

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 317 Session of
2013

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AND FREEMAN, JANUARY 24, 2013

REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 24, 2013

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. Purpose.

13 2703. Scope of chapter.

14 2704. Definitions.

15 2705. Advisory committee.

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17 System.

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4 2709. Unlawful acts and penalties.

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9 2714. Rules and regulations.

10 2715. Evaluation, data analysis and reporting.

11 2716. Concurrent jurisdiction.

12 § 2701. Short title of chapter.

13 This chapter shall be known and may be cited as the

14 Pharmaceutical Accountability Monitoring System Act.

15 § 2702. Purpose.

16 The purpose of this chapter is to reduce the abuse of
17 controlled substances and fraud by providing a tool that will

18 ensure that practitioners making prescribing decisions have

19 complete and reliable information about what, if any, other

20 prescription drugs have recently been prescribed to their

21 patients. It is the purpose of this act to provide reporting

22 mechanisms, with full confidentiality protections, in which

23 dispensers report prescription information to a central

24 repository, in order to identify ultimate user and practitioner

25 behaviors that give rise to a reasonable suspicion that

26 prescription drugs are being inappropriately obtained or

27 prescribed, so that appropriate ameliorative and corrective

28 action, including treatment for individuals suffering from drug

29 and alcohol addiction, may be taken. This chapter is further

30 intended to help detect, refer to law enforcement and regulatory

1 agencies and deter prescription drug fraud and diversion.

2 § 2703. Scope of chapter.

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

9 § 2704. Definitions.

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

13 "Active investigation." An investigation that is being
14 conducted with a reasonable good faith belief that it could lead
15 to the filing of administrative, civil or criminal proceedings,
16 or that is ongoing and continuing and for which there is a
17 reasonable good faith anticipation of securing an arrest or
18 prosecution in the foreseeable future.

19 "Alcohol and other drug addiction treatment program." Any
20 facility or treatment program that is licensed by the
21 Commonwealth to provide alcohol and other drug addiction
22 treatment on a hospital, nonhospital residential or outpatient
23 basis.

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

29 "Database." The Pharmaceutical Accountability Monitoring
30 System established in section 2706 (relating to establishment of

1 Pharmaceutical Accountability Monitoring System).

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

3 "Dispense." To deliver a controlled substance, other drug or
4 device to an ultimate user by or pursuant to the lawful order of
5 a practitioner.

6 "Dispenser." A practitioner who dispenses in this
7 Commonwealth, including mail order and Internet sales of
8 pharmaceuticals. The term does not include any of the following:

9 (1) A licensed health care facility or long-term care
10 pharmacy that distributes such substances for the purpose of
11 inpatient hospital, long-term care facility administration or
12 licensed life provider.

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

15 (3) A wholesale distributor of a controlled substance.

16 (4) A hospice care provider.

17 (5) A medical practitioner at a health care facility
18 licensed by this Commonwealth if the quantity of controlled
19 substances dispensed is limited to an amount adequate to
20 treat the patient for a maximum of 24 hours with not more
21 than two 24-hour cycles within any 15-day period.

22 "Dispensing veterinarian." A veterinarian who dispenses in
23 this Commonwealth.

24 "Internet pharmacy." A person, entity or Internet site,
25 whether in the United States or abroad, that knowingly or
26 intentionally delivers, distributes or dispenses, or offers or
27 attempts to deliver, distribute or dispense, a controlled
28 substance by means of the Internet, including a pharmacy.

29 "Licensed health care facility." A health care facility that
30 is licensed under Article X of the act of June 13, 1967 (P.L.

1 31, No.21), known as the Public Welfare Code, or the act of July
2 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
3 Act.

4 "LIFE." The program of medical and supportive services known
5 as Living Independently for Elders.

6 "Mail-order pharmacy." A pharmacy that dispenses controlled
7 substances using the United States Postal Service or any express
8 delivery service.

9 "PAMS." The Pharmaceutical Accountability Monitoring System
10 established in section 2706 (relating to establishment of
11 Pharmaceutical Accountability Monitoring System).

12 "Practitioner." The term shall mean:

13 (1) a physician, dentist, pharmacist, podiatrist,
14 physician assistant, certified registered nurse practitioner,
15 dispensing veterinarian or other person licensed, registered
16 or otherwise permitted to distribute, dispense or to
17 administer a controlled substance, other drug or device in
18 the course of professional practice or research in this
19 Commonwealth; or

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

25 "Ultimate user." A person who lawfully possesses a
26 controlled substance, other drug, device or cosmetic for his own
27 use or for the use of a member of his household or for
28 administering to an animal in his care.

