

ACHIEVING BETTER CARE BY MONITORING ALL PRESCRIPTIONS PROGRAM
(ABC-MAP) ACT - ACCESS TO PRESCRIPTION INFORMATION

Act of Feb. 12, 2020, P.L. 23, No. 8

Cl. 35

Session of 2020

No. 2020-8

SB 432

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 access to prescription information.

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

Section 1. Section 9(b)(7) of 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, the subsection is amended by adding paragraphs and the section is amended by adding a subsection to read:
Section 9. Access to prescription information.

* * *

(b) Authorized users.--The following individuals may query the system according to procedures determined by the board and with the following limitations:

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(7) Designated Commonwealth personnel **and contracted staff** who are responsible for the development and evaluation of quality improvement strategies, program integrity initiatives or conducting internal compliance reviews and data reporting for the medical assistance program, Children's Health Insurance Program (CHIP), Pharmaceutical Assistance Contract for the Elderly (PACE) or Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET).

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(12) **Medical directors and pharmacy directors, or their designees, of an organization that has an agreement to be paid on a capitated basis to provide services to medical assistance beneficiaries, who are engaged in care management, the development and evaluation of quality improvement strategies, program integrity initiatives or conducting internal compliance reviews and data reporting for the medical assistance program. Personnel engaged in these activities:**

(i) May query the system to review the requested dispensing or prescribing of a controlled substance under this act to an individual to whom the organization provides services under Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396 et seq.) .

(ii) Shall notify the Department of Human Services and the Office of Attorney General if Medicaid fraud is suspected based on the results of the query and review of the database.

(13) (i) An authorized employee of a county or municipal health department or the Department of Health

of the Commonwealth may have access to data from the system for any of the following purposes:

(A) Developing education programs or public health interventions relating to specific prescribing practices, controlled substances and the prevention of fraud and abuse.

(B) Conducting analyses on prescribing trends in their respective jurisdictions.

(ii) For purposes of subparagraph (i)(A), a county or municipal health department shall implement appropriate technical and physical safeguards to ensure the privacy and security of data obtained from the system.

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(d) Preemption.--Political subdivisions of the Commonwealth may not establish a database requiring the submission and query of prescription data by prescribers and dispensers in addition to the database established under section 6.

Section 2. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The addition of section 9(d) of the act shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

APPROVED--The 12th day of February, A.D. 2020.

TOM WOLF