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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 317 Session of  
2013

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INTRODUCED BY DIGIROLAMO, MICOZZIE, GINGRICH, KORTZ, FABRIZIO,  
BAKER, HAHN, DAVIS, DAVIDSON, WHITE, WATSON, KULA, GROVE, V.  
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PETRI, CLYMER, DELUCA, GIBBONS, MILLER, MURT, KINSEY, FARRY  
AND FREEMAN, JANUARY 24, 2013

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 24, 2013

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AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, establishing the Pharmaceutical  
3 Accountability Monitoring System; and imposing penalties.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 27

9 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

10 Sec.

11 2701. Short title of chapter.

12 2702. Purpose.

13 2703. Scope of chapter.

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16 2706. Establishment of Pharmaceutical Accountability Monitoring  
17 System.

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10 2715. Evaluation, data analysis and reporting.

11 2716. Concurrent jurisdiction.

12 § 2701. Short title of chapter.

13 This chapter shall be known and may be cited as the  
14 Pharmaceutical Accountability Monitoring System Act.

15 § 2702. Purpose.

16 The purpose of this chapter is to reduce the abuse of  
17 controlled substances and fraud by providing a tool that will  
18 ensure that practitioners making prescribing decisions have  
19 complete and reliable information about what, if any, other  
20 prescription drugs have recently been prescribed to their  
21 patients. It is the purpose of this act to provide reporting  
22 mechanisms, with full confidentiality protections, in which  
23 dispensers report prescription information to a central  
24 repository, in order to identify ultimate user and practitioner  
25 behaviors that give rise to a reasonable suspicion that  
26 prescription drugs are being inappropriately obtained or  
27 prescribed, so that appropriate ameliorative and corrective  
28 action, including treatment for individuals suffering from drug  
29 and alcohol addiction, may be taken. This chapter is further  
30 intended to help detect, refer to law enforcement and regulatory

1 agencies and deter prescription drug fraud and diversion.

2 § 2703. Scope of chapter.

3 This chapter is intended to improve the Commonwealth's  
4 ability to enable informed and responsible prescribing and  
5 dispensing of controlled substances and to reduce diversion and  
6 misuse of such drugs in an efficient and cost-effective manner  
7 that will not impede the appropriate medical utilization of  
8 licit controlled substances.

9 § 2704. Definitions.

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

13 "Active investigation." An investigation that is being  
14 conducted with a reasonable good faith belief that it could lead  
15 to the filing of administrative, civil or criminal proceedings,  
16 or that is ongoing and continuing and for which there is a  
17 reasonable good faith anticipation of securing an arrest or  
18 prosecution in the foreseeable future.

19 "Alcohol and other drug addiction treatment program." Any  
20 facility or treatment program that is licensed by the  
21 Commonwealth to provide alcohol and other drug addiction  
22 treatment on a hospital, nonhospital residential or outpatient  
23 basis.

24 "Controlled substance." A drug, substance or immediate  
25 precursor included in Schedule II, III, IV or V of the act of  
26 April 14, 1972 (P.L.233, No.64), known as The Controlled  
27 Substance, Drug, Device and Cosmetic Act, or the Controlled  
28 Substances Act (Public Law 91-513, 84 Stat. 1236).

29 "Database." The Pharmaceutical Accountability Monitoring  
30 System established in section 2706 (relating to establishment of

1 Pharmaceutical Accountability Monitoring System).

2 "Department." The Department of Drug and Alcohol Programs.

3 "Dispense." To deliver a controlled substance, other drug or  
4 device to an ultimate user by or pursuant to the lawful order of  
5 a practitioner.

6 "Dispenser." A practitioner who dispenses in this  
7 Commonwealth, including mail order and Internet sales of  
8 pharmaceuticals. The term does not include any of the following:

9 (1) A licensed health care facility or long-term care  
10 pharmacy that distributes such substances for the purpose of  
11 inpatient hospital, long-term care facility administration or  
12 licensed life provider.

13 (2) A practitioner or other authorized person who  
14 administers such a substance.

15 (3) A wholesale distributor of a controlled substance.