29 § 2705. Advisory committee.

30 (a) Establishment.--An advisory committee is established to

1 provide input and advice to the department regarding the
2 establishment and maintenance of PAMS, including, but not
3 limited to:

4 (1) Use of PAMS to improve patient care, to identify and
5 address addiction and to facilitate the goal of reducing
6 misuse, abuse, overdose, addiction to and diversion of
7 controlled substances and drugs of concern.

8 (2) Safeguards for the release of information to
9 authorized users.

10 (3) The confidentiality of prescription monitoring
11 information and the integrity of the patient's relationship
12 with the patient's health care provider.

13 (4) Development of criteria for referring prescription
14 monitoring information to a law enforcement or professional
15 licensing agency.

16 (5) Development of criteria for referring a prescriber,
17 dispensing veterinarian or dispenser to a professional
18 licensing agency or impaired professionals association.

19 (6) The design and implementation of training, education
20 or instruction.

21 (7) The provision of assessment and referral to alcohol
22 and other drug addiction treatment as part of any other
23 requirements of this chapter.

24 (8) Technical standards for electronic reporting of
25 prescription monitoring information.

26 (9) Technological improvements to facilitate the
27 interoperability of PAMS with other State prescription drug
28 monitoring programs and electronic health information systems
29 and to facilitate prescribers' and dispensers' access to and
30 use of PAMS.

1 (10) Proper analysis and interpretation of prescription
2 monitoring information.

3 (11) Design and implementation of an evaluation
4 component.

5 (12) Recommended appointments to the advisory committee.

6 (b) Confidentiality.--For the purpose of providing input and
7 advice pursuant to subsection (a), no advisory committee member
8 shall receive prescription monitoring information which
9 identifies, or could reasonably be used to identify, the
10 patient, prescriber, dispensing veterinarian, dispenser or other
11 person who is the subject of the information.

12 (c) Membership.--

13 (1) The department shall establish an advisory committee
14 comprised of the following:

15 (i) A representative recommended by the Department
16 of State representing the State Board of Medicine, the
17 State Board of Nursing and the State Board of Veterinary
18 Medicine.

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

Pennsylvania Coroners Association.

(vii) A representative recommended by the Drug and Alcohol Service Providers Organization of Pennsylvania.

(viii) A representative of chronic pain patients recommended by a physician with expertise in chronic pain management.

(ix) A representative of veterinary medicine with dispensing practice recommended by the Pennsylvania Veterinary Medical Association.

(2) The department may also appoint persons with recognized expertise, knowledge and experience in the establishment and maintenance of prescription monitoring programs, skills and expertise in alcohol and other drug addiction assessment and referral to addiction treatment or issues involving the misuse, abuse or diversion of, or the addiction to, controlled substances or drugs of concern.

(d) Quorum.--Nine members of the advisory committee shall constitute a quorum for the transaction of all business. The members shall elect a chairman and such other officers as deemed necessary whose duties shall be established by the advisory committee. The department shall convene the advisory committee at least quarterly using telecommunication whenever possible.

(e) Staff assistance.--The department shall provide the advisory committee with any staff services which may be necessary for the advisory committee to carry out its duties under this chapter.

§ 2706. Establishment of Pharmaceutical Accountability Monitoring System.

(a) General rule.--The department shall establish and administer the Pharmaceutical Accountability Monitoring System

1 (PAMS) for monitoring all controlled substances that are
2 dispensed within this Commonwealth by all practitioners,
3 dispensing veterinarians or dispensers, including, but not
4 limited to, a practitioner, dispensing veterinarian or dispenser
5 that dispenses to a person or ships to an address within this
6 Commonwealth.

7 (b) Data compliance.--Data required by this section shall be
8 submitted in compliance with this section to the department by
9 the pharmacy or other dispensing entity.

10 (c) Registration.--Each dispenser and practitioner
11 dispensing or prescribing controlled substances shall register
12 with and establish a user name and personal identification
13 number that permits access to the secure website housing PAMS
14 established by this chapter.

15 § 2707. Requirements for Pharmaceutical Accountability
16 Monitoring System.

17 (a) Submission.--The dispenser shall, regarding each
18 controlled substance dispensed, submit by electronic means to
19 the department the following information using methods of
20 transmission protocols and in a format established by the
21 department:

22 (1) Full name of the prescribing practitioner.

23 (2) Prescriber Drug Enforcement Agency (DEA)
24 registration number.

25 (3) Date the prescription was written.

26 (4) Date the prescription was dispensed.

