

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1651 Session of 2011

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INTRODUCED BY DiGIROLAMO, COHEN, BAKER, BISHOP, BOYD, BRENNAN,  
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SCAVELLO, CULVER, K. SMITH, TAYLOR, THOMAS, VULAKOVICH AND  
DONATUCCI, JUNE 8, 2011

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AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 6, 2011

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## AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, establishing the Pharmaceutical  
3 Accountability Monitoring System; and imposing penalties.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 27

9 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

10 Sec.

11 2701. Short title of chapter.

12 2702. Scope of chapter.

13 2703. Definitions.

14 2704. Establishment of Pharmaceutical Accountability Monitoring  
15 System.



~~2705. Requirements for Pharmaceutical Accountability Monitoring~~

~~System.~~

~~2706. Access to prescription information.~~

~~2707. Unlawful acts and penalties.~~

~~2708. Education and treatment.~~

~~2709. Immunity.~~

~~2710. Additional provisions.~~

~~2711. Use of money collected.~~

~~2712. Rules and regulations.~~

~~2713. Evaluation, data analysis and reporting.~~

~~2714. Severability.~~

~~§ 2701. Short title of chapter.~~

~~This chapter shall be known and may be cited as the  
Pharmaceutical Accountability Monitoring System Act.~~

~~§ 2702. Scope of chapter.~~

~~This chapter is intended to improve the Commonwealth's  
ability to enable informed and responsible prescribing and  
dispensing of controlled substances and to reduce diversion and  
misuse of such drugs in an efficient and cost effective manner  
that will not impede the appropriate medical utilization of  
licit controlled substances.~~

~~§ 2703. Definitions.~~

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

~~"Alcohol and other drug addiction treatment program." Any  
facility or treatment program that is licensed, certified or  
approved by the Commonwealth to provide alcohol and other drug  
addiction treatment on a hospital, nonhospital, residential or  
outpatient basis.~~

~~"Controlled substance." A drug, substance or immediate precursor included in Schedule II, III, IV or V of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236).~~

~~"Database." The Pharmaceutical Accountability Monitoring System established in section 2704 (relating to establishment of Pharmaceutical Accountability Monitoring System).~~

~~"Department." The Department of Drug and Alcohol Programs.~~

~~"Dispenser." A provider who dispenses a scheduled drug to a patient in this Commonwealth but does not include any of the following:~~

~~(1) A licensed health care facility or long term care pharmacy that distributes such substances for the purpose of inpatient hospital or long term care facility administration.~~

~~(2) A practitioner or other authorized person who administers such a substance.~~

~~(3) A wholesale distributor of a scheduled drug.~~

~~(4) A hospice care provider.~~

~~"Licensed health care facility." A health care facility that is licensed under Article X of the act of June 13, 1967 (P.L. 31, No.21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.~~

~~"PAMS." The Pharmaceutical Accountability Monitoring System established in section 2704.~~

~~"Patient." The person who has lawfully obtained and who possesses any scheduled drug for the person's own use.~~

~~"Practitioner." The term shall mean:~~

~~(1) a physician, osteopath, dentist, veterinarian,~~

~~pharmacist, podiatrist, nurse, scientific investigator or  
other person licensed, registered or otherwise permitted to  
distribute, dispense, conduct research with respect to or to  
administer a controlled substance, other drug or device in  
the course of professional practice or research in this  
Commonwealth; or~~

~~(2) a pharmacy, hospital, clinic or other institution  
licensed, registered or otherwise permitted to distribute,  
dispense, conduct research with respect to or to administer a  
controlled substance, other drug or device in the course of  
professional practice or research in this Commonwealth.~~

~~§ 2704. Establishment of Pharmaceutical Accountability  
Monitoring System.~~

~~(a) General rule. The department shall establish and  
maintain an electronic system for monitoring all scheduled drugs  
that are dispensed within this Commonwealth by all professionals  
licensed to prescribe or dispense such substances in this  
Commonwealth, including, but not limited to, a practitioner or  
pharmacist or dispensed to an address within this Commonwealth  
by a pharmacy that has obtained a license, permit or other  
authorization to operate by the Pennsylvania Board of Pharmacy.~~

~~(b) Duties of department. The department shall administer  
PAMS.~~

~~(c) Purpose. The purpose of PAMS is to contain data as  
described in this section regarding every prescription for a  
controlled substance dispensed in this Commonwealth to any  
person other than an inpatient in a licensed health care  
facility or by a hospice care provider.~~

~~(d) Data compliance. Data required by this section shall be  
submitted in compliance with this section to the department by~~

~~the pharmacy or other dispensing entity.~~

~~(e) Data input. A dispenser shall input data as required by the department.~~

~~(f) Queries. A practitioner may query such data.~~

~~(g) Registration. Each dispenser and practitioner licensed to practice in this Commonwealth shall register with and establish a user name and personal identification number that permits access to the secure website housing PAMS established by this act.~~

~~(h) Dispenser access. Each dispenser required to report electronically pursuant to this act shall have online access to PAMS at all times when the dispenser provides pharmaceutical care to a patient potentially receiving a controlled substance.~~

~~§ 2705. Requirements for Pharmaceutical Accountability Monitoring System.~~

~~(a) Submission. The dispenser shall, regarding each controlled substance dispensed, submit by electronic means to the department the following information by transmission methods, protocols and in a format established by the department:~~

~~(1) Full name of the prescribing practitioner.~~

~~(2) Prescriber Drug Enforcement Agency (DEA) registration number.~~

~~(3) Date the prescription was written.~~

~~(4) Date the prescription was dispensed.~~

~~(5) Patient information of the person for whom the prescription was written and dispensed, including full name, date of birth, gender and address.~~

~~(6) Positive identification of the person receiving the prescription, including the type of identification.~~

~~(7) Name of the controlled substance.~~

~~(8) Quantity of the controlled substance prescribed.~~

~~(9) Strength of the controlled substance.~~

~~(10) Quantity of the controlled substance dispensed.~~

~~(11) Dosage quantity and frequency prescribed.~~

~~(12) Name of the pharmacy or other entity dispensing the  
controlled substance.~~

~~(13) Name of the pharmacist dispensing the controlled  
substance.~~

~~(14) Dispensing entity's DEA registration number and  
NPI.~~

~~(15) Source of payment for the prescription.~~

~~(16) Other relevant information as established by  
department regulations.~~

~~(b) Frequency. Each dispenser shall submit the information  
required by this act as frequently as specified by the  
department, but not later than two days after the dispensing of  
a controlled substance monitored by PAMS. The department shall  
implement a real time reporting requirement as expeditiously as  
possible.~~

~~(c) Maintenance. The department shall maintain PAMS in an  
electronic file or by other means established by the department  
to facilitate use of the database for identification of:~~

~~(1) Prescribing and dispensing practices and patterns  
for controlled substances.~~

~~(2) An individual patient's patterns of obtaining  
controlled substances from licensed practitioners and who  
subsequently obtain dispensed controlled substances from a  
drug outlet in quantities or with a frequency inconsistent  
with generally recognized standards of dosage for that~~

~~controlled substance.~~

~~(3) Individuals presenting forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.~~

~~(d) Recordkeeping. The department shall maintain a record of PAMS queries for reference, including:~~

~~(1) Identification of each person who requests or receives information from PAMS.~~

~~(2) The information provided to each person.~~

~~(3) The date and time the information is requested or provided.~~

~~§ 2706. Access to prescription information.~~

~~(a) General rule. Except as set forth in subsection (c), prescription information submitted to the department shall be confidential and not subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~

~~(b) Privacy procedures. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted and maintained is not disclosed to persons except those enumerated in subsection (c).~~

~~(c) Limited availability. The manager of PAMS shall make information in PAMS available only to the following persons and in accordance with the limitations stated in the department regulations:~~

~~(1) Personnel of the department specifically assigned to conduct investigations related to controlled substances laws under the jurisdiction of the department.~~

~~(2) Authorized department personnel engaged in analysis of controlled substance prescription information as a part of~~