16 (4) A hospice care provider.

17 (5) A medical practitioner at a health care facility  
18 licensed by this Commonwealth if the quantity of controlled  
19 substances dispensed is limited to an amount adequate to  
20 treat the patient for a maximum of 24 hours with not more  
21 than two 24-hour cycles within any 15-day period.

22 "Dispensing veterinarian." A veterinarian who dispenses in  
23 this Commonwealth.

24 "Internet pharmacy." A person, entity or Internet site,  
25 whether in the United States or abroad, that knowingly or  
26 intentionally delivers, distributes or dispenses, or offers or  
27 attempts to deliver, distribute or dispense, a controlled  
28 substance by means of the Internet, including a pharmacy.

29 "Licensed health care facility." A health care facility that  
30 is licensed under Article X of the act of June 13, 1967 (P.L.

1 31, No.21), known as the Public Welfare Code, or the act of July  
2 19, 1979 (P.L.130, No.48), known as the Health Care Facilities  
3 Act.

4 "LIFE." The program of medical and supportive services known  
5 as Living Independently for Elders.

6 "Mail-order pharmacy." A pharmacy that dispenses controlled  
7 substances using the United States Postal Service or any express  
8 delivery service.

9 "PAMS." The Pharmaceutical Accountability Monitoring System  
10 established in section 2706 (relating to establishment of  
11 Pharmaceutical Accountability Monitoring System).

12 "Practitioner." The term shall mean:

13 (1) a physician, dentist, pharmacist, podiatrist,  
14 physician assistant, certified registered nurse practitioner,  
15 dispensing veterinarian or other person licensed, registered  
16 or otherwise permitted to distribute, dispense or to  
17 administer a controlled substance, other drug or device in  
18 the course of professional practice or research in this  
19 Commonwealth; or

20 (2) a pharmacy, hospital, clinic or other institution  
21 licensed, registered or otherwise permitted to distribute,  
22 dispense, conduct research with respect to or to administer a  
23 controlled substance, other drug or device in the course of  
24 professional practice or research in this Commonwealth.

25 "Ultimate user." A person who lawfully possesses a  
26 controlled substance, other drug, device or cosmetic for his own  
27 use or for the use of a member of his household or for  
28 administering to an animal in his care.

29 § 2705. Advisory committee.

30 (a) Establishment.--An advisory committee is established to

1 provide input and advice to the department regarding the  
2 establishment and maintenance of PAMS, including, but not  
3 limited to:

4 (1) Use of PAMS to improve patient care, to identify and  
5 address addiction and to facilitate the goal of reducing  
6 misuse, abuse, overdose, addiction to and diversion of  
7 controlled substances and drugs of concern.

8 (2) Safeguards for the release of information to  
9 authorized users.

10 (3) The confidentiality of prescription monitoring  
11 information and the integrity of the patient's relationship  
12 with the patient's health care provider.

13 (4) Development of criteria for referring prescription  
14 monitoring information to a law enforcement or professional  
15 licensing agency.

16 (5) Development of criteria for referring a prescriber,  
17 dispensing veterinarian or dispenser to a professional  
18 licensing agency or impaired professionals association.

19 (6) The design and implementation of training, education  
20 or instruction.

21 (7) The provision of assessment and referral to alcohol  
22 and other drug addiction treatment as part of any other  
23 requirements of this chapter.

24 (8) Technical standards for electronic reporting of  
25 prescription monitoring information.

26 (9) Technological improvements to facilitate the  
27 interoperability of PAMS with other State prescription drug  
28 monitoring programs and electronic health information systems  
29 and to facilitate prescribers' and dispensers' access to and  
30 use of PAMS.

1       (10) Proper analysis and interpretation of prescription  
2 monitoring information.

3       (11) Design and implementation of an evaluation  
4 component.

5       (12) Recommended appointments to the advisory committee.

6       (b) Confidentiality.--For the purpose of providing input and  
7 advice pursuant to subsection (a), no advisory committee member  
8 shall receive prescription monitoring information which  
9 identifies, or could reasonably be used to identify, the  
10 patient, prescriber, dispensing veterinarian, dispenser or other  
11 person who is the subject of the information.