27 (5) Full name, date of birth, gender and address of the
28 person for whom the prescription was written and dispensed.

29 (6) Name of the controlled substance.

30 (7) Quantity of the controlled substance prescribed.

1 (8) Strength of the controlled substance.
2 (9) Quantity of the controlled substance dispensed.
3 (10) Dosage quantity and frequency prescribed.
4 (11) Name of the pharmacy or other entity dispensing the
5 controlled substance.
6 (12) Dispensing entity's DEA registration number and
7 NPI.

8 (13) Source of payment for the prescription.
9 (14) Other relevant information as established by
10 department regulations.

11 (b) Veterinary dispensers.--The dispensing veterinarian
12 shall, regarding each controlled substance dispensed, submit by
13 electronic mail to the department the following information:

14 (1) Pet's name.
15 (2) Owner's name.
16 (3) Pet's or owner's address.
17 (4) Practice's name.
18 (5) Dispensing veterinarian's name.
19 (6) DEA license number.
20 (7) Date the prescription was written.
21 (8) Date the prescription was dispensed.
22 (9) Name of the controlled substance.
23 (10) Quantity and strength of the medication.
24 (11) Dosage and frequency of the medication.

25 (c) Frequency.--

26 (1) Each dispenser shall submit the information required
27 by this chapter not later than seven days after the
28 dispensing of a controlled substance monitored by PAMS. The
29 department shall implement a real-time reporting requirement
30 as expeditiously as possible.

1 (2) Each dispensing veterinarian shall submit the
2 information required by this chapter within six months of
3 dispensing a controlled substance monitored by PAMS to the
4 department.

5 (d) Maintenance.--The department shall maintain PAMS in an
6 electronic file or by other means established by the department
7 to facilitate use of the database.

8 (e) Recordkeeping.--The department shall maintain a record
9 of PAMS queries for reference, including:

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

12 (2) The information provided to each person.

13 (3) The date and time the information is requested and
14 provided.

15 (f) Expungement.--The department shall remove from PAMS all
16 identifying information more than six years old from the date of
17 collection. Such information shall then be destroyed unless a
18 law enforcement agency or a professional licensing or
19 certification agency or board for prescribers or dispensers has
20 submitted a written request to the department for retention of
21 specific information. All requests shall comply with procedures
22 adopted by the department.

23 § 2708. Access to prescription information.

24 (a) General rule.--Except as set forth in subsection (c),
25 prescription information submitted to the department and records
26 of requests to query the data shall be confidential and not
27 subject to disclosure under the act of February 14, 2008 (P.L.6,
28 No.3), known as the Right-to-Know Law.

29 (b) Privacy procedures.--The department shall maintain
30 procedures to ensure that the privacy and confidentiality of

1 patients and patient information collected, recorded,
2 transmitted and maintained is not disclosed to persons except
3 those enumerated in subsection (d).

4 (c) Queries.--

5 (1) A practitioner may query the data for an existing
6 patient.

7 (2) A practitioner may query the data for prescriptions
8 written using his or her own DEA number.

9 (3) A Federal or State law enforcement official whose
10 duties include enforcing laws relating to controlled
11 substances and prescription drugs shall be provided access to
12 the information from PAMS relating to the person who is the
13 subject of an active investigation of a drug abuse offense,
14 including, but not limited to, violations of the act of April
15 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
16 Drug, Device and Cosmetic Act, insurance fraud, medicare
17 fraud or medicaid fraud pursuant to an active investigation.

18 (d) Limited availability.--The department shall make
19 information in PAMS available only to the following persons and
20 in accordance with department regulations:

21 (1) Personnel of the department specifically assigned to
22 conduct internal reviews related to controlled substances
23 laws under the jurisdiction of the department.

24 (2) Authorized department personnel engaged in analysis
25 of controlled substance prescription information as a part of
26 the assigned duties and responsibilities of their employment.

27 (3) Qualified personnel for the purpose of bona fide
28 research or education. Data elements that would reasonably
29 identify a specific recipient, prescriber, dispensing
30 veterinarian or dispenser shall be deleted or redacted from

1 such information prior to disclosure. Release of the
2 information shall only be made pursuant to a written
3 agreement between such qualified personnel and the department
4 in order to ensure compliance with this chapter.

5 (4) A practitioner, dispensing veterinarian or a
6 representative employed by the practitioner, designated by
7 the practitioner pursuant to criteria established by the
8 department, having authority to prescribe controlled
9 substances, to the extent that the information relates to a
10 current patient of the practitioner or dispensing
11 veterinarian to whom the practitioner or dispensing
12 veterinarian is prescribing or considering prescribing any
13 controlled substance.

