
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 14

Session of
2007

INTRODUCED BY C. WILLIAMS, FUMO, MUSTO, O'PAKE, KASUNIC,
FONTANA, TARTAGLIONE, WASHINGTON, STACK, KITCHEN, LOGAN AND
BROWNE, JUNE 1, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 1, 2007

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, providing for electronic prescriptions.

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

5 Section 1. Title 40 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART IV

8 HEALTH CARE REFORM

9 Chapter

10 71. (Reserved)

11 72. (Reserved)

12 73. (Reserved)

13 74. Quality of Care and Healthy Lifestyles

14 75. Miscellaneous Provisions

15 CHAPTER 71

16 (RESERVED)

17 CHAPTER 72

1 (RESERVED)

2 CHAPTER 73

3 (RESERVED)

4 CHAPTER 74

5 QUALITY OF CARE AND HEALTHY LIFESTYLES

6 Sec.

7 7401. (Reserved).

8 7402. Patient safety.

9 7403. (Reserved).

10 § 7401. (Reserved).

11 § 7402. Patient safety.

12 (a) (Reserved).

13 (b) (Reserved).

14 (c) (Reserved).

15 (d) (Reserved).

16 (e) E-prescribing.--

17 (1) Within 60 days following the effective date of this
18 section, each health care facility shall develop a full and
19 complete implementation plan with specific goals, key
20 performance indicators and timelines in order to meet the
21 following requirements:

22 (i) Commencing September 1, 2008, a health care
23 facility shall provide easy and timely access to an e-
24 prescribing system for all of its staff, employees or
25 contractors who have prescriptive authority in this
26 Commonwealth and who write prescriptions for patients of
27 the health care facility in order to allow them to write
28 prescriptions electronically and check for potentially
29 harmful drug interactions.

30 (ii) Thereafter, the health care facility shall

1 certify to the department on its application for license
2 or license renewal that it provides access for all staff,
3 employees and contractors with prescriptive authority to
4 an e-prescribing system and requires its use.

5 (2) Within 60 days following the effective date of this
6 section, the State Board of Medicine shall determine the date
7 after which it will require physicians, as a condition of
8 licensure, to use an e-prescribing system to write
9 prescriptions electronically and check for potentially
10 harmful drug interactions. The State Board of Medicine shall
11 forward a notice of the date to the Legislative Reference
12 Bureau for publication in the Pennsylvania Bulletin.
13 Effective as of that date, the State Board of Medicine shall
14 require a physician to certify on the physician's application
15 for license or license renewal that the physician has access
16 to and uses an e-prescribing system.

17 (3) (i) Any false or misleading statement on a
18 certification by a health care facility shall subject the
19 health care facility to a civil penalty of \$5,000 per
20 instance, which shall be imposed and collected by the
21 department and deposited into the CAP Fund.

22 (ii) Any false or misleading statement on a
23 certification by a physician shall subject the physician
24 to a civil penalty of \$5,000 per instance, which shall be
25 imposed and collected by the State Board of Medicine and
26 deposited into the CAP Fund.

27 (4) Notwithstanding any provision of law or regulation,
28 oral orders for medication or treatment shall be issued or
29 accepted only in emergency circumstances if no alternative
30 method is available.

1 (5) Up to \$25,000,000 of the funds appropriated by the
 2 General Assembly for the Machinery and Equipment Loan Fund
 3 shall be made available for grants to health care facilities
 4 to assist in acquiring the systems described under this
 5 subsection. Grants shall not exceed 50% of a hospital's
 6 costs, which shall be approved by the Department of Community
 7 and Economic Development. The Department of Community and
 8 Economic Development shall develop criteria for evaluating
 9 applications for grants that considers the fiscal condition
 10 of the hospital, the ability of the hospital to implement the
 11 technology and the potential savings through avoided costs
 12 and reduced errors. The criteria shall be forwarded by the
 13 Department of Community and Economic Development to the
 14 Legislative Reference Bureau for publication as a notice in
 15 the Pennsylvania Bulletin.

16 (f) (Reserved).

17 (g) (Reserved).

18 (h) (Reserved).

19 (i) (Reserved).

20 (j) (Reserved).

21 § 7403. (Reserved).

22 CHAPTER 75

23 MISCELLANEOUS PROVISIONS

24 Sec.

25 7501. Regulations.

26 7502. Enforcement.

27 7503. Severability.

28 § 7501. Regulations.

29 (a) Regulations promulgated under this part.--Except as
 30 otherwise provided in this part, the promulgation of regulations

1 under this part by Commonwealth agencies given the authority to
2 promulgate regulations shall, until three years from the
3 effective date of this section, be exempt from the following:

4 (1) Section 205 of the Commonwealth Documents Law.

5 (2) The Commonwealth Attorneys Act.

6 (3) The Regulatory Review Act.

7 (b) Other regulations.--If, in the determination of the head
8 of a Commonwealth agency given authority to promulgate
9 regulations under this part, rulemaking is needed for purposes
10 of the safety of patients in this Commonwealth, the Commonwealth
11 agency may promulgate a final-omitted regulation under the
12 Regulatory Review Act.

13 § 7502. Enforcement.

14 (a) Determination of violation.--Upon a determination that a
15 person licensed by the Insurance Department has violated any
16 provision of this part, the department may, subject to 2 Pa.C.S.
17 Chs. 5 Subch. A (relating to practice and procedure of
18 Commonwealth agencies) and 7 Subch. A (relating to judicial
19 review of Commonwealth agency action) do any of the following:

20 (1) Issue an order requiring the person to cease and
21 desist from engaging in the violation.

22 (2) Suspend or revoke or refuse to issue or renew the
23 certificate or license of the offending party or parties.

24 (3) Impose an administrative penalty of up to \$5,000 for
25 each violation.

26 (4) Seek restitution.

27 (5) Impose any other penalty or pursue any other remedy
28 deemed appropriate by the commissioner.

29 (b) Other remedies.--The enforcement remedies imposed under
30 this section are in addition to any other remedies or penalties

1 which be imposed by any other applicable statute, including the
2 act of July 22, 1974 (P.L.589, No.205), known as the Unfair
3 Insurance Practices Act. A violation by any person of this part
4 is deemed an unfair method of competition and an unfair or
5 deceptive act of practice under the Unfair Insurance Practices
6 Act.

7 (c) No private cause of action.--Nothing in this part shall
8 be construed as to create or imply a private cause of action for
9 violation of this part.

10 § 7503. Severability.

11 (a) General rule.--The provisions of this part are
12 severable. If any provision of this part or its application to
13 any person or circumstance is held invalid, the invalidity shall
14 not affect other provisions or applications of this part which
15 can be given effect without the invalid provision or
16 application.

17 (b) (Reserved).

18 (c) (Reserved).

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