12       (c) Membership.--

13       (1) The department shall establish an advisory committee  
14 comprised of the following:

15           (i) A representative recommended by the Department  
16 of State representing the State Board of Medicine, the  
17 State Board of Nursing and the State Board of Veterinary  
18 Medicine.

19           (ii) A representative recommended by the State Board  
20 of Pharmacy.

21           (iii) A representative recommended by the Attorney  
22 General.

23           (iv) Two physicians recommended by the Pennsylvania  
24 Medical Society, one of whom holds membership in the  
25 American Society of Addiction Medicine and the other who  
26 is a physician with expertise in chronic pain management  
27 and treatment.

28           (v) A representative recommended by the Pennsylvania  
29 District Attorneys Association.

30           (vi) A representative recommended by the

1 Pennsylvania Coroners Association.

2 (vii) A representative recommended by the Drug and  
3 Alcohol Service Providers Organization of Pennsylvania.

4 (viii) A representative of chronic pain patients  
5 recommended by a physician with expertise in chronic pain  
6 management.

7 (ix) A representative of veterinary medicine with  
8 dispensing practice recommended by the Pennsylvania  
9 Veterinary Medical Association.

10 (2) The department may also appoint persons with  
11 recognized expertise, knowledge and experience in the  
12 establishment and maintenance of prescription monitoring  
13 programs, skills and expertise in alcohol and other drug  
14 addiction assessment and referral to addiction treatment or  
15 issues involving the misuse, abuse or diversion of, or the  
16 addiction to, controlled substances or drugs of concern.

17 (d) Quorum.--Nine members of the advisory committee shall  
18 constitute a quorum for the transaction of all business. The  
19 members shall elect a chairman and such other officers as deemed  
20 necessary whose duties shall be established by the advisory  
21 committee. The department shall convene the advisory committee  
22 at least quarterly using telecommunication whenever possible.

23 (e) Staff assistance.--The department shall provide the  
24 advisory committee with any staff services which may be  
25 necessary for the advisory committee to carry out its duties  
26 under this chapter.

27 § 2706. Establishment of Pharmaceutical Accountability  
28 Monitoring System.

29 (a) General rule.--The department shall establish and  
30 administer the Pharmaceutical Accountability Monitoring System

1 (PAMS) for monitoring all controlled substances that are  
2 dispensed within this Commonwealth by all practitioners,  
3 dispensing veterinarians or dispensers, including, but not  
4 limited to, a practitioner, dispensing veterinarian or dispenser  
5 that dispenses to a person or ships to an address within this  
6 Commonwealth.

7 (b) Data compliance.--Data required by this section shall be  
8 submitted in compliance with this section to the department by  
9 the pharmacy or other dispensing entity.

10 (c) Registration.--Each dispenser and practitioner  
11 dispensing or prescribing controlled substances shall register  
12 with and establish a user name and personal identification  
13 number that permits access to the secure website housing PAMS  
14 established by this chapter.

15 § 2707. Requirements for Pharmaceutical Accountability  
16 Monitoring System.

17 (a) Submission.--The dispenser shall, regarding each  
18 controlled substance dispensed, submit by electronic means to  
19 the department the following information using methods of  
20 transmission protocols and in a format established by the  
21 department:

22 (1) Full name of the prescribing practitioner.

23 (2) Prescriber Drug Enforcement Agency (DEA)  
24 registration number.

25 (3) Date the prescription was written.

26 (4) Date the prescription was dispensed.

27 (5) Full name, date of birth, gender and address of the  
28 person for whom the prescription was written and dispensed.

29 (6) Name of the controlled substance.

30 (7) Quantity of the controlled substance prescribed.

- 1           (8) Strength of the controlled substance.  
2           (9) Quantity of the controlled substance dispensed.  
3           (10) Dosage quantity and frequency prescribed.  
4           (11) Name of the pharmacy or other entity dispensing the  
5 controlled substance.

6           (12) Dispensing entity's DEA registration number and  
7 NPI.

8           (13) Source of payment for the prescription.