1 ~~the assigned duties and responsibilities of their employment.~~

2 ~~(3) Qualified personnel for the purpose of bona fide~~  
3 ~~research or education. Data elements that would reasonably~~  
4 ~~identify a specific recipient, prescriber or dispenser shall~~  
5 ~~be deleted or redacted from such information prior to~~  
6 ~~disclosure. Release of the information shall only be made~~  
7 ~~pursuant to a written agreement between such qualified~~  
8 ~~personnel and the department in order to ensure compliance~~  
9 ~~with this chapter.~~

10 ~~(4) A licensed practitioner, or a representative~~  
11 ~~employed by the practitioner, designated by the practitioner~~  
12 ~~pursuant to criteria established by the department, having~~  
13 ~~authority to prescribe controlled substances, to the extent~~  
14 ~~of one of the following:~~

15 ~~(i) The information relates to a current patient of~~  
16 ~~the practitioner to whom the practitioner is prescribing~~  
17 ~~or considering prescribing any controlled substance.~~

18 ~~(ii) The information relates specifically to an~~  
19 ~~individual who has access to the practitioner's DEA~~  
20 ~~number, and the practitioner suspects that the individual~~  
21 ~~may use the practitioner's DEA identification number to~~  
22 ~~fraudulently acquire or prescribe controlled substances.~~

23 ~~(iii) The information relates to the practitioner's~~  
24 ~~own prescribing practices, except when specifically~~  
25 ~~prohibited by department regulations.~~

26 ~~(5) A licensed pharmacist, or a designee employed by the~~  
27 ~~pharmacist, designated by the pharmacist pursuant to criteria~~  
28 ~~established by the department, having authority to dispense~~  
29 ~~controlled substances to the extent the information relates~~  
30 ~~specifically to a current patient to whom that pharmacist is~~



~~dispensing or considering dispensing any controlled substance.~~

~~(6) Federal or State law enforcement authorities engaged in the administration, investigation or enforcement of the laws governing controlled substances and who are involved in one of the following:~~

~~(i) A bona fide specific drug related investigation involving a designated person.~~

~~(ii) Investigating insurance fraud, Medicaid fraud or Medicare fraud.~~

~~(7) A designated representative from the Commonwealth or out of State agency or board responsible for licensing or certifying prescribers or dispensers who is involved in a bona fide investigation of a prescriber or dispenser whose professional practice was or is regulated by that agency or board.~~

~~(8) A medical examiner or county coroner for the purpose of investigating the death of an individual.~~

~~(9) A designated prescription monitoring official of a state with which this Commonwealth has an interoperability agreement may access prescription monitoring information in accordance with procedures adopted by the department.~~

~~(10) An individual who is the recipient of a controlled substance prescription entered into PAMS upon providing evidence satisfactory to the PAMS manager that the individual requesting the information is in fact the person about whom the data entry was made.~~

~~(11) A judicial authority under grand jury subpoena or court order or equivalent judicial process for investigation of a criminal violation of law governing controlled~~

~~substances may access prescription monitoring information.~~

~~§ 2707. Unlawful acts and penalties.~~

~~(a) Knowing and intentional release. Any person who knowingly and intentionally releases any information in PAMS in violation of the limitations under section 2706(c) (relating to access to prescription information) commits a felony of the third degree.~~

~~(b) Misrepresentation or fraud. Any person who obtains or attempts to obtain information from PAMS by misrepresentation or fraud commits a felony of the third degree.~~

~~(c) Unauthorized purpose. Any person who obtains or attempts to obtain information from PAMS for a purpose other than a purpose authorized by this section or by department regulations commits a felony of the third degree.~~

~~(d) Other person. A person may not knowingly and intentionally use, release, publish or otherwise make available to any other person or entity any information obtained from PAMS for any purpose other than those specified in section 2706(c). Each separate violation of this subsection is a felony of the third degree and is subject to a civil penalty not to exceed \$5,000.~~

~~(e) Civil violation. The procedure for determining a civil violation of this subsection shall be in accordance with department regulations. Civil penalties assessed under this subsection shall be deposited in the General Fund, appropriated to the department and dedicated to the controlled substance PAMS operations.~~

~~(f) Failure to submit. The failure of a dispenser to submit information to PAMS as required under this section, after the department has submitted a specific written request for the~~

~~information or when the department determines the individual has  
a demonstrable pattern of knowing that failure to submit the  
information as required, is grounds for the pharmacy board to  
take the following action in accordance with the act of  
September 27, 1961 (P.L.1700, No.699), known as the Pharmacy  
Act.~~

~~(1) Refuse to issue a license to the individual.~~

~~(2) Refuse to renew the individual's license.~~

~~(3) Revoke, suspend, restrict or place on probation the  
license.~~

~~(4) Issue a public or private reprimand to the  
individual.~~

~~(5) Issue a cease and desist order.~~

~~(6) Impose a civil penalty of not more than \$1,000 for  
each dispensed prescription for which the required  
information was not submitted.~~

~~(g) A person authorized to have prescription monitoring  
information under this act who knowingly uses such information  
in violation of this act shall, upon conviction, be fined not  
less than \$5,000, be sentenced to imprisonment of not more than  
90 days, or both, for each offense.~~

~~§ 2708. Education and treatment.~~

~~(a) General rule. The department shall:~~

~~(1) assist the appropriate agency, board or association  
for each category of authorized user in this act to  
incorporate the appropriate information regarding PAMS into  
the training, education or instruction provided to each  
category of authorized user;~~

~~(2) assist the State or regional chapter of the American  
Society of Addiction Medicine, or comparable association in~~

~~this Commonwealth, and the medical society to develop a continuing education course for health care professionals on prescribing practices, pharmacology and identification, referral and treatment of patients addicted to or abusing controlled substances monitored by PAMS; and~~

~~(3) implement, or assist other appropriate agencies to implement, an educational program to inform the public about the use, diversion and abuse of, addiction to and treatment for the addiction to the controlled substances monitored by PAMS.~~

~~(b) Referral. The department shall refer prescribers and dispensers it has reason to believe may be impaired to the appropriate professional licensing or certification agency, and to the appropriate impaired professionals associations, to provide intervention, assessment and referral to alcohol and other drug addiction treatment programs, and ongoing monitoring and follow-up.~~

~~(c) Identification. The department shall work with the appropriate alcohol and other drug addiction treatment professionals to provide that patients identified through PAMS as potentially addicted to a controlled substance are assessed and referred to alcohol and other drug addiction treatment programs.~~

~~§ 2709. Immunity.~~

~~An individual who has submitted information to PAMS in accordance with this section may not be held civilly liable for having submitted the information.~~

~~§ 2710. Additional provisions.~~

~~(a) Funding. A practitioner or a pharmacist shall not be required to pay a fee or tax specifically dedicated to~~

~~establishment, operation or maintenance of the system.~~

~~(b) Costs. All costs associated with recording and submitting data as required in this section shall be assumed by the submitting pharmacy.~~

~~(c) Use of data. Except as provided in subsection (d), data provided to, maintained in or accessed from PAMS that may be identified to, or with, a particular person is not subject to discovery, subpoena or similar compulsory process in any civil, judicial, administrative or legislative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to the data.~~

~~(d) Exceptions. The restrictions in subsection (c) do not apply to:~~

~~(1) A criminal proceeding.~~

~~(2) A civil, judicial or administrative action brought to enforce the provisions of this section.~~

~~§ 2711. Use of money collected.~~

~~(a) General rule. The department may use the moneys deposited in the General Fund and appropriated to the department for the following purposes:~~

~~(1) Maintenance and replacement of PAMS equipment, including hardware and software.~~

~~(2) Training of staff.~~

~~(3) Pursuit of grants and matching funds.~~

~~(b) Collections. The department may collect any penalty imposed under section 2707 (relating to unlawful acts and penalties) and which is not paid by bringing an action in the court of common pleas of the county in which the person owing the debt resides or in the county where the department is located.~~

~~(c) Legal assistance. The department may seek legal assistance from the Attorney General or the county or district attorney of the county in which the action is brought to collect the fine.~~

~~(d) Attorney fees and costs. The court shall award reasonable attorney fees and costs to the department for successful collection actions under section 2707.~~

