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To: All Senators
From: Senator John C. Rafferty, Jr. 
DATE: November 22, 2010
Subject: Co-sponsorship – Prescription Drugs, Forms for Distribution by Health (#16)

I will be re-introducing legislation, SB557, specifically targeting the growing problem of prescription drug diversion and prescription drug abuse.

My new legislation for this session expands the requirements contained in former Senate Bill 557. Along with Schedule II drugs, Schedule III and Schedule IV drugs would also be required to be prescribed using an official state prescription form. Legitimately approved Schedule II, III, and IV controlled substances such as Oxycodone, Hydrocodone, certain amphetamines, and various benzodiazepines, are becoming more readily available to unintended users through various methods of diversion. The use and demand for these drugs continues to rise making these drugs not only more dangerous but also more lucrative for those wishing to profit from their sale. Increased demand for prescription narcotics has pushed street prices for drugs such as Oxycodone as high as \$30 per tablet. The criminal activity associated with illicitly obtaining and distributing these drugs, as well as serious consequences of illicit use, including addiction and fatal overdose deaths, are becoming more common throughout the Commonwealth.

Along with combating the growing problem of diversion, this legislation would also address another issue which contributes to the loss of millions of dollars a year to the Commonwealth. Medicaid fraud has become increasingly more common and contributes to the illegal prescription drug market. By utilizing tamper proof prescription pads with built-in security protections, the Commonwealth would be able to significantly curtail fraudulent Medicaid claims and save millions of dollars. In fact, A New York law requiring doctors to use tamperproof, official state prescription for all written prescriptions generated \$60 million in Medicaid fraud savings in the first six months of accounting oversight in 2006.

This legislation would establish an official state prescription form for distribution by the Secretary of Health for use by medical professionals authorized to prescribe drugs. These forms will be serially numbered and non-transferable and would be required for use by a medical professional when prescribing any Schedule II, III or IV prescription drug. The Secretary of Health would also be granted the authority over directing the proper retention and filing of such prescription forms and would require the immediate notification of the Department of Health and the Attorney General's Office in the event that such forms are lost or stolen from a healthcare provider.

If you are interested in co-sponsoring this bill, please contact Sean Moll by email at smoll@pasen.gov or by phone at 783-0192.