

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 341 Session of 2011

INTRODUCED BY BAKER, PICKETT, CUTLER, MAJOR, CALTAGIRONE,
P. COSTA, J. EVANS, EVERETT, GEIST, GINGRICH, GOODMAN, GROVE,
HORNAMAN, JOSEPHS, KORTZ, MANN, MICOZZIE, MOUL, O'NEILL,
READSHAW, REICHLEY AND VULAKOVICH, JANUARY 31, 2011

REFERRED TO COMMITTEE ON HEALTH, JANUARY 31, 2011

AN ACT

1 Providing for electronic prescriptions and for duties of the
2 Department of Health; establishing the Medical Assistance
3 Health Information Technology Incentive Payment Program in
4 the Department of Public Welfare; and imposing penalties.

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

7 Section 1. Definitions.

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

11 "Department." The Department of Health of the Commonwealth.

12 "Health care facility." Any health care facility providing
13 clinically related health services, including, but not limited
14 to, a general or special hospital, including psychiatric
15 hospitals, rehabilitation hospitals, ambulatory surgical
16 facilities, long-term care nursing facilities, abortion
17 facilities, cancer treatment centers using radiation therapy on
18 an ambulatory basis and inpatient drug and alcohol treatment

1 facilities, both for-profit and nonprofit, and including those
2 operated by an agency or State or local government. The term
3 also includes hospice. The term does not include an office used
4 primarily for the private or group practice by health care
5 practitioners where no reviewable clinically related health
6 service is offered, a facility providing treatment solely on the
7 basis of prayer or spiritual means in accordance with the tenets
8 of any church or religious denomination or a facility conducted
9 by a religious organization for the purpose of providing health
10 care services exclusively to clergy or other persons in a
11 religious profession who are members of the religious
12 denominations conducting the facility.

13 Section 2. E-prescribing.

14 Within 60 days following the effective date of this act, a
15 health care facility shall develop a full and complete
16 implementation plan with specific goals, key performance
17 indicators and timelines in order to meet the following
18 requirements:

19 (1) Commencing September 1, 2011, every health care
20 facility shall provide easy and timely access to an e-
21 prescribing system for use by all medical staff who have
22 prescriptive authority in this Commonwealth.

23 (2) The e-prescribing system chosen by the health care
24 facility shall be able to monitor and notify the medical
25 staff of potentially harmful drug interactions for each
26 prescription filed.

27 (3) Thereafter, the health care facility shall certify
28 to the department on its application for license or license
29 renewal that it provides access for all medical staff that
30 write prescriptions to an e-prescribing system and permits

1 its use in the facility.

2 Section 3. Regulations.

3 Within 180 days following the effective date of this act, the
4 State Board of Medicine shall promulgate regulations that will
5 establish guidelines for the use of e-prescribing by every
6 physician that chooses to write prescriptions electronically.
7 The e-prescribing system shall be able to monitor and notify the
8 physician of potentially harmful drug interactions for each
9 prescription filed by that physician. The department may require
10 that every physician certify on the physician's application for
11 a license or license renewal that the physician has access to an
12 e-prescribing system and report whether it is being used for
13 writing prescriptions.

14 Section 4. Medical Assistance Health Information Technology
15 Incentive Payment Program.

16 (a) Establishment.--A Medical Assistance Health Information
17 Technology Incentive Payment Program is established in the
18 Department of Public Welfare for eligible acute care hospitals
19 and critical access hospitals that are meaningful electronic
20 health record users as defined under section 4102 of the
21 American Recovery and Reinvestment Act of 2009 (Public Law
22 111-5, 123 Stat. 115).

23 (b) Application.--The Department of Public Welfare shall
24 establish a payment incentive program consistent with the
25 provisions of section 4102 of the American Recovery and
26 Reinvestment Act of 2009.

27 Section 5. Penalties.

28 (a) Health care facility.--Any false or misleading statement
29 on a certification by a health care facility shall subject the
30 health care facility to a fine of \$5,000 per violation.

1 (b) Physician.--Any false or misleading statement on a
2 certification by a physician shall subject the physician to a
3 fine of \$5,000 per violation.

4 Section 6. Effective date.

5 This act shall take effect in 60 days.