14 (5) A pharmacist, or a designee employed by the
15 pharmacist, designated by the pharmacist pursuant to criteria
16 established by the department, having authority to dispense
17 controlled substances to the extent the information relates
18 specifically to a current patient to whom that pharmacist is
19 dispensing or considering dispensing any controlled
20 substance.

21 (6) A designated representative from the Commonwealth or
22 out-of-State agency or board responsible for licensing or
23 certifying prescribers, dispensing veterinarians or
24 dispensers who is involved in a bona fide investigation of a
25 prescriber, dispensing veterinarian or dispenser whose
26 professional practice was or is regulated by that agency or
27 board.

28 (7) A medical examiner or county coroner for the purpose
29 of investigating the death of an individual.

30 (8) A designated prescription monitoring official of a

1 state with which this Commonwealth has an interoperability
2 agreement may access prescription monitoring information in
3 accordance with the provisions of this chapter and procedures
4 adopted by the department.

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

10 (10) The Office of Attorney General of Pennsylvania or
11 the equivalent law enforcement officer of another state may
12 access information from the PAMS for an active investigation
13 of a criminal violation of law governing controlled
14 substances.

15 (11) Authorized personnel of the Department of Public
16 Welfare engaged in the administration of the medical
17 assistance program.

18 (e) Dispenser access.--No person shall knowingly hinder a
19 pharmacist, dispensing veterinarian or practitioner who
20 dispenses who is eligible to receive information from PAMS from
21 requesting and receiving such information in a timely fashion.

22 § 2709. Unlawful acts and penalties.

23 (a) Knowing and intentional release or use.--A person may
24 not knowingly and intentionally use, release, publish or
25 otherwise make available any information obtained from PAMS for
26 any purpose other than those specified in section 2708(c)
27 (relating to access to prescription information). A person who
28 does knowingly and intentionally release or use information from
29 PAMS that is not authorized in section 2708(c) commits a felony
30 of the third degree and is subject to a civil penalty of not

1 less than \$5,000, or shall be sentenced to imprisonment of not
2 more than 90 days, or both, for each offense.

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

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

10 (d) Civil violation.--The procedure for determining a civil
11 violation of this subsection shall be in accordance with
12 department regulations. Civil penalties assessed under this
13 subsection shall be deposited in the General Fund, appropriated
14 to the department and dedicated to the controlled substance PAMS
15 operations.

16 (e) Failure to submit.--The failure of a dispenser or
17 dispensing veterinarian to submit information to PAMS as
18 required under this section, after the department has submitted
19 a specific written request for the information or when the
20 department determines the individual has a demonstrable pattern
21 of knowing that failure to submit the information as required,
22 is grounds for the appropriate licensing board to take the
23 following action in accordance with the appropriate licensing
24 act.

25 (1) Prohibit an Internet pharmacy from conducting
26 business in this Commonwealth.

27 (2) Refuse to issue a license to the individual.

28 (3) Refuse to renew the individual's license.

29 (4) Revoke, suspend, restrict or place on probation the
30 license.

1 (5) Issue a public or private reprimand to the
2 individual.

3 (6) Issue a cease and desist order.

4 (7) Impose a civil penalty of not more than \$1,000 for
5 each failure to submit information required by this act.

6 § 2710. Education and treatment.

7 (a) General rule.--With the input and advice of the advisory
8 committee, the department shall:

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

14 (2) assist the State or regional chapter of the American
15 Society of Addiction Medicine, the Pennsylvania Medical
16 Society, the Pennsylvania Veterinary Medical Association, the
17 Pennsylvania Academy of Family Physicians and the
18 Pennsylvania Coalition of Nurse Practitioners to develop a
19 continuing education course for health care professionals on
20 prescribing practices, pharmacology and identification,
21 referral and treatment of patients addicted to or abusing
22 controlled substances monitored by PAMS; and

23 (3) implement, or assist other appropriate agencies to
24 implement, an educational program to inform the public about
25 the use, diversion and abuse of, addiction to and treatment
26 for the addiction to the controlled substances monitored by
27 PAMS, including the nature and scope of PAMS.

28 (b) Referral.--With the input and advice of the advisory
29 committee, the department shall refer prescribers, dispensing
30 veterinarians 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.--With the input and advice of the advisory committee, the department shall work with the patient's individual practitioner and 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.

§ 2711. Immunity.