~~§ 2712. Rules and regulations.~~

~~The department shall promulgate rules and regulations setting forth the procedures and methods for implementing this chapter. At a minimum, the rules and regulations shall include the following:~~

~~(1) Effectively enforce the limitations on access to PAMS prescribed in section 2706 (relating to access to prescription information).~~

~~(2) Establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information from PAMS.~~

~~§ 2713. Evaluation, data analysis and reporting.~~

~~(a) General rule. The department shall design and implement an evaluation component to identify:~~

~~(1) cost benefits of PAMS;~~

~~(2) the impact on efforts to reduce misuse, abuse, overdose and diversion of, or addiction to, controlled substances;~~

~~(3) the impact on prescribing practices for controlled substances;~~

~~(4) the number of patients identified through PAMS as potentially addicted to a controlled substance that were assessed for alcohol and other drug addictions;~~

~~(5) the number of patients in paragraph (4) that received alcohol and other drug addiction treatment and the names of the licensed, certified or approved alcohol and other drug addiction treatment facilities in which the patients were treated;~~

~~(6) the progress made in implementing real time reporting; and~~

~~(7) other information relevant to policy, research and education involving controlled substances and drugs of concern monitored by PAMS.~~

~~(b) Annual report. The department shall annually report the information specified in subsection (a) to the Public Health and Welfare Committee of the Senate, the Human Services Committee of the House of Representatives, the United States Department of Justice, the Substance Abuse and Mental Health Services Administration of the Office of National Drug Control Policy and members of Pennsylvania's United States Congressional delegation. Additionally, the department shall make the annual report available to the public on its publicly accessible Internet website.~~

~~§ 2714. Severability.~~

~~The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.~~

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

## CHAPTER 27

### PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

SEC.



1 2701. SHORT TITLE OF CHAPTER.  
2 2702. PURPOSE.  
3 2703. SCOPE OF CHAPTER.  
4 2704. DEFINITIONS.  
5 2705. ADVISORY COMMITTEE.  
6 2706. ESTABLISHMENT OF PHARMACEUTICAL ACCOUNTABILITY MONITORING  
7 SYSTEM.  
8 2707. REQUIREMENTS FOR PHARMACEUTICAL ACCOUNTABILITY MONITORING  
9 SYSTEM.  
10 2708. ACCESS TO PRESCRIPTION INFORMATION.  
11 2709. UNLAWFUL ACTS AND PENALTIES.  
12 2710. EDUCATION AND TREATMENT.  
13 2711. IMMUNITY.  
14 2712. ADDITIONAL PROVISIONS.  
15 2713. USE OF MONEY COLLECTED.  
16 2714. RULES AND REGULATIONS.  
17 2715. EVALUATION, DATA ANALYSIS AND REPORTING.  
18 2716. CONCURRENT JURISDICTION.  
19 § 2701. SHORT TITLE OF CHAPTER.  
20 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE  
21 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM ACT.  
22 § 2702. PURPOSE.  
23 THE PURPOSE OF THIS CHAPTER IS TO REDUCE THE ABUSE OF  
24 CONTROLLED SUBSTANCES AND FRAUD BY PROVIDING A TOOL THAT WILL  
25 ENSURE THAT PRACTITIONERS MAKING PRESCRIBING DECISIONS HAVE  
26 COMPLETE AND RELIABLE INFORMATION ABOUT WHAT, IF ANY, OTHER  
27 PRESCRIPTION DRUGS HAVE RECENTLY BEEN PRESCRIBED TO THEIR  
28 PATIENTS. IT IS THE PURPOSE OF THIS ACT TO PROVIDE REPORTING  
29 MECHANISMS, WITH FULL CONFIDENTIALITY PROTECTIONS, IN WHICH  
30 DISPENSERS REPORT PRESCRIPTION INFORMATION TO A CENTRAL



REPOSITORY, IN ORDER TO IDENTIFY PATIENT AND PRACTITIONER  
BEHAVIORS THAT GIVE RISE TO A REASONABLE SUSPICION THAT  
PRESCRIPTION DRUGS ARE BEING INAPPROPRIATELY OBTAINED OR  
PRESCRIBED, SO THAT APPROPRIATE AMELIORATIVE AND CORRECTIVE  
ACTION, INCLUDING TREATMENT FOR INDIVIDUALS SUFFERING FROM DRUG  
AND ALCOHOL ADDICTION, MAY BE TAKEN. THIS CHAPTER IS FURTHER  
INTENDED TO HELP DETECT, REFER TO LAW ENFORCEMENT AND REGULATORY  
AGENCIES AND DETER PRESCRIPTION DRUG FRAUD AND DIVERSION.

§ 2703. SCOPE OF CHAPTER.

THIS CHAPTER IS INTENDED TO IMPROVE THE COMMONWEALTH'S  
ABILITY TO ENABLE INFORMED AND RESPONSIBLE PRESCRIBING AND  
DISPENSING OF CONTROLLED SUBSTANCES AND TO REDUCE DIVERSION AND  
MISUSE OF SUCH DRUGS IN AN EFFICIENT AND COST-EFFECTIVE MANNER  
THAT WILL NOT IMPEDE THE APPROPRIATE MEDICAL UTILIZATION OF  
LICIT CONTROLLED SUBSTANCES.

§ 2704. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"ALCOHOL AND OTHER DRUG ADDICTION TREATMENT PROGRAM." ANY  
FACILITY OR TREATMENT PROGRAM THAT IS LICENSED BY THE  
COMMONWEALTH TO PROVIDE ALCOHOL AND OTHER DRUG ADDICTION  
TREATMENT ON A HOSPITAL, NONHOSPITAL RESIDENTIAL OR OUTPATIENT  
BASIS.

"BONA FIDE INVESTIGATION." AN INVESTIGATION THAT IS ENTERED  
INTO IN GOOD FAITH AGAINST A SPECIFIC INDIVIDUAL AND BASED ON  
INFORMATION SECURED OUTSIDE OF THE PAMS EXCEPT IN CIRCUMSTANCES  
WHERE A PERSON WITH LAWFUL ACCESS TO THE INFORMATION CONTAINED  
IN THE PAMS BRINGS A REPORT OF THAT INFORMATION TO THE ATTENTION  
OF LAW ENFORCEMENT.

1 "CONTROLLED SUBSTANCE." A DRUG, SUBSTANCE OR IMMEDIATE  
2 PRECURSOR INCLUDED IN SCHEDULE II, III, IV OR V OF THE ACT OF  
3 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED  
4 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR THE CONTROLLED  
5 SUBSTANCES ACT (PUBLIC LAW 91-513, 84 STAT. 1236).

6 "DATABASE." THE PHARMACEUTICAL ACCOUNTABILITY MONITORING  
7 SYSTEM ESTABLISHED IN SECTION 2706 (RELATING TO ESTABLISHMENT OF  
8 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM).

9 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS.

10 "DISPENSE." TO DELIVER A CONTROLLED SUBSTANCE, OTHER DRUG OR  
11 DEVICE TO AN ULTIMATE USER BY OR PURSUANT TO THE LAWFUL ORDER OF  
12 A PRACTITIONER.

13 "DISPENSER." A PRACTITIONER WHO DISPENSES IN THIS  
14 COMMONWEALTH, INCLUDING MAIL ORDER AND INTERNET SALES OF  
15 PHARMACEUTICALS. THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

16 (1) A LICENSED HEALTH CARE FACILITY OR LONG-TERM CARE  
17 PHARMACY THAT DISTRIBUTES SUCH SUBSTANCES FOR THE PURPOSE OF  
18 INPATIENT HOSPITAL OR LONG-TERM CARE FACILITY ADMINISTRATION.

19 (2) A PRACTITIONER OR OTHER AUTHORIZED PERSON WHO  
20 ADMINISTERS SUCH A SUBSTANCE.

21 (3) A WHOLESALE DISTRIBUTOR OF A CONTROLLED SUBSTANCE.

22 (4) A HOSPICE CARE PROVIDER.

