



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 1367

PRINTERS NO. 2157

PRIME SPONSOR: Yaw

### COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
Commonwealth Funds	\$0	\$0

**SUMMARY:** Amends Title 35 (Health and Safety) to set guidelines for prescribing opioids to minors. Sections 5201 and 5202 would take effect immediately. The remainder of the legislation would take effect upon publication of the written consent form by the Bureau of Professional and Occupational Affairs.

**ANALYSIS:** This legislation amends Title 35 (Health and Safety) by adding a new chapter pertaining to prescribing opioids to minors.

**Administration:** A licensing board shall administer this new chapter as to prescribers under its jurisdiction. The Bureau of Professional and Occupational Affairs of the Department of State (BPOA) shall, in cooperation with the licensing boards, prescribe the form under section 5204(a)(3). The BPOA shall then transmit notice of the availability of the form to the Legislative Reference Bureau for publication in the PA Bulletin.

**Opioid Prohibition:** The following limitations are placed on the amounts prescribed:

- Any controlled substance containing an opioid unless the prescriber complies with section 5204 of the legislation.
- No more than a seven-day supply unless one of the following exceptions are met:
  - In the professional medical judgment of the prescriber, more than a seven-day supply is required to stabilize the minor's acute medical condition. In order for this exception to apply, the prescriber must do the following:
    - Document the acute medical condition in the minor's medical record.
    - Indicate the reason why a non-opioid is not appropriate.
  - The prescription is for one of the following:
    - The management of pain associated with cancer.
    - Use in palliative or hospice care.
    - Management of chronic pain not associated with cancer.

**Opioid Procedure:** Prior to issuing a minor the first prescription in a single course of treatment for a controlled substance containing an opioid, regardless of whether dosage is modified during the course of treatment, a prescriber is required to do all of the following:

- Assess whether the minor is taking/has taken prescription drugs for a substance abuse disorder.
- Discuss the following with the minor's parent, guardian or an authorized adult:
  - Risks of addiction and overdose associated with the medication.
  - Increased risk of addiction to individuals suffering from mental or substance abuse disorders.
  - The dangers of taking a controlled substance containing an opioid with benzodiazepines, alcohol or other central nervous system depressants.
  - Other information in the patient counseling section for controlled substances containing an opioid under 21 C.F.R. 201.57 (c)(18) deemed necessary by the prescriber.
- Obtain written consent from the minor's parent, guardian, or authorized adult on the form created by the BPOA under section 5202(b)(1). The form must contain all of the following information and shall be maintained in the minor's medical record:
  - Brand name or generic name and quantity of the medication.
  - A statement indicating that a controlled substance is a drug or other substance that the U.S. Drug Enforcement Agency (DEA) has identified as having a potential for abuse.
  - A statement certifying that the prescriber engaged in the discussion required under this legislation.
  - The number of refills authorized under the prescription.
  - A signature of a parent, guardian or authorized adult and the date of signing.

The requirements listed above do not apply if the minor's treatment with a controlled substance containing an opioid meets with the following criteria:

- Treatment is related to a medical emergency as documented in the minor's medical record.
- If compliance would be detrimental to the minor's health or safety in prescriber's professional judgment. The prescriber must document the factor or factors which the prescriber believed constituted cause for not fulfilling these requirements.

In cases where the consent form is signed by an authorized adult, the prescriber is only permitted to prescribe a 72-hour supply and shall indicate the quantity that is to be dispensed pursuant to the prescription.

**Penalties:** Violations subject a prescriber to administrative sanctions by the prescriber's licensing board under the applicable statute.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** October 24, 2016

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*