ACHIEVING BETTER CARE BY MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP) ACT - OMNIBUS AMENDMENTS

Act of Nov. 2, 2016, P.L. 980, No. 124 Cl. 35

Session of 2016
No. 2016-124

SB 1202

AN ACT

Amending the act of October 27, 2014 (P.L.2911, No.191), entitled "An act providing for prescription drug monitoring; creating the ABC-MAP Board; establishing the Achieving Better Care by Monitoring All Prescriptions Program; and providing for unlawful acts and penalties," further providing for definitions, for powers and duties of board, for requirements for dispensers and pharmacies and for requirements for prescribers; and providing for licensing boards to require education in pain management, addiction and prescribing and dispensing practices for opioids.

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

Section 1. Section 3 the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, is amended by adding definitions to read:

Section 3. Definitions.

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

* * *

"Benzodiazepine." A psychoactive drug whose core chemical structure is the fusion of a benzene ring and a diazepine ring and works on the central nervous system, acting selectively on gamma-aminobutyric acid type A (GABA(A)) receptors in the brain.

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"Observation status." When a patient receives onsite services from the hospital for more than 23 consecutive hours, the onsite services received by the patient include a hospital bed and meals that have been provided in an area of the hospital other than the hospital emergency room and the patient has not been formally admitted as an inpatient at the hospital.

"Opioid drug product." Any of the following:

(1) A preparation or derivative of opium.

(2) A synthetic narcotic that has opiate-like effects, but is not derived from opium.

(3) A group of naturally occurring peptides that bind at or otherwise influence opiate receptors, including an opioid agonist.

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Section 2. Section 5(5) of the act is amended by adding a subparagraph to read:

Section 5. Powers and duties of board.

The board shall have the following powers and duties:

* * *

(5) Develop policies and procedures to:

* * *

(xvi) Require and ensure registration of all prescribers and dispensers with the program.

Section 3. Sections 7(c) and 8(a) of the act are amended and the sections are amended by adding subsections to read:
Section 7. Requirements for dispensers and pharmacies.
* * *
(c) Frequency.--A dispenser or pharmacy shall submit all information required under subsection (b) to the system no later than [72 hours] **the close of the subsequent business day** after dispensing a controlled substance.
* * *
(e) System query.--
(1) A dispenser shall query the system before dispensing an opioid drug product or a benzodiazepine prescribed to a patient if any of the following apply:
(i) The patient is a new patient of the dispenser.
(ii) The patient pays cash when they have insurance.
(iii) The patient requests a refill early.
(iv) The patient is getting opioid drug products or benzodiazepines from more than one prescriber.
(2) For the purposes of this subsection, a new patient does not include an individual going to the same pharmacy, or a different physical location of that pharmacy, if the patient's record is available to the dispenser.
Section 8. Requirements for prescribers.
(a) System query.--A prescriber shall query the system:
(1) for each patient the first time the patient is prescribed a controlled substance by the prescriber for purposes of establishing a baseline and a thorough medical record; [or]
(2) if a prescriber believes or has reason to believe, using sound clinical judgment, that a patient may be abusing or diverting drugs[.]; **or**
(3) each time a patient is prescribed an opioid drug product or benzodiazepine by the prescriber.
(a.1) Query not required.--If a patient has been admitted to a licensed health care facility or is in observation status in a licensed health care facility, the prescriber does not need to query the system after the initial query under subsection (a)(1) as long as the patient remains admitted to the licensed health care facility or remains in observation status in a licensed health care facility.
* * *
Section 4. The act is amended by adding a section to read:
Section 9.1. Licensing boards to require education in pain management, addiction and prescribing and dispensing practices for opioids.
(a) General rule.--Except as otherwise provided for in subsection (c), each licensing board shall require:
(1) Individuals applying for an initial license or certification issued by the licensing board, which license or certification authorizes the licensee or certificate holder to be a dispenser or prescriber, to submit, no later than 12 months after obtaining an initial license or certification, documentation acceptable to the licensing board of the completion of at least two hours of education in pain management or identification of addiction and at least two hours of education in the practices of prescribing or dispensing of opioids. The education may occur as part of the individual's professional degree educational program or continuing education program.
(2) Dispensers and prescribers applying for the renewal of a license or certification to complete at least two hours of continuing education in pain management, identification

of addiction or the practices of prescribing or dispensing of opioids as a portion of the total continuing education required for biennial renewal.

(b) Consultation with department.--Each licensing board shall, in consultation with the department, approve the curricula for the pain management, identification of addiction and the practices of prescribing or dispensing of opioids education.

(c) Exception.--The requirement in subsection (a)(2) shall not apply to a prescriber who is exempt from the Drug Enforcement Administration's requirements for a registration number under 21 CFR Ch. II (relating to Drug Enforcement Administration, Department of Justice) and applicable State law and does not use the registration number of another person or entity as permitted by law to prescribe controlled substances in any manner.

(d) Definition.--As used in this section, the term "licensing board" means a licensing board under the Bureau of Professional and Occupational Affairs in the Department of State with jurisdiction over professional licensees or certificate holders who are dispensers or prescribers.

Section 5. This act shall take effect in 60 days.

APPROVED--The 2nd day of November, A.D. 2016.

TOM WOLF