

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 432 Session of 2019

INTRODUCED BY PHILLIPS-HILL, J. WARD, BROWNE, YUDICHAK AND SCAVELLO, MARCH 12, 2019

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, FEBRUARY 3, 2020

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)(7) 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 ~~and the subsection is amended by adding paragraphs to read:~~

13 SECTION 1. SECTION 9(B)(7) OF THE ACT OF OCTOBER 27, 2014 <--
14 (P.L.2911, NO.191), KNOWN AS THE ACHIEVING BETTER CARE BY
15 MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP) ACT, IS AMENDED,
16 THE SUBSECTION IS AMENDED BY ADDING PARAGRAPHS AND THE SECTION
17 IS AMENDED BY ADDING A SUBSECTION TO READ:

18 Section 9. Access to prescription information.

19 \* \* \*

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

4 \* \* \*

5 (7) Designated Commonwealth personnel and contracted  
6 staff who are responsible for the development and evaluation  
7 of quality improvement strategies, program integrity  
8 initiatives or conducting internal compliance reviews and  
9 data reporting for the medical assistance program, Children's  
10 Health Insurance Program (CHIP), Pharmaceutical Assistance  
11 Contract for the Elderly (PACE) or Pharmaceutical Assistance  
12 Contract for the Elderly Needs Enhancement Tier (PACENET).

13 \* \* \*

14 (12) ~~Personnel~~ MEDICAL DIRECTORS AND PHARMACY DIRECTORS, <--  
15 OR THEIR DESIGNEES, of an organization that has an agreement  
16 to be paid on a capitated basis to provide services to  
17 medical assistance beneficiaries, who are engaged in care  
18 management, the development and evaluation of quality  
19 improvement strategies, program integrity initiatives or  
20 conducting internal compliance reviews and data reporting for  
21 the medical assistance program. Personnel engaged in these  
22 activities:

23 (i) May query the system to review the requested  
24 dispensing or prescribing of a controlled substance under  
25 this act to an individual to whom the organization  
26 provides services under Title XIX of the Social Security  
27 Act (P.L.74-271, 42 U.S.C. § 1396 et seq.).

28 (ii) Shall notify the Department of Human Services  
29 and the Office of Attorney General if MEDICAID fraud is <--  
30 suspected based on the results of the query and review of

1           the database.

2           ~~(13) An authorized employee of a county or municipal~~      <--  
3           ~~health department may query the system if the employee has a~~  
4           ~~unique identifier when accessing the system and the employee~~  
5           ~~accesses the system for any of the following purposes:~~

6           ~~(i) Developing educational programs relating to~~  
7           ~~prescribing practices and controlled substance abuse.~~

8           ~~(ii) Identifying at risk individuals for the purpose~~  
9           ~~of connecting them with addiction treatment professionals~~  
10           ~~and programs, including single county authorities.~~

11           ~~(iii) Compiling epidemiological data to ensure that~~  
12           ~~security of the system when an authorized employee of a~~  
13           ~~county of municipal health department accesses the~~  
14           ~~system.~~

15           ~~(14) Political subdivisions of the Commonwealth may not~~  
16           ~~establish a database requiring the submission and query of~~  
17           ~~prescription data by prescribers and dispensers in addition~~  
18           ~~to the database established under section 6.~~

19           \* \* \*

20           (13) (I) AN AUTHORIZED EMPLOYEE OF A COUNTY OR      <--  
21           MUNICIPAL HEALTH DEPARTMENT OR THE DEPARTMENT OF HEALTH  
22           OF THE COMMONWEALTH MAY HAVE ACCESS TO DATA FROM THE  
23           SYSTEM FOR ANY OF THE FOLLOWING PURPOSES:

24           (A) DEVELOPING EDUCATION PROGRAMS OR PUBLIC  
25           HEALTH INTERVENTIONS RELATING TO SPECIFIC PRESCRIBING  
26           PRACTICES, CONTROLLED SUBSTANCES AND THE PREVENTION  
27           OF FRAUD AND ABUSE.

28           (B) CONDUCTING ANALYSES ON PRESCRIBING TRENDS IN  
29           THEIR RESPECTIVE JURISDICTIONS.

30           (II) FOR PURPOSES OF SUBPARAGRAPH (I) (A), A COUNTY