9           (14) Other relevant information as established by  
10 department regulations.

11 (b) Veterinary dispensers.--The dispensing veterinarian  
12 shall, regarding each controlled substance dispensed, submit by  
13 electronic mail to the department the following information:

14           (1) Pet's name.

15           (2) Owner's name.

16           (3) Pet's or owner's address.

17           (4) Practice's name.

18           (5) Dispensing veterinarian's name.

19           (6) DEA license number.

20           (7) Date the prescription was written.

21           (8) Date the prescription was dispensed.

22           (9) Name of the controlled substance.

23           (10) Quantity and strength of the medication.

24           (11) Dosage and frequency of the medication.

25 (c) Frequency.--

26           (1) Each dispenser shall submit the information required  
27 by this chapter not later than seven days after the  
28 dispensing of a controlled substance monitored by PAMS. The  
29 department shall implement a real-time reporting requirement  
30 as expeditiously as possible.

1           (2) Each dispensing veterinarian shall submit the  
2 information required by this chapter within six months of  
3 dispensing a controlled substance monitored by PAMS to the  
4 department.

5           (d) Maintenance.--The department shall maintain PAMS in an  
6 electronic file or by other means established by the department  
7 to facilitate use of the database.

8           (e) Recordkeeping.--The department shall maintain a record  
9 of PAMS queries for reference, including:

10           (1) Identification of each person who requests or  
11 receives information from PAMS.

12           (2) The information provided to each person.

13           (3) The date and time the information is requested and  
14 provided.

15           (f) Expungement.--The department shall remove from PAMS all  
16 identifying information more than six years old from the date of  
17 collection. Such information shall then be destroyed unless a  
18 law enforcement agency or a professional licensing or  
19 certification agency or board for prescribers or dispensers has  
20 submitted a written request to the department for retention of  
21 specific information. All requests shall comply with procedures  
22 adopted by the department.

23 § 2708. Access to prescription information.

24           (a) General rule.--Except as set forth in subsection (c),  
25 prescription information submitted to the department and records  
26 of requests to query the data shall be confidential and not  
27 subject to disclosure under the act of February 14, 2008 (P.L.6,  
28 No.3), known as the Right-to-Know Law.

29           (b) Privacy procedures.--The department shall maintain  
30 procedures to ensure that the privacy and confidentiality of

1 patients and patient information collected, recorded,  
2 transmitted and maintained is not disclosed to persons except  
3 those enumerated in subsection (d).

4 (c) Queries.--

5 (1) A practitioner may query the data for an existing  
6 patient.

7 (2) A practitioner may query the data for prescriptions  
8 written using his or her own DEA number.

9 (3) A Federal or State law enforcement official whose  
10 duties include enforcing laws relating to controlled  
11 substances and prescription drugs shall be provided access to  
12 the information from PAMS relating to the person who is the  
13 subject of an active investigation of a drug abuse offense,  
14 including, but not limited to, violations of the act of April  
15 14, 1972 (P.L.233, No.64), known as The Controlled Substance,  
16 Drug, Device and Cosmetic Act, insurance fraud, medicare  
17 fraud or medicaid fraud pursuant to an active investigation.

18 (d) Limited availability.--The department shall make  
19 information in PAMS available only to the following persons and  
20 in accordance with department regulations:

21 (1) Personnel of the department specifically assigned to  
22 conduct internal reviews related to controlled substances  
23 laws under the jurisdiction of the department.

24 (2) Authorized department personnel engaged in analysis  
25 of controlled substance prescription information as a part of  
26 the assigned duties and responsibilities of their employment.

27 (3) Qualified personnel for the purpose of bona fide  
28 research or education. Data elements that would reasonably  
29 identify a specific recipient, prescriber, dispensing  
30 veterinarian or dispenser shall be deleted or redacted from

1 such information prior to disclosure. Release of the  
2 information shall only be made pursuant to a written  
3 agreement between such qualified personnel and the department  
4 in order to ensure compliance with this chapter.

