

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1202 Session of
2015

INTRODUCED BY YAW, WOZNIAK, SABATINA, VOGEL, FARNESE, RAFFERTY,
HUTCHINSON, BLAKE, BARTOLOTTA, MENSCH, YUDICHAK, WAGNER,
FOLMER, VULAKOVICH, WARD, STEFANO, HUGHES, BROWNE, SCARNATI,
WILLIAMS, SCHWANK AND SCAVELLO, MAY 2, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 25, 2016

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," ~~providing for licensing~~ <--
6 ~~boards to require education in pain management and dispensing~~
7 ~~and prescribing practices of opioids~~ FURTHER PROVIDING FOR <--
8 DEFINITIONS, FOR POWERS AND DUTIES OF BOARD, FOR REQUIREMENTS
9 FOR DISPENSERS AND PHARMACIES AND FOR REQUIREMENTS FOR
10 PRESCRIBERS; AND PROVIDING FOR LICENSING BOARDS TO REQUIRE <--
11 EDUCATION IN PAIN MANAGEMENT, ADDICTION AND PRESCRIBING AND
12 DISPENSING PRACTICES FOR OPIOIDS.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. The act of October 27, 2014 (P.L.2911, No.191),~~ <--
16 ~~known as the Achieving Better Care by Monitoring All~~
17 ~~Prescriptions Program (ABC MAP) Act, is amended by adding a~~
18 ~~section to read:~~

19 ~~Section 9.1. Licensing boards to require education in pain~~ <--
20 ~~management and dispensing and prescribing practices~~
21 ~~of opioids.~~

1 ~~(a) General rule. Except as otherwise provided for in~~
2 ~~subsection (c), each licensing board in the Department of State~~
3 ~~jurisdiction over professional licensees who are dispensers or~~
4 ~~prescribers shall require:~~

5 ~~(1) Individuals applying for an initial license or~~
6 ~~certification issued by the licensing board, which license or~~
7 ~~certification authorizes the licensee to be a dispenser or~~
8 ~~prescriber, shall submit, no later than 12 months after~~
9 ~~obtaining an initial license or certification, documentation~~
10 ~~acceptable to the licensing board of the completion of at~~
11 ~~least two hours of education in pain management and at least~~
12 ~~two hours of education in the dispensing or prescribing~~
13 ~~practices of opioids. The education may occur as part of the~~
14 ~~applicants' professional degree educational program.~~

15 ~~(2) Dispensers and prescribers applying for the renewal~~
16 ~~of a license or certification issued by the licensing board~~
17 ~~to complete at least two hours of education in pain~~
18 ~~management or two hours of education in the dispensing or~~
19 ~~prescribing practices of opioids as a portion of the total~~
20 ~~continuing education required for biennial renewal.~~

21 ~~(b) Consultation with department. Each licensing board~~
22 ~~shall, in consultation with the department, approve the~~
23 ~~curricula for the pain management and prescribing practices of~~
24 ~~opioids education.~~

25 ~~(c) Exception. The requirement in subsection (a)(2) shall~~
26 ~~not apply to a dispenser or prescriber who is exempt from the~~
27 ~~Drug Enforcement Administration's requirements for a~~
28 ~~registration number under 21 CFR Ch. II (relating to Drug~~
29 ~~Enforcement Administration, Department of Justice) and~~
30 ~~applicable State law.~~

1 SECTION 1. SECTION 3 THE ACT OF OCTOBER 27, 2014 (P.L.2911, <--
2 NO.191), KNOWN AS THE ACHIEVING BETTER CARE BY MONITORING ALL
3 PRESCRIPTIONS PROGRAM (ABC-MAP) ACT, IS AMENDED BY ADDING
4 DEFINITIONS TO READ:

5 SECTION 3. DEFINITIONS.

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

9 * * *

10 "BENZODIAZEPINE." A PSYCHOACTIVE DRUG WHOSE CORE CHEMICAL
11 STRUCTURE IS THE FUSION OF A BENZENE RING AND A DIAZEPINE RING
12 AND WORKS ON THE CENTRAL NERVOUS SYSTEM, ACTING SELECTIVELY ON
13 GAMMA-AMINOBUTYRIC ACID TYPE A (GABA(A)) RECEPTORS IN THE BRAIN.