23 (5) A MEDICAL PRACTITIONER AT A HEALTH CARE FACILITY  
24 LICENSED BY THIS COMMONWEALTH IF THE QUANTITY OF CONTROLLED  
25 SUBSTANCES DISPENSED IS LIMITED TO AN AMOUNT ADEQUATE TO  
26 TREAT THE PATIENT FOR A MAXIMUM OF 24 HOURS WITH NOT MORE  
27 THAN TWO 24-HOUR CYCLES WITHIN ANY 15-DAY PERIOD.

28 "INTERNET PHARMACY." A PERSON, ENTITY OR INTERNET SITE,  
29 WHETHER IN THE UNITED STATES OR ABROAD, THAT KNOWINGLY OR  
30 INTENTIONALLY DELIVERS, DISTRIBUTES OR DISPENSES, OR OFFERS OR

1 ATTEMPTS TO DELIVER, DISTRIBUTE OR DISPENSE, A CONTROLLED  
2 SUBSTANCE BY MEANS OF THE INTERNET, INCLUDING A PHARMACY.

3 "LICENSED HEALTH CARE FACILITY." A HEALTH CARE FACILITY THAT  
4 IS LICENSED UNDER ARTICLE X OF THE ACT OF JUNE 13, 1967 (P.L.  
5 31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, OR THE ACT OF JULY  
6 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES  
7 ACT.

8 "MAIL-ORDER PHARMACY." A PHARMACY THAT DISPENSES CONTROLLED  
9 SUBSTANCES USING THE UNITED STATES POSTAL SERVICE OR ANY EXPRESS  
10 DELIVERY SERVICE.

11 "PAMS." THE PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM  
12 ESTABLISHED IN SECTION 2706 (RELATING TO ESTABLISHMENT OF  
13 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM).

14 "PRACTITIONER." THE TERM SHALL MEAN:

15 (1) A PHYSICIAN, DENTIST, VETERINARIAN, PHARMACIST,  
16 PODIATRIST, PHYSICIAN ASSISTANT, CERTIFIED REGISTERED NURSE  
17 PRACTITIONER OR OTHER PERSON LICENSED, REGISTERED OR  
18 OTHERWISE PERMITTED TO DISTRIBUTE, DISPENSE OR TO ADMINISTER  
19 A CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE IN THE COURSE OF  
20 PROFESSIONAL PRACTICE OR RESEARCH IN THIS COMMONWEALTH; OR

21 (2) A PHARMACY, HOSPITAL, CLINIC OR OTHER INSTITUTION  
22 LICENSED, REGISTERED OR OTHERWISE PERMITTED TO DISTRIBUTE,  
23 DISPENSE, CONDUCT RESEARCH WITH RESPECT TO OR TO ADMINISTER A  
24 CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE IN THE COURSE OF  
25 PROFESSIONAL PRACTICE OR RESEARCH IN THIS COMMONWEALTH.

26 "ULTIMATE USER." A PERSON WHO LAWFULLY POSSESSES A  
27 CONTROLLED SUBSTANCE, OTHER DRUG, DEVICE OR COSMETIC FOR HIS OWN  
28 USE OR FOR THE USE OF A MEMBER OF HIS HOUSEHOLD OR FOR  
29 ADMINISTERING TO AN ANIMAL IN HIS CARE.

30 § 2705. ADVISORY COMMITTEE.

1     (A) ESTABLISHMENT.--AN ADVISORY COMMITTEE IS ESTABLISHED TO  
2     PROVIDE INPUT AND ADVICE TO THE DEPARTMENT REGARDING THE  
3     ESTABLISHMENT AND MAINTENANCE OF PAMS, INCLUDING, BUT NOT  
4     LIMITED TO:

5             (1) USE OF PAMS TO IMPROVE PATIENT CARE, TO IDENTIFY AND  
6             ADDRESS ADDICTION AND TO FACILITATE THE GOAL OF REDUCING  
7             MISUSE, ABUSE, OVERDOSE, ADDICTION TO AND DIVERSION OF  
8             CONTROLLED SUBSTANCES AND DRUGS OF CONCERN.

9             (2) SAFEGUARDS FOR THE RELEASE OF INFORMATION TO  
10            AUTHORIZED USERS.

11            (3) THE CONFIDENTIALITY OF PRESCRIPTION MONITORING  
12            INFORMATION AND THE INTEGRITY OF THE PATIENT'S RELATIONSHIP  
13            WITH THE PATIENT'S HEALTH CARE PROVIDER.

14            (4) DEVELOPMENT OF CRITERIA FOR REFERRING PRESCRIPTION  
15            MONITORING INFORMATION TO A LAW ENFORCEMENT OR PROFESSIONAL  
16            LICENSING AGENCY.

17            (5) DEVELOPMENT OF CRITERIA FOR REFERRING A PRESCRIBER  
18            OR DISPENSER TO A PROFESSIONAL LICENSING AGENCY OR IMPAIRED  
19            PROFESSIONALS ASSOCIATION.

20            (6) THE DESIGN AND IMPLEMENTATION OF TRAINING, EDUCATION  
21            OR INSTRUCTION.

22            (7) THE PROVISION OF ASSESSMENT AND REFERRAL TO ALCOHOL  
23            AND OTHER DRUG ADDICTION TREATMENT AS PART OF ANY OTHER  
24            REQUIREMENTS OF THIS CHAPTER.

25            (8) TECHNICAL STANDARDS FOR ELECTRONIC REPORTING OF  
26            PRESCRIPTION MONITORING INFORMATION.

27            (9) TECHNOLOGICAL IMPROVEMENTS TO FACILITATE THE  
28            INTEROPERABILITY OF PAMS WITH OTHER STATE PRESCRIPTION DRUG  
29            MONITORING PROGRAMS AND ELECTRONIC HEALTH INFORMATION SYSTEMS  
30            AND TO FACILITATE PRESCRIBERS' AND DISPENSERS' ACCESS TO AND

1       USE OF PAMS.

2           (10) PROPER ANALYSIS AND INTERPRETATION OF PRESCRIPTION  
3       MONITORING INFORMATION.

4           (11) DESIGN AND IMPLEMENTATION OF AN EVALUATION  
5       COMPONENT.

6           (12) RECOMMENDED APPOINTMENTS TO THE ADVISORY COMMITTEE.

7       (B) CONFIDENTIALITY.--FOR THE PURPOSE OF PROVIDING INPUT AND  
8       ADVICE PURSUANT TO SUBSECTION (A), NO ADVISORY COMMITTEE MEMBER  
9       SHALL RECEIVE PRESCRIPTION MONITORING INFORMATION WHICH  
10      IDENTIFIES, OR COULD REASONABLY BE USED TO IDENTIFY, THE  
11      PATIENT, PRESCRIBER, DISPENSER OR OTHER PERSON WHO IS THE  
12      SUBJECT OF THE INFORMATION.

13      (C) MEMBERSHIP.--

14           (1) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY COMMITTEE  
15      COMPRISED OF THE FOLLOWING:

16           (I) A REPRESENTATIVE RECOMMENDED BY THE DEPARTMENT  
17      OF STATE REPRESENTING THE STATE BOARD OF MEDICINE AND THE  
18      STATE BOARD OF NURSING.

19           (II) A REPRESENTATIVE RECOMMENDED BY THE STATE BOARD  
20      OF PHARMACY.

21           (III) A REPRESENTATIVE RECOMMENDED BY THE ATTORNEY  
22      GENERAL.

23           (IV) TWO PHYSICIANS RECOMMENDED BY THE PENNSYLVANIA  
24      MEDICAL SOCIETY, ONE OF WHOM HOLDS MEMBERSHIP IN THE  
25      AMERICAN SOCIETY OF ADDICTION MEDICINE AND THE OTHER WHO  
26      IS A PHYSICIAN WITH EXPERTISE IN CHRONIC PAIN MANAGEMENT  
27      AND TREATMENT.

28           (V) A REPRESENTATIVE RECOMMENDED BY THE PENNSYLVANIA  
29      DISTRICT ATTORNEYS ASSOCIATION.

30           (VI) A REPRESENTATIVE RECOMMENDED BY THE

1 PENNSYLVANIA CORONERS ASSOCIATION.

2 (VII) A REPRESENTATIVE RECOMMENDED BY THE DRUG AND  
3 ALCOHOL SERVICE PROVIDERS ORGANIZATION OF PENNSYLVANIA.