5 (4) A practitioner, dispensing veterinarian or a  
6 representative employed by the practitioner, designated by  
7 the practitioner pursuant to criteria established by the  
8 department, having authority to prescribe controlled  
9 substances, to the extent that the information relates to a  
10 current patient of the practitioner or dispensing  
11 veterinarian to whom the practitioner or dispensing  
12 veterinarian is prescribing or considering prescribing any  
13 controlled substance.

14 (5) A pharmacist, or a designee employed by the  
15 pharmacist, designated by the pharmacist pursuant to criteria  
16 established by the department, having authority to dispense  
17 controlled substances to the extent the information relates  
18 specifically to a current patient to whom that pharmacist is  
19 dispensing or considering dispensing any controlled  
20 substance.

21 (6) A designated representative from the Commonwealth or  
22 out-of-State agency or board responsible for licensing or  
23 certifying prescribers, dispensing veterinarians or  
24 dispensers who is involved in a bona fide investigation of a  
25 prescriber, dispensing veterinarian or dispenser whose  
26 professional practice was or is regulated by that agency or  
27 board.

28 (7) A medical examiner or county coroner for the purpose  
29 of investigating the death of an individual.

30 (8) A designated prescription monitoring official of a

1 state with which this Commonwealth has an interoperability  
2 agreement may access prescription monitoring information in  
3 accordance with the provisions of this chapter and procedures  
4 adopted by the department.

5 (9) An individual who is the recipient of a controlled  
6 substance prescription entered into PAMS upon providing  
7 evidence satisfactory to the PAMS manager that the individual  
8 requesting the information is in fact the person about whom  
9 the data entry was made.

10 (10) The Office of Attorney General of Pennsylvania or  
11 the equivalent law enforcement officer of another state may  
12 access information from the PAMS for an active investigation  
13 of a criminal violation of law governing controlled  
14 substances.

15 (11) Authorized personnel of the Department of Public  
16 Welfare engaged in the administration of the medical  
17 assistance program.

18 (e) Dispenser access.--No person shall knowingly hinder a  
19 pharmacist, dispensing veterinarian or practitioner who  
20 dispenses who is eligible to receive information from PAMS from  
21 requesting and receiving such information in a timely fashion.

22 § 2709. Unlawful acts and penalties.

23 (a) Knowing and intentional release or use.--A person may  
24 not knowingly and intentionally use, release, publish or  
25 otherwise make available any information obtained from PAMS for  
26 any purpose other than those specified in section 2708(c)  
27 (relating to access to prescription information). A person who  
28 does knowingly and intentionally release or use information from  
29 PAMS that is not authorized in section 2708(c) commits a felony  
30 of the third degree and is subject to a civil penalty of not

1 less than \$5,000, or shall be sentenced to imprisonment of not  
2 more than 90 days, or both, for each offense.

3 (b) Misrepresentation or fraud.--Any person who obtains or  
4 attempts to obtain information from PAMS by misrepresentation or  
5 fraud commits a felony of the third degree.

6 (c) Unauthorized purpose.--Any person who obtains or  
7 attempts to obtain information from PAMS for a purpose other  
8 than a purpose authorized by this section or by department  
9 regulations commits a felony of the third degree.

10 (d) Civil violation.--The procedure for determining a civil  
11 violation of this subsection shall be in accordance with  
12 department regulations. Civil penalties assessed under this  
13 subsection shall be deposited in the General Fund, appropriated  
14 to the department and dedicated to the controlled substance PAMS  
15 operations.

16 (e) Failure to submit.--The failure of a dispenser or  
17 dispensing veterinarian to submit information to PAMS as  
18 required under this section, after the department has submitted  
19 a specific written request for the information or when the  
20 department determines the individual has a demonstrable pattern  
21 of knowing that failure to submit the information as required,  
22 is grounds for the appropriate licensing board to take the  
23 following action in accordance with the appropriate licensing  
24 act.

25 (1) Prohibit an Internet pharmacy from conducting  
26 business in this Commonwealth.

27 (2) Refuse to issue a license to the individual.

28 (3) Refuse to renew the individual's license.

29 (4) Revoke, suspend, restrict or place on probation the  
30 license.