14 * * *

15 "OBSERVATION STATUS." WHEN A PATIENT RECEIVES ONSITE
16 SERVICES FROM THE HOSPITAL FOR MORE THAN 23 CONSECUTIVE HOURS,
17 THE ONSITE SERVICES RECEIVED BY THE PATIENT INCLUDE A HOSPITAL
18 BED AND MEALS THAT HAVE BEEN PROVIDED IN AN AREA OF THE HOSPITAL
19 OTHER THAN THE HOSPITAL EMERGENCY ROOM, AND THE PATIENT HAS NOT
20 BEEN FORMALLY ADMITTED AS AN INPATIENT AT THE HOSPITAL.

21 "OPIOID DRUG PRODUCT." ANY OF THE FOLLOWING:

22 (1) A PREPARATION OR DERIVATIVE OF OPIUM.

23 (2) A SYNTHETIC NARCOTIC THAT HAS OPIATE-LIKE EFFECTS,
24 BUT IS NOT DERIVED FROM OPIUM.

25 (3) A GROUP OF NATURALLY OCCURRING PEPTIDES THAT BIND AT
26 OR OTHERWISE INFLUENCE OPIATE RECEPTORS, INCLUDING OPIOID
27 AGONIST.

28 * * *

29 SECTION 2. SECTION 5(5) OF THE ACT IS AMENDED BY ADDING A
30 SUBPARAGRAPH TO READ:

1 SECTION 5. POWERS AND DUTIES OF BOARD.

2 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

3 * * *

4 (5) DEVELOP POLICIES AND PROCEDURES TO:

5 * * *

6 (XVI) REQUIRE AND ENSURE REGISTRATION OF ALL
7 PRESCRIBERS AND DISPENSERS WITH THE PROGRAM.

8 SECTION 3. SECTIONS 7(C) AND 8(A) OF THE ACT ARE AMENDED AND
9 THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

10 SECTION 7. REQUIREMENTS FOR DISPENSERS AND PHARMACIES.

11 * * *

12 (C) FREQUENCY.--A DISPENSER OR PHARMACY SHALL SUBMIT ALL
13 INFORMATION REQUIRED UNDER SUBSECTION (B) TO THE SYSTEM NO LATER
14 THAN [72 HOURS] THE CLOSE OF THE SUBSEQUENT BUSINESS DAY AFTER
15 DISPENSING A CONTROLLED SUBSTANCE.

16 * * *

17 (E) SYSTEM QUERY.--

18 (1) A DISPENSER SHALL QUERY THE SYSTEM BEFORE DISPENSING
19 AN OPIOID DRUG PRODUCT OR A BENZODIAZEPINE PRESCRIBED TO A
20 PATIENT IF ANY OF THE FOLLOWING APPLY:

21 (I) THE PATIENT IS A NEW PATIENT OF THE DISPENSER.

22 (II) THE PATIENT PAYS CASH WHEN THEY HAVE INSURANCE.

23 (III) THE PATIENT REQUESTS A REFILL EARLY.

24 (IV) THE PATIENT IS GETTING OPIOID DRUG PRODUCTS OR
25 BENZODIAZEPINES FROM MORE THAN ONE PRESCRIBER.

26 (2) FOR THE PURPOSES OF THIS SUBSECTION, A NEW PATIENT
27 DOES NOT INCLUDE AN INDIVIDUAL GOING TO THE SAME PHARMACY, OR
28 A DIFFERENT PHYSICAL LOCATION OF THAT PHARMACY, IF THE
29 PATIENT'S RECORD IS AVAILABLE TO THE DISPENSER.

30 SECTION 8. REQUIREMENTS FOR PRESCRIBERS.

1 (A) SYSTEM QUERY.--A PRESCRIBER SHALL QUERY THE SYSTEM:

2 (1) FOR EACH PATIENT THE FIRST TIME THE PATIENT IS
3 PRESCRIBED A CONTROLLED SUBSTANCE BY THE PRESCRIBER FOR
4 PURPOSES OF ESTABLISHING A BASELINE AND A THOROUGH MEDICAL
5 RECORD; [OR]

6 (2) IF A PRESCRIBER BELIEVES OR HAS REASON TO BELIEVE,
7 USING SOUND CLINICAL JUDGMENT, THAT A PATIENT MAY BE ABUSING
8 OR DIVERTING DRUGS[.]; OR

9 (3) EACH TIME A PATIENT IS PRESCRIBED AN OPIOID DRUG
10 PRODUCT OR BENZODIAZEPINE BY THE PRESCRIBER.

