department shall issue a report to the Judiciary Committee of  
5 the Senate and the Appropriations Committee of the Senate and  
6 the Judiciary Committee of the House of Representatives and the  
7 Appropriations Committee of the House of Representatives  
8 evaluating the effectiveness of the pilot program. The report  
9 shall include:

10 (1) The number of eligible offenders to whom long-acting  
11 non-narcotic, non-addictive medication assisted treatment was  
12 administered.

13 (2) The number of eligible offenders who completed the  
14 program of long-acting non-narcotic, non-addictive medication  
15 assisted treatment.

16 (3) Recidivism rates of eligible offenders to whom long-  
17 acting non-narcotic, non-addictive medication assisted  
18 treatment was administered.

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

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

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

26 § 4608. Construction.

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

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