1           (5) Issue a public or private reprimand to the  
2 individual.

3           (6) Issue a cease and desist order.

4           (7) Impose a civil penalty of not more than \$1,000 for  
5 each failure to submit information required by this act.

6 § 2710. Education and treatment.

7           (a) General rule.--With the input and advice of the advisory  
8 committee, the department shall:

9           (1) assist the appropriate agency, board or association  
10 for each category of authorized user in this act to  
11 incorporate the appropriate information regarding PAMS into  
12 the training, education or instruction provided to each  
13 category of authorized user;

14           (2) assist the State or regional chapter of the American  
15 Society of Addiction Medicine, the Pennsylvania Medical  
16 Society, the Pennsylvania Veterinary Medical Association, the  
17 Pennsylvania Academy of Family Physicians and the  
18 Pennsylvania Coalition of Nurse Practitioners to develop a  
19 continuing education course for health care professionals on  
20 prescribing practices, pharmacology and identification,  
21 referral and treatment of patients addicted to or abusing  
22 controlled substances monitored by PAMS; and

23           (3) implement, or assist other appropriate agencies to  
24 implement, an educational program to inform the public about  
25 the use, diversion and abuse of, addiction to and treatment  
26 for the addiction to the controlled substances monitored by  
27 PAMS, including the nature and scope of PAMS.

28           (b) Referral.--With the input and advice of the advisory  
29 committee, the department shall refer prescribers, dispensing  
30 veterinarians and dispensers it has reason to believe may be

1 impaired to the appropriate professional licensing or  
2 certification agency, and to the appropriate impaired  
3 professionals associations, to provide intervention, assessment  
4 and referral to alcohol and other drug addiction treatment  
5 programs, and ongoing monitoring and follow-up.

6 (c) Identification.--With the input and advice of the  
7 advisory committee, the department shall work with the patient's  
8 individual practitioner and the appropriate alcohol and other  
9 drug addiction treatment professionals to provide that patients  
10 identified through PAMS as potentially addicted to a controlled  
11 substance are assessed and referred to alcohol and other drug  
12 addiction treatment programs.

13 § 2711. Immunity.

14 An individual who has submitted to or received information  
15 from PAMS in accordance with section 2706 (relating to  
16 establishment of Pharmaceutical Accountability Monitoring  
17 System) may not be held civilly liable or disciplined in a  
18 licensing board action for having submitted the information or  
19 for not seeking or obtaining information from the prescription  
20 monitoring program prior to prescribing or dispensing a  
21 controlled substance to an ultimate user.

22 § 2712. Additional provisions.

23 (a) Funding.--A practitioner or a pharmacist shall not be  
24 required to pay a fee or tax specifically dedicated to  
25 establishment, operation or maintenance of the system.

26 (b) Costs.--All costs associated with recording and  
27 submitting data as required in this section shall be assumed by  
28 the submitting dispenser.

29 (c) Use of data.--Except as provided in subsection (d), data  
30 provided to, maintained in or accessed from PAMS that may be

1 identified to, or with, a particular person is not subject to  
2 discovery, subpoena or similar compulsory process in any civil,  
3 judicial, administrative or legislative proceeding, nor shall  
4 any individual or organization with lawful access to the data be  
5 compelled to testify with regard to the data.

6 (d) Exceptions.--The restrictions in subsection (c) do not  
7 apply to:

8 (1) A criminal proceeding.

9 (2) A civil, judicial or administrative action brought  
10 to enforce the provisions of this section.

11 § 2713. Use of money collected.

12 (a) General rule.--The department may use the moneys  
13 deposited in the General Fund and appropriated to the department  
14 for the following purposes:

15 (1) Maintenance and replacement of PAMS equipment,  
16 including hardware and software.

17 (2) Training of staff.

18 (3) Pursuit of grants and matching funds.

19 (b) Collections.--The department may collect any penalty  
20 imposed under section 2709 (relating to unlawful acts and  
21 penalties) and which is not paid by bringing an action in the  
22 court of common pleas of the county in which the person owing  
23 the debt resides or in the county where the department is  
24 located.

25 (c) Legal assistance.--The department may seek legal  
26 assistance from the Attorney General or the county or district  
27 attorney of the county in which the action is brought to collect  
28 the fine.

29 (d) Attorney fees and costs.--The court shall award  
30 reasonable attorney fees and costs to the department for

1 successful collection actions under section 2709.

2 § 2714. Rules and regulations.

3 The department shall promulgate rules and regulations setting  
4 forth the procedures and methods for implementing this chapter.

5 At a minimum, the rules and regulations shall include the  
6 following:

7 (1) Effectively enforce the limitations on access to  
8 PAMS prescribed in section 2708 (relating to access to  
9 prescription information).

10 (2) Establish standards and procedures to ensure  
11 accurate identification of individuals requesting information  
12 or receiving information from PAMS.

13 (3) Allow adequate time following implementation of this  
14 chapter for dispensers, dispensing veterinarians and  
15 practitioners to make the changes to their operational  
16 systems necessary to comply with this chapter.

17 (4) Allow for dispensers and dispensing veterinarians to  
18 have ease of transition to comply with the requirements of  
19 the Pharmaceutical Accountability Monitoring System.

20 (5) Not place an undue burden on law enforcement seeking  
21 information related to an investigation.

22 (6) Dispensers, dispensing veterinarians and  
23 practitioners licensed to practice in this Commonwealth shall  
24 not be held liable for failure to comply with PAMS  
25 requirements until all changes are fully operational and  
26 dispensers, dispensing veterinarians and practitioners have  
27 had adequate time to make necessary adjustments to operating  
28 systems and to receive training to fully accommodate such  
29 changes upon promulgation of the regulations, but not later  
30 than one year after the effective date of this chapter.

1           (7) Dispensers and dispensing veterinarians who can show  
2 good cause for not submitting data electronically may be  
3 authorized to submit data manually if they lack Internet  
4 access.

5 § 2715. Evaluation, data analysis and reporting.

6           (a) General rule.--The department shall design and implement  
7 an evaluation component to identify:

8           (1) cost benefits of PAMS;

9           (2) the impact on efforts to reduce misuse, abuse,  
10 overdose and diversion of, or addiction to, controlled  
11 substances;

12           (3) the impact on prescribing practices for controlled  
13 substances;

14           (4) the number of ultimate users identified through PAMS  
15 as potentially addicted to a controlled substance that were  
16 assessed for alcohol and other drug addictions;

17           (5) the number of ultimate users in paragraph (4) that  
18 received alcohol and other drug addiction treatment and the  
19 names of the licensed alcohol and other drug addiction  
20 treatment facilities in which the ultimate users were  
21 treated;

22           (6) the progress made in implementing real-time  
23 reporting; and

24           (7) other information relevant to policy, research and  
25 education involving controlled substances and drugs of  
26 concern monitored by PAMS.

27           (b) Annual report.--The department shall annually report the  
28 information specified in subsection (a) to the Public Health and  
29 Welfare Committee of the Senate, the Human Services Committee of  
30 the House of Representatives, the United States Department of

1 Justice, the Substance Abuse and Mental Health Services  
2 Administration of the Office of National Drug Control Policy and  
3 members of Pennsylvania's United States Congressional  
4 delegation. Additionally, the department shall make the annual  
5 report available to the public on its publicly accessible  
6 Internet website.

7 § 2716. Concurrent jurisdiction.

8 The Attorney General shall have concurrent prosecutorial  
9 jurisdiction with the county district attorney for violations of  
10 this chapter. No person charged with a violation of this chapter  
11 by the Attorney General shall have standing to challenge the  
12 authority of the Attorney General to prosecute the case and, if  
13 any such challenge is made, the challenge shall be dismissed and  
14 no relief shall be available in the courts of this Commonwealth  
15 to the person making the challenge.

16 Section 2. The provisions of this act are severable. If any  
17 provision of this act or its application to any person or  
18 circumstance is held invalid, the invalidity shall not affect  
19 other provisions or applications of this act which can be given  
20 effect without the invalid provision or application.

21 Section 3. This act shall take effect in 60 days.