4 (VIII) A REPRESENTATIVE OF CHRONIC PAIN PATIENTS  
5 RECOMMENDED BY A PHYSICIAN WITH EXPERTISE IN CHRONIC PAIN  
6 MANAGEMENT.

7 (2) THE DEPARTMENT MAY ALSO APPOINT PERSONS WITH  
8 RECOGNIZED EXPERTISE, KNOWLEDGE AND EXPERIENCE IN THE  
9 ESTABLISHMENT AND MAINTENANCE OF PRESCRIPTION MONITORING  
10 PROGRAMS, SKILLS AND EXPERTISE IN ALCOHOL AND OTHER DRUG  
11 ADDICTION ASSESSMENT AND REFERRAL TO ADDICTION TREATMENT OR  
12 ISSUES INVOLVING THE MISUSE, ABUSE OR DIVERSION OF, OR THE  
13 ADDICTION TO, CONTROLLED SUBSTANCES OR DRUGS OF CONCERN.

14 (D) QUORUM.--NINE MEMBERS OF THE ADVISORY COMMITTEE SHALL  
15 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS. THE  
16 MEMBERS SHALL ELECT A CHAIRMAN AND SUCH OTHER OFFICERS AS DEEMED  
17 NECESSARY WHOSE DUTIES SHALL BE ESTABLISHED BY THE ADVISORY  
18 COMMITTEE. THE DEPARTMENT SHALL CONVENE THE ADVISORY COMMITTEE  
19 AT LEAST QUARTERLY USING TELECOMMUNICATION WHENEVER POSSIBLE.

20 (E) STAFF ASSISTANCE.--THE DEPARTMENT SHALL PROVIDE THE  
21 ADVISORY COMMITTEE WITH ANY STAFF SERVICES WHICH MAY BE  
22 NECESSARY FOR THE ADVISORY COMMITTEE TO CARRY OUT ITS DUTIES  
23 UNDER THIS CHAPTER.

24 § 2706. ESTABLISHMENT OF PHARMACEUTICAL ACCOUNTABILITY  
25 MONITORING SYSTEM.

26 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH AND  
27 ADMINISTER THE PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM  
28 (PAMS) FOR MONITORING ALL CONTROLLED SUBSTANCES THAT ARE  
29 DISPENSED WITHIN THIS COMMONWEALTH BY ALL PRACTITIONERS OR  
30 DISPENSERS, INCLUDING, BUT NOT LIMITED TO, A PRACTITIONER OR

DISPENSER THAT DISPENSES TO A PERSON OR SHIPS TO AN ADDRESS  
WITHIN THIS COMMONWEALTH.

(B) DATA COMPLIANCE.--DATA REQUIRED BY THIS SECTION SHALL BE  
SUBMITTED IN COMPLIANCE WITH THIS SECTION TO THE DEPARTMENT BY  
THE PHARMACY OR OTHER DISPENSING ENTITY.

(C) REGISTRATION.--EACH DISPENSER AND PRACTITIONER  
DISPENSING OR PRESCRIBING CONTROLLED SUBSTANCES SHALL REGISTER  
WITH AND ESTABLISH A USER NAME AND PERSONAL IDENTIFICATION  
NUMBER THAT PERMITS ACCESS TO THE SECURE WEBSITE HOUSING PAMS  
ESTABLISHED BY THIS CHAPTER.

(D) QUERIES.--A PRACTITIONER MAY QUERY DATA THROUGH THE  
DEPARTMENT. A FEDERAL OR STATE LAW ENFORCEMENT OFFICIAL WHOSE  
DUTIES INCLUDE ENFORCING LAWS RELATING TO CONTROLLED SUBSTANCES  
AND PRESCRIPTION DRUGS SHALL BE PROVIDED ACCESS TO THE  
INFORMATION FROM PAMS RELATING TO THE PERSON WHO IS THE SUBJECT  
OF A BONA FIDE INVESTIGATION OF A DRUG ABUSE OFFENSE, INCLUDING,  
BUT NOT LIMITED TO, VIOLATIONS OF THE ACT OF APRIL 14, 1972  
(P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
DEVICE AND COSMETIC ACT, INSURANCE FRAUD, MEDICARE FRAUD OR  
MEDICAID FRAUD PURSUANT TO A BONA FIDE INVESTIGATION.

§ 2707. REQUIREMENTS FOR PHARMACEUTICAL ACCOUNTABILITY  
MONITORING SYSTEM.

(A) SUBMISSION.--THE DISPENSER SHALL, REGARDING EACH  
CONTROLLED SUBSTANCE DISPENSED, SUBMIT BY ELECTRONIC MEANS TO  
THE DEPARTMENT THE FOLLOWING INFORMATION USING METHODS OF  
TRANSMISSION PROTOCOLS AND IN A FORMAT ESTABLISHED BY THE  
DEPARTMENT:

(1) FULL NAME OF THE PRESCRIBING PRACTITIONER.

(2) PRESCRIBER DRUG ENFORCEMENT AGENCY (DEA)

REGISTRATION NUMBER.

1       (3) DATE THE PRESCRIPTION WAS WRITTEN.

2       (4) DATE THE PRESCRIPTION WAS DISPENSED.

3       (5) FULL NAME, DATE OF BIRTH, GENDER AND ADDRESS OF THE  
4 PERSON FOR WHOM THE PRESCRIPTION WAS WRITTEN AND DISPENSED.

5       (6) NAME OF THE CONTROLLED SUBSTANCE.

6       (7) QUANTITY OF THE CONTROLLED SUBSTANCE PRESCRIBED.

7       (8) STRENGTH OF THE CONTROLLED SUBSTANCE.

8       (9) QUANTITY OF THE CONTROLLED SUBSTANCE DISPENSED.

9       (10) DOSAGE QUANTITY AND FREQUENCY PRESCRIBED.

10       (11) NAME OF THE PHARMACY OR OTHER ENTITY DISPENSING THE  
11 CONTROLLED SUBSTANCE.

12       (12) DISPENSING ENTITY'S DEA REGISTRATION NUMBER AND  
13 NPI.

14       (13) SOURCE OF PAYMENT FOR THE PRESCRIPTION.

15       (14) OTHER RELEVANT INFORMATION AS ESTABLISHED BY  
16 DEPARTMENT REGULATIONS.

17       (B) FREQUENCY.--EACH DISPENSER SHALL SUBMIT THE INFORMATION  
18 REQUIRED BY THIS CHAPTER AS FREQUENTLY AS SPECIFIED BY THE  
19 DEPARTMENT, BUT NOT LATER THAN SEVEN DAYS AFTER THE DISPENSING  
20 OF A CONTROLLED SUBSTANCE MONITORED BY PAMS. THE DEPARTMENT  
21 SHALL IMPLEMENT A REAL-TIME REPORTING REQUIREMENT AS  
22 EXPEDITIOUSLY AS POSSIBLE.

23       (C) MAINTENANCE.--THE DEPARTMENT SHALL MAINTAIN PAMS IN AN  
24 ELECTRONIC FILE OR BY OTHER MEANS ESTABLISHED BY THE DEPARTMENT  
25 TO FACILITATE USE OF THE DATABASE.

26       (D) RECORDKEEPING.--THE DEPARTMENT SHALL MAINTAIN A RECORD  
27 OF PAMS QUERIES FOR REFERENCE, INCLUDING:

28               (1) IDENTIFICATION OF EACH PERSON WHO REQUESTS OR  
29 RECEIVES INFORMATION FROM PAMS.

30               (2) THE INFORMATION PROVIDED TO EACH PERSON.



1           (3) THE DATE AND TIME THE INFORMATION IS REQUESTED AND  
2           PROVIDED.

