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TO: All Senators

FROM: Senator John C. Rafferty, Jr. 

DATE: November 22, 2010

SUBJECT: Co-sponsorship: Immunity of Physicians for Reporting Illegal Drug Diversion (#35)

I plan to re-introduce legislation, SB746, to amend Title 42 to provide immunity to physicians for reporting suspected illicit use of a prescribed controlled substance.

As you are aware, physicians are on the front-line in the battle to curb illegal prescription drug diversion and abuse. Currently, when a physician reasonably suspects or has evidence that a patient may be illegally abusing or diverting a controlled substance, they cannot report this information to law enforcement officials because such a report would violate the Pennsylvania Medical Board confidentiality regulations (49 PA Code § 16.61(a)(1)); and the physician would also be liable in court for damages for breach of confidentiality.

My legislation will provide physicians with immunity when reporting suspected illicit use of prescribed controlled substances. This would be a powerful tool for physicians and law enforcement to work together to curb drug abuse. This legislation is supported by the PA Academy of Family Physicians.

If you would like to co-sponsor this legislation, please contact Cecilia Boyer at cboyer@pasen.gov or call 787-1398.

JCR/mm