

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2130 Session of 2018

INTRODUCED BY BENNINGHOFF, CALTAGIRONE, CORBIN, COX, DAVIS, EVERETT, A. HARRIS, JAMES, KAUFFMAN, KLUNK, MILLARD, NEILSON, NELSON, PASHINSKI, PICKETT, READSHAW, ROE, RYAN, SAYLOR, SNYDER, KEEFER, BARRAR, WATSON AND M. QUINN, MARCH 9, 2018

REFERRED TO COMMITTEE ON HUMAN SERVICES, MARCH 9, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,  
 2 as amended, "An act providing for and reorganizing the  
 3 conduct of the executive and administrative work of the  
 4 Commonwealth by the Executive Department thereof and the  
 5 administrative departments, boards, commissions, and officers  
 6 thereof, including the boards of trustees of State Normal  
 7 Schools, or Teachers Colleges; abolishing, creating,  
 8 reorganizing or authorizing the reorganization of certain  
 9 administrative departments, boards, and commissions; defining  
 10 the powers and duties of the Governor and other executive and  
 11 administrative officers, and of the several administrative  
 12 departments, boards, commissions, and officers; fixing the  
 13 salaries of the Governor, Lieutenant Governor, and certain  
 14 other executive and administrative officers; providing for  
 15 the appointment of certain administrative officers, and of  
 16 all deputies and other assistants and employes in certain  
 17 departments, boards, and commissions; providing for judicial  
 18 administration; and prescribing the manner in which the  
 19 number and compensation of the deputies and all other  
 20 assistants and employes of certain departments, boards and  
 21 commissions shall be determined," in powers and duties of the  
 22 Department of Drug and Alcohol Programs, providing for  
 23 medication-assisted treatment.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
 27 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 2302-A. Medication-assisted treatment.

3 (a) Rules and regulations.--The Department of Drug and  
4 Alcohol Programs, in consultation with the Department of Health  
5 and the Department of Human Services, shall promulgate rules and  
6 regulations for medication-assisted treatment. The rules and  
7 regulations shall include a requirement that if a patient  
8 receives medication-assisted treatment from a prescriber, the  
9 patient shall enroll at a facility licensed by the Department of  
10 Drug and Alcohol Programs for counseling as follows:

11 (1) An average of 2.5 hours of psychotherapy per month  
12 during a patient's first two years of medication-assisted  
13 treatment, one hour of which shall be individual  
14 psychotherapy. Additional psychotherapy may be provided as  
15 dictated by ongoing assessment of a patient.

16 (2) At least one hour per month of group or individual  
17 psychotherapy during the third and fourth year of medication-  
18 assisted treatment. Additional psychotherapy may be provided  
19 as dictated by ongoing assessment of a patient.

20 (3) After four years of medication-assisted treatment,  
21 at least one hour of group or individual psychotherapy every  
22 two months. Additional psychotherapy may be provided as  
23 dictated by ongoing assessment of a patient.

24 (4) A prescriber shall document the counseling in the  
25 medical record of a patient.

26 (b) Penalties.--The Department of Drug and Alcohol Programs  
27 shall impose an administrative penalty on a prescriber for a  
28 violation of the rules and regulations under subsection (a) as  
29 follows:

30 (1) For a first violation, \$1,000.

1           (2) For a section violation, \$3,000.

2           (3) For a third violation, the Department of Drug and  
3           Alcohol Programs shall notify the prescriber's licensure  
4           board of the violation and the licensure board shall revoke  
5           the prescriber's license.

6           (c) Emergency-certified regulations.--The regulations  
7           required under subsection (a) may be promulgated as emergency-  
8           certified regulations under section 6(d) of the act of June 25,  
9           1982 (P.L.633, No.181), known as the Regulatory Review Act.

10          (d) Definitions.--The following words and phrases when used  
11          in this section shall have the meanings given to them in this  
12          subsection unless the context clearly indicates otherwise:

13          "Counseling." Individualized psychotherapy services provided  
14          by a facility licensed by the Department of Drug and Alcohol  
15          Programs.

16          "Medication-assisted treatment." The use of medication for  
17          the treatment of a substance use disorder. The term shall  
18          include, but not be limited to, office-based addiction  
19          treatment.

20          "Prescriber." A person who is licensed, registered or  
21          otherwise lawfully authorized to distribute, dispense or  
22          administer a controlled substance, other drug or device in the  
23          course of professional practice or research in this  
24          Commonwealth, including a person operating under a waiver to  
25          practice opioid dependency treatment with approved buprenorphine  
26          medications under the Controlled Substances Act (Public Law 91-  
27          513, 84 Stat. 1236). The term does not include a veterinarian.

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