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Senate of Pennsylvania

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TO: All Senators

DATE: December 20, 2010

FROM: Senator Michael J. Stack

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SUBJECT: Co-Sponsorship of Legislation

Prescription drug abuse is a growing problem. According to national statistics nearly 6-million Americans abuse prescription drugs. The National Community Pharmacists Association estimated the impact on U.S. health care costs to be more than \$100 million. The Drug Enforcement Agency has placed Pennsylvania on the list of states that have been hit hardest by the rise in prescription drug abuse.

In order to combat prescription drug abuse, I am reintroducing the following legislation from the 2009-2010 Session:

Senate Bill 494- Provides for the electronic monitoring of controlled substances dispensed by a pharmacist in Pennsylvania.

The legislation would require the Office of Attorney General to develop an electronic system for monitoring Schedule II and III controlled substances that are dispensed within Pennsylvania by a pharmacist or dispensed to an address within this Commonwealth by a pharmacy licensed by the State Board of Pharmacy. Schedule II and III controlled substances are exempt from the reporting required under this legislation if they are administered directly to a patient or the amount dispensed to patient by a practitioner at a facility licensed by the Department of Health is only adequate for 48 hours or less.

In order to keep the data collected by the electronic monitoring system private only a limited number of people are allowed to view the information. The data collected by the monitoring system can only be viewed by a designated representative of a board responsible for the licensure, regulation or discipline of medical practitioners and pharmacists, law enforcement officers, a state-operated Medicaid program, a properly convened grand jury, and a medical practitioner or pharmacist for the purposes of providing medical or pharmaceutical treatment to a bona fide current patient.

(OVER)

Any person who intentionally fails to transmit data to the Office of Attorney General as required by this legislation commits a misdemeanor of the third degree. Any person who intentionally discloses transmitted data to a person not authorized to receive it or obtains information under this act while not conducting a bona fide specific investigation commits a felony of the third degree.

Kentucky has implemented a successful electronic monitoring program that is similar to the one I am proposing. Kentucky's program has proven to be especially effective for doctors, who use it to identify doctor shoppers, which gives them greater confidence that they are prescribing medications to patients with legitimate needs. The White House Office of National Drug Control Policy has endorsed Kentucky's program and similar prescription drug monitoring programs. **Last session, this legislation was co-sponsored by Senators Alloway, Browne, Fontana, Hughes, Kasunic, Logan, Rafferty, Stout, Tartaglione.**

Senate Bill 495 – Provides for a third degree felony when a person steals a medical practitioner's prescription order form. **Last session, this legislation was co-sponsored by Senators Browne, Costa, Fontana, Hughes, Kasunic, Logan, Rafferty, Stout, Tartaglione**

Senate Bill 496 Makes it a third degree felony to steal a controlled substance from a person, medical office, pharmacy or other location that houses prescription drugs. **Last session, this legislation was co-sponsored by Senators Browne, Costa, Fontana, Hughes, Kasunic, Logan, Rafferty, Stout, Tartaglione.**

Senate Bill 497- Provides for a third-degree felony when a person acquires or attempts to acquire prescription drugs or prescription drug orders by knowingly misrepresenting or knowingly withholding information from a practitioner for the sole purpose of procuring a controlled substance for abuse or sale. This practice is commonly known as "doctor shopping". People who participate in doctor shopping usually visit multiple doctors for the same ailment with the intent to obtain controlled substances for abuse or sale. **Last session, this legislation was co-sponsored by Senators Browne, Costa, Fontana, Hughes, Kasunic, Logan, Rafferty, Stout, Tartaglione.**

If you would like to co-sponsor this legislation or if you have any questions, please contact my office at 7-9608.