11 (A.1) QUERY NOT REQUIRED.--IF A PATIENT HAS BEEN ADMITTED TO
12 A LICENSED HEALTH CARE FACILITY OR IS IN OBSERVATION STATUS IN A
13 LICENSED HEALTH CARE FACILITY, THE PRESCRIBER DOES NOT NEED TO
14 QUERY THE SYSTEM AFTER THE INITIAL QUERY UNDER SUBSECTION (A) (1)
15 AS LONG AS THE PATIENT REMAINS ADMITTED TO THE LICENSED HEALTH
16 CARE FACILITY OR REMAINS IN OBSERVATION STATUS IN A LICENSED
17 HEALTH CARE FACILITY.

18 * * *

19 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

20 SECTION 9.1. LICENSING BOARDS TO REQUIRE EDUCATION IN PAIN <--

21 MANAGEMENT, ADDICTION AND PRESCRIBING AND DISPENSING
22 PRACTICES FOR OPIOIDS.

23 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED FOR IN
24 SUBSECTION (C), EACH LICENSING BOARD SHALL REQUIRE:

25 (1) INDIVIDUALS APPLYING FOR AN INITIAL LICENSE OR
26 CERTIFICATION ISSUED BY THE LICENSING BOARD, WHICH LICENSE OR
27 CERTIFICATION AUTHORIZES THE LICENSEE OR CERTIFICATE HOLDER
28 TO BE A DISPENSER OR PRESCRIBER, TO SUBMIT, NO LATER THAN 12
29 MONTHS AFTER OBTAINING AN INITIAL LICENSE OR CERTIFICATION,
30 DOCUMENTATION ACCEPTABLE TO THE LICENSING BOARD OF THE

1 COMPLETION OF AT LEAST TWO HOURS OF EDUCATION IN PAIN
2 MANAGEMENT OR IDENTIFICATION OF ADDICTION AND AT LEAST TWO
3 HOURS OF EDUCATION IN THE PRACTICES OF PRESCRIBING OR
4 DISPENSING OF OPIOIDS. THE EDUCATION MAY OCCUR AS PART OF THE
5 INDIVIDUAL'S PROFESSIONAL DEGREE EDUCATIONAL PROGRAM OR
6 CONTINUING EDUCATION PROGRAM.

7 (2) DISPENSERS AND PRESCRIBERS APPLYING FOR THE RENEWAL
8 OF A LICENSE OR CERTIFICATION TO COMPLETE AT LEAST TWO HOURS
9 OF CONTINUING EDUCATION IN PAIN MANAGEMENT, IDENTIFICATION OF
10 ADDICTION OR THE PRACTICES OF PRESCRIBING OR DISPENSING OF
11 OPIOIDS AS A PORTION OF THE TOTAL CONTINUING EDUCATION
12 REQUIRED FOR BIENNIAL RENEWAL.

13 (B) CONSULTATION WITH DEPARTMENT.--EACH LICENSING BOARD
14 SHALL, IN CONSULTATION WITH THE DEPARTMENT, APPROVE THE
15 CURRICULA FOR THE PAIN MANAGEMENT, IDENTIFICATION OF ADDICTION
16 AND THE PRACTICES OF PRESCRIBING AND DISPENSING OF OPIOIDS
17 EDUCATION.

18 (C) EXCEPTION.--THE REQUIREMENT IN SUBSECTION (A) (2) SHALL
19 NOT APPLY TO A PRESCRIBER WHO IS EXEMPT FROM THE DRUG
20 ENFORCEMENT ADMINISTRATION'S REQUIREMENTS FOR A REGISTRATION
21 NUMBER UNDER 21 CFR CH. II (RELATING TO DRUG ENFORCEMENT
22 ADMINISTRATION, DEPARTMENT OF JUSTICE) AND APPLICABLE STATE LAW
23 AND DOES NOT USE THE REGISTRATION NUMBER OF ANOTHER PERSON OR
24 ENTITY AS PERMITTED BY LAW TO PRESCRIBE CONTROLLED SUBSTANCES IN
25 ANY MANNER.

26 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM
27 "LICENSING BOARD" MEANS A LICENSING BOARD UNDER THE BUREAU OF
28 PROFESSIONAL AND OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE
29 WITH JURISDICTION OVER PROFESSIONAL LICENSEES OR CERTIFICATE
30 HOLDERS WHO ARE DISPENSERS OR PRESCRIBERS.

1 Section 2 5. This act shall take effect in 60 days.

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