An individual who has submitted to or received information from PAMS in accordance with section 2706 (relating to establishment of Pharmaceutical Accountability Monitoring System) may not be held civilly liable or disciplined in a licensing board action for having submitted the information or for not seeking or obtaining information from the prescription monitoring program prior to prescribing or dispensing a controlled substance to an ultimate user.

§ 2712. 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 dispenser.

(c) Use of data.--Except as provided in subsection (d), data provided to, maintained in or accessed from PAMS that may be

1 identified to, or with, a particular person is not subject to
2 discovery, subpoena or similar compulsory process in any civil,
3 judicial, administrative or legislative proceeding, nor shall
4 any individual or organization with lawful access to the data be
5 compelled to testify with regard to the data.

6 (d) Exceptions.--The restrictions in subsection (c) do not
7 apply to:

8 (1) A criminal proceeding.

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

11 § 2713. Use of money collected.

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

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

17 (2) Training of staff.

18 (3) Pursuit of grants and matching funds.

19 (b) Collections.--The department may collect any penalty
20 imposed under section 2709 (relating to unlawful acts and
21 penalties) and which is not paid by bringing an action in the
22 court of common pleas of the county in which the person owing
23 the debt resides or in the county where the department is
24 located.

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

29 (d) Attorney fees and costs.--The court shall award
30 reasonable attorney fees and costs to the department for

1 successful collection actions under section 2709.

2 § 2714. Rules and regulations.

3 The department shall promulgate rules and regulations setting
4 forth the procedures and methods for implementing this chapter.

5 At a minimum, the rules and regulations shall include the
6 following:

7 (1) Effectively enforce the limitations on access to
8 PAMS prescribed in section 2708 (relating to access to
9 prescription information).

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

13 (3) Allow adequate time following implementation of this
14 chapter for dispensers, dispensing veterinarians and
15 practitioners to make the changes to their operational
16 systems necessary to comply with this chapter.

17 (4) Allow for dispensers and dispensing veterinarians to
18 have ease of transition to comply with the requirements of
19 the Pharmaceutical Accountability Monitoring System.

20 (5) Not place an undue burden on law enforcement seeking
21 information related to an investigation.

22 (6) Dispensers, dispensing veterinarians and
23 practitioners licensed to practice in this Commonwealth shall
24 not be held liable for failure to comply with PAMS
25 requirements until all changes are fully operational and
26 dispensers, dispensing veterinarians and practitioners have
27 had adequate time to make necessary adjustments to operating
28 systems and to receive training to fully accommodate such
29 changes upon promulgation of the regulations, but not later
30 than one year after the effective date of this chapter.

1 (7) Dispensers and dispensing veterinarians who can show
2 good cause for not submitting data electronically may be
3 authorized to submit data manually if they lack Internet
4 access.

5 § 2715. Evaluation, data analysis and reporting.

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

8 (1) cost benefits of PAMS;
9 (2) the impact on efforts to reduce misuse, abuse,
10 overdose and diversion of, or addiction to, controlled
11 substances;

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

14 (4) the number of ultimate users identified through PAMS
15 as potentially addicted to a controlled substance that were
16 assessed for alcohol and other drug addictions;

17 (5) the number of ultimate users in paragraph (4) that
18 received alcohol and other drug addiction treatment and the
19 names of the licensed alcohol and other drug addiction
20 treatment facilities in which the ultimate users were
21 treated;

22 (6) the progress made in implementing real-time
23 reporting; and

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

27 (b) Annual report.--The department shall annually report the
28 information specified in subsection (a) to the Public Health and
29 Welfare Committee of the Senate, the Human Services Committee of
30 the House of Representatives, the United States Department of

1 Justice, the Substance Abuse and Mental Health Services
2 Administration of the Office of National Drug Control Policy and
3 members of Pennsylvania's United States Congressional
4 delegation. Additionally, the department shall make the annual
5 report available to the public on its publicly accessible
6 Internet website.
7 § 2716. Concurrent jurisdiction.

8 The Attorney General shall have concurrent prosecutorial
9 jurisdiction with the county district attorney for violations of
10 this chapter. No person charged with a violation of this chapter
11 by the Attorney General shall have standing to challenge the
12 authority of the Attorney General to prosecute the case and, if
13 any such challenge is made, the challenge shall be dismissed and
14 no relief shall be available in the courts of this Commonwealth
15 to the person making the challenge.

16 Section 2. The provisions of this act are severable. If any
17 provision of this act or its application to any person or
18 circumstance is held invalid, the invalidity shall not affect
19 other provisions or applications of this act which can be given
20 effect without the invalid provision or application.

21 Section 3. This act shall take effect in 60 days.