

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 611 Session of
2013

INTRODUCED BY STACK, RAFFERTY, BROWNE, MENSCH, KASUNIC,
BREWSTER, SOLOBAY, COSTA, WASHINGTON AND TARTAGLIONE,
MARCH 6, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 6, 2013

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.

14 2704. Definitions.

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16 2706. Establishment of Pharmaceutical Accountability Monitoring
17 System.

18 2707. Requirements for Pharmaceutical Accountability Monitoring

1 System.
2 2708. Access to prescription information.
3 2709. Unlawful acts and penalties.
4 2710. Education and treatment.
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7 2713. Use of money collected.
8 2714. Rules and regulations.
9 2715. Evaluation, data analysis and reporting.
10 2716. Concurrent jurisdiction.
11 § 2701. Short title of chapter.

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

14 § 2702. Purpose.

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

1 § 2703. Scope of chapter.

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

8 § 2704. Definitions.

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

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

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

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

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

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

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

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

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

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

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

15 (4) A hospice care provider.

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

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

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

28 "Licensed health care facility." A health care facility that
29 is licensed under Article X of the act of June 13, 1967 (P.L.
30 31, No.21), known as the Public Welfare Code, or the act of July

1 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
2 Act.

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

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

8 "New patient." A person who receives medical, surgical or
9 pharmaceutical attention, care or treatment from a practitioner
10 for the first time or a patient who has not been seen in over
11 three years.

12 "PAMS." The Pharmaceutical Accountability Monitoring System
13 established in section 2706 (relating to establishment of
14 Pharmaceutical Accountability Monitoring System).

15 "Practitioner." The term shall mean:

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

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

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

1 § 2705. Advisory committee.

2 (a) Establishment.--An advisory committee is established to
3 provide input and advice to the department regarding the
4 establishment and maintenance of PAMS, including, but not
5 limited to:

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

10 (2) Safeguards for the release of information to
11 authorized users.

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

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

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

21 (6) The design and implementation of training, education
22 or instruction.

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

26 (8) Technical standards for electronic reporting of
27 prescription monitoring information.

28 (9) Technological improvements to facilitate the
29 interoperability of PAMS with other State prescription drug
30 monitoring programs and electronic health information systems

1 and to facilitate prescribers' and dispensers' access to and
2 use of PAMS.

3 (10) Proper analysis and interpretation of prescription
4 monitoring information.

5 (11) Design and implementation of an evaluation
6 component.

7 (12) Recommended appointments to the advisory committee.

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

14 (c) Membership.--

15 (1) The department shall establish an advisory committee
16 comprised of the following:

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

21 (ii) A representative recommended by the State Board
22 of Pharmacy.

23 (iii) A representative recommended by the Attorney
24 General.

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

30 (v) A representative recommended by the Pennsylvania

District Attorneys Association.

(vi) A representative recommended by the
Pennsylvania Coroners Association.

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

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

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

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

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

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

§ 2706. Establishment of Pharmaceutical Accountability
Monitoring System.

1 (a) General rule.--The department shall establish and
2 administer the Pharmaceutical Accountability Monitoring System
3 (PAMS) for monitoring all controlled substances that are
4 dispensed within this Commonwealth by all practitioners,
5 dispensing veterinarians or dispensers, including, but not
6 limited to, a practitioner, dispensing veterinarian or dispenser
7 that dispenses to a person or ships to an address within this
8 Commonwealth.

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

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

17 § 2707. Requirements for Pharmaceutical Accountability
18 Monitoring System.

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

24 (1) Full name of the prescribing practitioner.

25 (2) Prescriber Drug Enforcement Agency (DEA)
26 registration number.

27 (3) