

PRISONS AND PAROLE CODE - ESTABLISHING THE NONNARCOTIC
MEDICATION ASSISTED SUBSTANCE ABUSE TREATMENT GRANT PILOT
PROGRAM AND IMPOSING POWERS AND DUTIES ON THE DEPARTMENT OF
CORRECTIONS

Act of Dec. 17, 2015, P.L. 453, No. 80

Cl. 61

Session of 2015
No. 2015-80

SB 524

AN ACT

Amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, establishing the Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program; and imposing powers and duties on the Department of Corrections.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 61 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 46
NONNARCOTIC MEDICATION ASSISTED
SUBSTANCE ABUSE TREATMENT GRANT PILOT PROGRAM

Sec.

- 4601. Definitions.
- 4602. Establishment of pilot program.
- 4603. County participation requirements.
- 4604. Use of grant funding.
- 4605. Powers and duties of department.
- 4606. Prior authorization.
- 4607. Report to General Assembly.
- 4608. Construction.

§ 4601. Definitions.

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

"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets all of the following eligibility requirements:

- (1) Does not demonstrate a history of present or past violent behavior.
- (2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.
- (3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or an attempt or conspiracy to commit a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known

as the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

"Pilot program." The Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program established under this chapter.

§ 4602. Establishment of pilot program.

The Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program is established in the department to increase opportunities for counties to provide long-acting nonnarcotic, nonaddictive medication combined with comprehensive substance abuse treatment to eligible offenders upon release from county correctional institutions. Grants shall be limited to fiscal year 2015-2016 and awarded to counties eligible to participate in the pilot program within six months of the effective date of this section.

§ 4603. County participation requirements.

In order to be eligible for grant funding under the pilot program, a county must:

(1) Make application to the department in a form and manner as provided by the department.

(2) Have a county correctional institution with an institutional substance abuse treatment program that supports offenders transitioning from a county correctional institution to the community or offenders who are sentenced to serve county intermediate punishment sentences.

(3) Be able to contract with a provider as required under section 4604 (relating to use of grant funding).

(4) Meet any other requirements established by the department.

§ 4604. Use of grant funding.

(a) County.--A county awarded a grant under the pilot program shall contract with an entity, provider or organization that shall:

(1) Assess each offender, prior to reentry into the community, and determine if the offender is a candidate to whom should be administered medication that prevents relapse to drug dependence or alcohol dependence, or both.

(2) Create an individualized program for each offender identified under paragraph (1).

(3) Provide access to and administer long-acting nonnarcotic, nonaddictive medication assisted treatment.

(4) Provide clinically appropriate inpatient or outpatient services determined as necessary to support each individual's treatment plan.

(5) Cooperate with the county probation and parole office as to the use of any drug under paragraph (1) by any eligible offender.

(6) Create a discharge plan for each offender under paragraph (1).

(b) Requirement of participants.--Each participant must agree to waive the privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) to the extent needed for the county to have access to the information required under this section.

§ 4605. Powers and duties of department.

(a) General rule.--The department shall:

(1) Establish a form for counties to apply for grant funding under the pilot program.

(2) Establish criteria for counties making application for grant funding under the pilot program.

(3) Develop or approve training and instructional materials for the law enforcement community about opioid and alcohol addiction and the proper and effective use of nonnarcotic medication assisted substance abuse treatment in consultation with the appropriate State agencies, including, but not limited to, the Department of Drug and Alcohol Programs, the Department of Human Services, the Department of Health, the Pennsylvania Board of Probation and Parole and the Pennsylvania Commission on Crime and Delinquency.

(4) Make a form available to providers to be used to confirm that an offender is eligible for and enrolled in the pilot program.

(5) Set forth the basis for medical providers to be reimbursed and for medical providers to be reimbursed for counseling services.

(6) Promulgate any rules and regulations necessary to implement this chapter.

(b) Limitation on grant awards.--Grant awards shall be at the discretion of the department and shall be limited to amounts annually appropriated to the department for the pilot program.

§ 4606. Prior authorization.

Long-acting injectable naltrexone shall be approved as part of a prior authorization process by any Medicaid managed care plan operating under contract with the Commonwealth for eligible offenders enrolled in the pilot program and receiving comprehensive substance abuse treatment which includes the monitoring of medication adherence upon their release from county correctional institutions. Within 90 days of the effective date of this section, the Department of Human Services shall issue a bulletin notice to instruct Medicaid managed care plans that approval for the use of long-acting injectable naltrexone must be granted if the eligible offenders are enrolled in the pilot program upon their release from county correctional institutions.

§ 4607. Report to General Assembly.

Within 18 months of the effective date of this section, the department shall issue a report to the Judiciary Committee of the Senate and the Appropriations Committee of the Senate and

the Judiciary Committee of the House of Representatives and the Appropriations Committee of the House of Representatives evaluating the effectiveness of the pilot program. The report shall include:

(1) The number of eligible offenders to whom long-acting nonnarcotic, nonaddictive medication assisted treatment was administered.

(2) The number of eligible offenders who completed the program of long-acting nonnarcotic, nonaddictive medication assisted treatment.

(3) Recidivism rates of eligible offenders to whom long-acting nonnarcotic, nonaddictive medication assisted treatment was administered.

(4) The average amount of grants awarded to counties.

(5) The number of providers available to meet the requirements provided in section 4603 (relating to county participation requirements) on a county-by-county basis.

(6) The impact of the use of long-acting nonnarcotic, nonaddictive medication assisted treatment on treatment outcomes and any potential cost savings.

§ 4608. Construction.

Nothing in this act shall be construed to create an entitlement or a right of an eligible offender to receive treatment upon release from a county correctional institution.

Section 2. This act shall take effect in 60 days.

APPROVED--The 17th day of December, A.D. 2015.

TOM WOLF