

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 432 Session of 2019

INTRODUCED BY PHILLIPS-HILL, J. WARD, BROWNE, YUDICHAK AND SCAVELLO, MARCH 12, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 16, 2019

AN ACT

1 Amending the act of October 27, 2014 (P.L.2911, No.191),
2 entitled "An act providing for prescription drug monitoring;
3 creating the ABC-MAP Board; establishing the Achieving Better
4 Care by Monitoring All Prescriptions Program; and providing
5 for unlawful acts and penalties," further providing for
6 access to prescription information.

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

9 Section 1. Section 9(b)(7) of the act of October 27, 2014
10 (P.L.2911, No.191), known as the Achieving Better Care by
11 Monitoring All Prescriptions Program (ABC-MAP) Act, is amended
12 and the subsection is amended by adding a paragraph PARAGRAPHS <--
13 to read:

14 Section 9. Access to prescription information.

15 * * *

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

19 * * *

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

9 * * *

10 (12) Personnel of an organization that has an agreement
11 to be paid on a capitated basis to provide services to
12 medical assistance beneficiaries, who are engaged in care
13 management, the development and evaluation of quality
14 improvement strategies, program integrity initiatives or
15 conducting internal compliance reviews and data reporting for
16 the medical assistance program. Personnel engaged in these
17 activities:

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

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

27 (13) AN AUTHORIZED EMPLOYEE OF A COUNTY OR MUNICIPAL <--
28 HEALTH DEPARTMENT MAY QUERY THE SYSTEM IF THE EMPLOYEE HAS A
29 UNIQUE IDENTIFIER WHEN ACCESSING THE SYSTEM AND THE EMPLOYEE
30 ACCESSES THE SYSTEM FOR ANY OF THE FOLLOWING PURPOSES:

1 (I) DEVELOPING EDUCATIONAL PROGRAMS RELATING TO
2 PRESCRIBING PRACTICES AND CONTROLLED SUBSTANCE ABUSE.

3 (II) IDENTIFYING AT-RISK INDIVIDUALS FOR THE PURPOSE
4 OF CONNECTING THEM WITH ADDICTION TREATMENT PROFESSIONALS
5 AND PROGRAMS, INCLUDING SINGLE COUNTY AUTHORITIES.

6 (III) COMPILING EPIDEMIOLOGICAL DATA TO ENSURE THAT
7 SECURITY OF THE SYSTEM WHEN AN AUTHORIZED EMPLOYEE OF A
8 COUNTY OF MUNICIPAL HEALTH DEPARTMENT ACCESSES THE
9 SYSTEM.

10 (14) POLITICAL SUBDIVISIONS OF THE COMMONWEALTH MAY NOT
11 ESTABLISH A DATABASE REQUIRING THE SUBMISSION AND QUERY OF
12 PRESCRIPTION DATA BY PRESCRIBERS AND DISPENSERS IN ADDITION
13 TO THE DATABASE ESTABLISHED UNDER SECTION 6.

14 * * *

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