3           (E) EXPUNGEMENT.--THE DEPARTMENT SHALL REMOVE FROM PAMS ALL  
4           IDENTIFYING INFORMATION MORE THAN SIX YEARS OLD FROM THE DATE OF  
5           COLLECTION. SUCH INFORMATION SHALL THEN BE DESTROYED UNLESS A  
6           LAW ENFORCEMENT AGENCY OR A PROFESSIONAL LICENSING OR  
7           CERTIFICATION AGENCY OR BOARD FOR PRESCRIBERS OR DISPENSERS HAS  
8           SUBMITTED A WRITTEN REQUEST TO THE DEPARTMENT FOR RETENTION OF  
9           SPECIFIC INFORMATION. ALL REQUESTS SHALL COMPLY WITH PROCEDURES  
10          ADOPTED BY THE DEPARTMENT.

11          § 2708. ACCESS TO PRESCRIPTION INFORMATION.

12          (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (C),  
13          PRESCRIPTION INFORMATION SUBMITTED TO THE DEPARTMENT AND RECORDS  
14          OF REQUESTS TO QUERY THE DATA SHALL BE CONFIDENTIAL AND NOT  
15          SUBJECT TO DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,  
16          NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

17          (B) PRIVACY PROCEDURES.--THE DEPARTMENT SHALL MAINTAIN  
18          PROCEDURES TO ENSURE THAT THE PRIVACY AND CONFIDENTIALITY OF  
19          PATIENTS AND PATIENT INFORMATION COLLECTED, RECORDED,  
20          TRANSMITTED AND MAINTAINED IS NOT DISCLOSED TO PERSONS EXCEPT  
21          THOSE ENUMERATED IN SUBSECTION (C).

22          (C) LIMITED AVAILABILITY.--THE DEPARTMENT SHALL MAKE  
23          INFORMATION IN PAMS AVAILABLE ONLY TO THE FOLLOWING PERSONS AND  
24          IN ACCORDANCE WITH DEPARTMENT REGULATIONS:

25               (1) PERSONNEL OF THE DEPARTMENT SPECIFICALLY ASSIGNED TO  
26               CONDUCT INTERNAL REVIEWS RELATED TO CONTROLLED SUBSTANCES  
27               LAWS UNDER THE JURISDICTION OF THE DEPARTMENT.

28               (2) AUTHORIZED DEPARTMENT PERSONNEL ENGAGED IN ANALYSIS  
29               OF CONTROLLED SUBSTANCE PRESCRIPTION INFORMATION AS A PART OF  
30               THE ASSIGNED DUTIES AND RESPONSIBILITIES OF THEIR EMPLOYMENT.

1       (3) QUALIFIED PERSONNEL FOR THE PURPOSE OF BONA FIDE  
2 RESEARCH OR EDUCATION. DATA ELEMENTS THAT WOULD REASONABLY  
3 IDENTIFY A SPECIFIC RECIPIENT, PRESCRIBER OR DISPENSER SHALL  
4 BE DELETED OR REDACTED FROM SUCH INFORMATION PRIOR TO  
5 DISCLOSURE. RELEASE OF THE INFORMATION SHALL ONLY BE MADE  
6 PURSUANT TO A WRITTEN AGREEMENT BETWEEN SUCH QUALIFIED  
7 PERSONNEL AND THE DEPARTMENT IN ORDER TO ENSURE COMPLIANCE  
8 WITH THIS CHAPTER.

9       (4) A PRACTITIONER, OR A REPRESENTATIVE EMPLOYED BY THE  
10 PRACTITIONER, DESIGNATED BY THE PRACTITIONER PURSUANT TO  
11 CRITERIA ESTABLISHED BY THE DEPARTMENT, HAVING AUTHORITY TO  
12 PRESCRIBE CONTROLLED SUBSTANCES, TO THE EXTENT THAT THE  
13 INFORMATION RELATES TO A CURRENT PATIENT OF THE PRACTITIONER  
14 TO WHOM THE PRACTITIONER IS PRESCRIBING OR CONSIDERING  
15 PRESCRIBING ANY CONTROLLED SUBSTANCE.

16       (5) A PHARMACIST, OR A DESIGNEE EMPLOYED BY THE  
17 PHARMACIST, DESIGNATED BY THE PHARMACIST PURSUANT TO CRITERIA  
18 ESTABLISHED BY THE DEPARTMENT, HAVING AUTHORITY TO DISPENSE  
19 CONTROLLED SUBSTANCES TO THE EXTENT THE INFORMATION RELATES  
20 SPECIFICALLY TO A CURRENT PATIENT TO WHOM THAT PHARMACIST IS  
21 DISPENSING OR CONSIDERING DISPENSING ANY CONTROLLED  
22 SUBSTANCE.

23       (6) A DESIGNATED REPRESENTATIVE FROM THE COMMONWEALTH OR  
24 OUT-OF-STATE AGENCY OR BOARD RESPONSIBLE FOR LICENSING OR  
25 CERTIFYING PRESCRIBERS OR DISPENSERS WHO IS INVOLVED IN A  
26 BONA FIDE INVESTIGATION OF A PRESCRIBER OR DISPENSER WHOSE  
27 PROFESSIONAL PRACTICE WAS OR IS REGULATED BY THAT AGENCY OR  
28 BOARD.

29       (7) A MEDICAL EXAMINER OR COUNTY CORONER FOR THE PURPOSE  
30 OF INVESTIGATING THE DEATH OF AN INDIVIDUAL.

1       (8) A DESIGNATED PRESCRIPTION MONITORING OFFICIAL OF A  
2       STATE WITH WHICH THIS COMMONWEALTH HAS AN INTEROPERABILITY  
3       AGREEMENT MAY ACCESS PRESCRIPTION MONITORING INFORMATION IN  
4       ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND PROCEDURES  
5       ADOPTED BY THE DEPARTMENT.

6       (9) AN INDIVIDUAL WHO IS THE RECIPIENT OF A CONTROLLED  
7       SUBSTANCE PRESCRIPTION ENTERED INTO PAMS UPON PROVIDING  
8       EVIDENCE SATISFACTORY TO THE PAMS MANAGER THAT THE INDIVIDUAL  
9       REQUESTING THE INFORMATION IS IN FACT THE PERSON ABOUT WHOM  
10      THE DATA ENTRY WAS MADE.

11      (10) THE OFFICE OF ATTORNEY GENERAL OF PENNSYLVANIA OR  
12      THE EQUIVALENT LAW ENFORCEMENT OFFICER OF ANOTHER STATE MAY  
13      ACCESS INFORMATION FROM THE PAMS FOR A BONA FIDE  
14      INVESTIGATION OF A CRIMINAL VIOLATION OF LAW GOVERNING  
15      CONTROLLED SUBSTANCES.

16      (D) DISPENSER ACCESS.--NO PERSON SHALL KNOWINGLY HINDER A  
17      PHARMACIST OR PRACTITIONER WHO DISPENSES WHO IS ELIGIBLE TO  
18      RECEIVE INFORMATION FROM PAMS FROM REQUESTING AND RECEIVING SUCH  
19      INFORMATION IN A TIMELY FASHION.

20      § 2709. UNLAWFUL ACTS AND PENALTIES.

21      (A) KNOWING AND INTENTIONAL RELEASE OR USE.--A PERSON MAY  
22      NOT KNOWINGLY AND INTENTIONALLY USE, RELEASE, PUBLISH OR  
23      OTHERWISE MAKE AVAILABLE ANY INFORMATION OBTAINED FROM PAMS FOR  
24      ANY PURPOSE OTHER THAN THOSE SPECIFIED IN SECTION 2708(C)  
25      (RELATING TO ACCESS TO PRESCRIPTION INFORMATION). A PERSON WHO  
26      DOES KNOWINGLY AND INTENTIONALLY RELEASE OR USE INFORMATION FROM  
27      PAMS THAT IS NOT AUTHORIZED IN SECTION 2708(C) COMMITS A FELONY  
28      OF THE THIRD DEGREE AND IS SUBJECT TO A CIVIL PENALTY OF NOT  
29      LESS THAN \$5,000, OR SHALL BE SENTENCED TO IMPRISONMENT OF NOT  
30      MORE THAN 90 DAYS, OR BOTH, FOR EACH OFFENSE.

1 (B) MISREPRESENTATION OR FRAUD.--ANY PERSON WHO OBTAINS OR  
2 ATTEMPTS TO OBTAIN INFORMATION FROM PAMS BY MISREPRESENTATION OR  
3 FRAUD COMMITS A FELONY OF THE THIRD DEGREE.

4 (C) UNAUTHORIZED PURPOSE.--ANY PERSON WHO OBTAINS OR  
5 ATTEMPTS TO OBTAIN INFORMATION FROM PAMS FOR A PURPOSE OTHER  
6 THAN A PURPOSE AUTHORIZED BY THIS SECTION OR BY DEPARTMENT  
7 REGULATIONS COMMITS A FELONY OF THE THIRD DEGREE.

8 (D) CIVIL VIOLATION.--THE PROCEDURE FOR DETERMINING A CIVIL  
9 VIOLATION OF THIS SUBSECTION SHALL BE IN ACCORDANCE WITH  
10 DEPARTMENT REGULATIONS. CIVIL PENALTIES ASSESSED UNDER THIS  
11 SUBSECTION SHALL BE DEPOSITED IN THE GENERAL FUND, APPROPRIATED  
12 TO THE DEPARTMENT AND DEDICATED TO THE CONTROLLED SUBSTANCE PAMS  
13 OPERATIONS.

14 (E) FAILURE TO SUBMIT.--THE FAILURE OF A DISPENSER TO SUBMIT  
15 INFORMATION TO PAMS AS REQUIRED UNDER THIS SECTION, AFTER THE  
16 DEPARTMENT HAS SUBMITTED A SPECIFIC WRITTEN REQUEST FOR THE  
17 INFORMATION OR WHEN THE DEPARTMENT DETERMINES THE INDIVIDUAL HAS  
18 A DEMONSTRABLE PATTERN OF KNOWING THAT FAILURE TO SUBMIT THE  
19 INFORMATION AS REQUIRED, IS GROUNDS FOR THE APPROPRIATE  
20 LICENSING BOARD TO TAKE THE FOLLOWING ACTION IN ACCORDANCE WITH  
21 THE APPROPRIATE LICENSING ACT.

22 (1) PROHIBIT AN INTERNET PHARMACY FROM CONDUCTING  
23 BUSINESS IN THIS COMMONWEALTH.

24 (2) REFUSE TO ISSUE A LICENSE TO THE INDIVIDUAL.

25 (3) REFUSE TO RENEW THE INDIVIDUAL'S LICENSE.

26 (4) REVOKE, SUSPEND, RESTRICT OR PLACE ON PROBATION THE  
27 LICENSE.

28 (5) ISSUE A PUBLIC OR PRIVATE REPRIMAND TO THE  
29 INDIVIDUAL.

30 (6) ISSUE A CEASE AND DESIST ORDER.

1       (7) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR  
2       EACH FAILURE TO SUBMIT INFORMATION REQUIRED BY THIS ACT.  
3       § 2710. EDUCATION AND TREATMENT.

4       (A) GENERAL RULE.--WITH THE INPUT AND ADVICE OF THE ADVISORY  
5       COMMITTEE, THE DEPARTMENT SHALL:

6           (1) ASSIST THE APPROPRIATE AGENCY, BOARD OR ASSOCIATION  
7           FOR EACH CATEGORY OF AUTHORIZED USER IN THIS ACT TO  
8           INCORPORATE THE APPROPRIATE INFORMATION REGARDING PAMS INTO  
9           THE TRAINING, EDUCATION OR INSTRUCTION PROVIDED TO EACH  
10          CATEGORY OF AUTHORIZED USER;

11          (2) ASSIST THE STATE OR REGIONAL CHAPTER OF THE AMERICAN  
12          SOCIETY OF ADDICTION MEDICINE, THE PENNSYLVANIA MEDICAL  
13          SOCIETY, THE PENNSYLVANIA ACADEMY OF FAMILY PHYSICIANS AND  
14          THE PENNSYLVANIA COALITION OF NURSE PRACTITIONERS TO DEVELOP  
15          A CONTINUING EDUCATION COURSE FOR HEALTH CARE PROFESSIONALS  
16          ON PRESCRIBING PRACTICES, PHARMACOLOGY AND IDENTIFICATION,  
17          REFERRAL AND TREATMENT OF PATIENTS ADDICTED TO OR ABUSING  
18          CONTROLLED SUBSTANCES MONITORED BY PAMS; AND

19          (3) IMPLEMENT, OR ASSIST OTHER APPROPRIATE AGENCIES TO  
20          IMPLEMENT, AN EDUCATIONAL PROGRAM TO INFORM THE PUBLIC ABOUT  
21          THE USE, DIVERSION AND ABUSE OF, ADDICTION TO AND TREATMENT  
22          FOR THE ADDICTION TO THE CONTROLLED SUBSTANCES MONITORED BY  
23          PAMS, INCLUDING THE NATURE AND SCOPE OF PAMS.

24       (B) REFERRAL.--WITH THE INPUT AND ADVICE OF THE ADVISORY  
25       COMMITTEE, THE DEPARTMENT SHALL REFER PRESCRIBERS AND DISPENSERS  
26       IT HAS REASON TO BELIEVE MAY BE IMPAIRED TO THE APPROPRIATE  
27       PROFESSIONAL LICENSING OR CERTIFICATION AGENCY, AND TO THE  
28       APPROPRIATE IMPAIRED PROFESSIONALS ASSOCIATIONS, TO PROVIDE  
29       INTERVENTION, ASSESSMENT AND REFERRAL TO ALCOHOL AND OTHER DRUG  
30       ADDICTION TREATMENT PROGRAMS, AND ONGOING MONITORING AND FOLLOW-

1 UP.

2 (C) IDENTIFICATION.--WITH THE INPUT AND ADVICE OF THE  
3 ADVISORY COMMITTEE, THE DEPARTMENT SHALL WORK WITH THE PATIENT'S  
4 INDIVIDUAL PRACTITIONER AND THE APPROPRIATE ALCOHOL AND OTHER  
5 DRUG ADDICTION TREATMENT PROFESSIONALS TO PROVIDE THAT PATIENTS  
6 IDENTIFIED THROUGH PAMS AS POTENTIALLY ADDICTED TO A CONTROLLED  
7 SUBSTANCE ARE ASSESSED AND REFERRED TO ALCOHOL AND OTHER DRUG  
8 ADDICTION TREATMENT PROGRAMS.

9 § 2711. IMMUNITY.

10 AN INDIVIDUAL WHO HAS SUBMITTED TO OR RECEIVED INFORMATION  
11 FROM PAMS IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD  
12 CIVILLY LIABLE OR DISCIPLINED IN A LICENSING BOARD ACTION FOR  
13 HAVING SUBMITTED THE INFORMATION OR FOR NOT SEEKING OR OBTAINING  
14 INFORMATION FROM THE PRESCRIPTION MONITORING PROGRAM PRIOR TO  
15 PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT.

16 § 2712. ADDITIONAL PROVISIONS.

17 (A) FUNDING.--A PRACTITIONER OR A PHARMACIST SHALL NOT BE  
18 REQUIRED TO PAY A FEE OR TAX SPECIFICALLY DEDICATED TO  
19 ESTABLISHMENT, OPERATION OR MAINTENANCE OF THE SYSTEM.

20 (B) COSTS.--ALL COSTS ASSOCIATED WITH RECORDING AND  
21 SUBMITTING DATA AS REQUIRED IN THIS SECTION SHALL BE ASSUMED BY  
22 THE SUBMITTING DISPENSER.

23 (C) USE OF DATA.--EXCEPT AS PROVIDED IN SUBSECTION (D), DATA  
24 PROVIDED TO, MAINTAINED IN OR ACCESSED FROM PAMS THAT MAY BE  
25 IDENTIFIED TO, OR WITH, A PARTICULAR PERSON IS NOT SUBJECT TO  
26 DISCOVERY, SUBPOENA OR SIMILAR COMPULSORY PROCESS IN ANY CIVIL,  
27 JUDICIAL, ADMINISTRATIVE OR LEGISLATIVE PROCEEDING, NOR SHALL  
28 ANY INDIVIDUAL OR ORGANIZATION WITH LAWFUL ACCESS TO THE DATA BE  
29 COMPELLED TO TESTIFY WITH REGARD TO THE DATA.

30 (D) EXCEPTIONS.--THE RESTRICTIONS IN SUBSECTION (C) DO NOT

1 APPLY TO:

2 (1) A CRIMINAL PROCEEDING.

3 (2) A CIVIL, JUDICIAL OR ADMINISTRATIVE ACTION BROUGHT  
4 TO ENFORCE THE PROVISIONS OF THIS SECTION.

5 § 2713. USE OF MONEY COLLECTED.

6 (A) GENERAL RULE.--THE DEPARTMENT MAY USE THE MONEYS  
7 DEPOSITED IN THE GENERAL FUND AND APPROPRIATED TO THE DEPARTMENT  
8 FOR THE FOLLOWING PURPOSES:

9 (1) MAINTENANCE AND REPLACEMENT OF PAMS EQUIPMENT,  
10 INCLUDING HARDWARE AND SOFTWARE.

11 (2) TRAINING OF STAFF.

12 (3) PURSUIT OF GRANTS AND MATCHING FUNDS.

13 (B) COLLECTIONS.--THE DEPARTMENT MAY COLLECT ANY PENALTY  
14 IMPOSED UNDER SECTION 2707 (RELATING TO UNLAWFUL ACTS AND  
15 PENALTIES) AND WHICH IS NOT PAID BY BRINGING AN ACTION IN THE  
16 COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PERSON OWING  
17 THE DEBT RESIDES OR IN THE COUNTY WHERE THE DEPARTMENT IS  
18 LOCATED.

19 (C) LEGAL ASSISTANCE.--THE DEPARTMENT MAY SEEK LEGAL  
20 ASSISTANCE FROM THE ATTORNEY GENERAL OR THE COUNTY OR DISTRICT  
21 ATTORNEY OF THE COUNTY IN WHICH THE ACTION IS BROUGHT TO COLLECT  
22 THE FINE.

23 (D) ATTORNEY FEES AND COSTS.--THE COURT SHALL AWARD  
24 REASONABLE ATTORNEY FEES AND COSTS TO THE DEPARTMENT FOR  
25 SUCCESSFUL COLLECTION ACTIONS UNDER SECTION 2707.

26 § 2714. RULES AND REGULATIONS.

27 THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS SETTING  
28 FORTH THE PROCEDURES AND METHODS FOR IMPLEMENTING THIS CHAPTER.  
29 AT A MINIMUM, THE RULES AND REGULATIONS SHALL INCLUDE THE  
30 FOLLOWING:

1       (1) EFFECTIVELY ENFORCE THE LIMITATIONS ON ACCESS TO  
2       PAMS PRESCRIBED IN SECTION 2708 (RELATING TO ACCESS TO  
3       PRESCRIPTION INFORMATION).

4       (2) ESTABLISH STANDARDS AND PROCEDURES TO ENSURE  
5       ACCURATE IDENTIFICATION OF INDIVIDUALS REQUESTING INFORMATION  
6       OR RECEIVING INFORMATION FROM PAMS.

7       (3) ALLOW ADEQUATE TIME FOLLOWING IMPLEMENTATION OF THIS  
8       CHAPTER FOR DISPENSERS AND PRACTITIONERS TO MAKE THE CHANGES  
9       TO THEIR OPERATIONAL SYSTEMS NECESSARY TO COMPLY WITH THIS  
10      CHAPTER.

11      (4) ALLOW FOR DISPENSERS TO HAVE EASE OF TRANSITION TO  
12      COMPLY WITH THE REQUIREMENTS OF THE PHARMACEUTICAL  
13      ACCOUNTABILITY MONITORING SYSTEM.

14      (5) NOT PLACE AN UNDUE BURDEN ON LAW ENFORCEMENT SEEKING  
15      INFORMATION RELATED TO AN INVESTIGATION.

16      (6) DISPENSERS AND PRACTITIONERS LICENSED TO PRACTICE IN  
17      THIS COMMONWEALTH SHALL NOT BE HELD LIABLE FOR FAILURE TO  
18      COMPLY WITH PAMS REQUIREMENTS UNTIL ALL CHANGES ARE FULLY  
19      OPERATIONAL AND DISPENSERS AND PRACTITIONERS HAVE HAD  
20      ADEQUATE TIME TO MAKE NECESSARY ADJUSTMENTS TO OPERATING  
21      SYSTEMS AND TO RECEIVE TRAINING TO FULLY ACCOMMODATE SUCH  
22      CHANGES UPON PROMULGATION OF THE REGULATIONS, BUT NOT LATER  
23      THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

24      (7) DISPENSERS WHO CAN SHOW GOOD CAUSE FOR NOT  
25      SUBMITTING DATA ELECTRONICALLY MAY BE AUTHORIZED TO SUBMIT  
26      DATA MANUALLY IF THEY LACK INTERNET ACCESS.

27      § 2715. EVALUATION, DATA ANALYSIS AND REPORTING.

28      (A) GENERAL RULE.--THE DEPARTMENT SHALL DESIGN AND IMPLEMENT  
29      AN EVALUATION COMPONENT TO IDENTIFY:

30      (1) COST BENEFITS OF PAMS;



1       (2) THE IMPACT ON EFFORTS TO REDUCE MISUSE, ABUSE,  
2       OVERDOSE AND DIVERSION OF, OR ADDICTION TO, CONTROLLED  
3       SUBSTANCES;

4       (3) THE IMPACT ON PRESCRIBING PRACTICES FOR CONTROLLED  
5       SUBSTANCES;

6       (4) THE NUMBER OF PATIENTS IDENTIFIED THROUGH PAMS AS  
7       POTENTIALLY ADDICTED TO A CONTROLLED SUBSTANCE THAT WERE  
8       ASSESSED FOR ALCOHOL AND OTHER DRUG ADDICTIONS;

9       (5) THE NUMBER OF PATIENTS IN PARAGRAPH (4) THAT  
10       RECEIVED ALCOHOL AND OTHER DRUG ADDICTION TREATMENT AND THE  
11       NAMES OF THE LICENSED ALCOHOL AND OTHER DRUG ADDICTION  
12       TREATMENT FACILITIES IN WHICH THE PATIENTS WERE TREATED;

13       (6) THE PROGRESS MADE IN IMPLEMENTING REAL-TIME  
14       REPORTING; AND

15       (7) OTHER INFORMATION RELEVANT TO POLICY, RESEARCH AND  
16       EDUCATION INVOLVING CONTROLLED SUBSTANCES AND DRUGS OF  
17       CONCERN MONITORED BY PAMS.

18       (B) ANNUAL REPORT.--THE DEPARTMENT SHALL ANNUALLY REPORT THE  
19       INFORMATION SPECIFIED IN SUBSECTION (A) TO THE PUBLIC HEALTH AND  
20       WELFARE COMMITTEE OF THE SENATE, THE HUMAN SERVICES COMMITTEE OF  
21       THE HOUSE OF REPRESENTATIVES, THE UNITED STATES DEPARTMENT OF  
22       JUSTICE, THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
23       ADMINISTRATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY AND  
24       MEMBERS OF PENNSYLVANIA'S UNITED STATES CONGRESSIONAL  
25       DELEGATION. ADDITIONALLY, THE DEPARTMENT SHALL MAKE THE ANNUAL  
26       REPORT AVAILABLE TO THE PUBLIC ON ITS PUBLICLY ACCESSIBLE  
27       INTERNET WEBSITE.

28       § 2716. CONCURRENT JURISDICTION.

29       THE ATTORNEY GENERAL SHALL HAVE CONCURRENT PROSECUTORIAL  
30       JURISDICTION WITH THE COUNTY DISTRICT ATTORNEY FOR VIOLATIONS OF

1 THIS CHAPTER. NO PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER  
2 BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE THE  
3 AUTHORITY OF THE ATTORNEY GENERAL TO PROSECUTE THE CASE AND, IF  
4 ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE DISMISSED AND  
5 NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH  
6 TO THE PERSON MAKING THE CHALLENGE.

7       SECTION 2. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY  
8 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR  
9 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT  
10 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN  
11 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

12       SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.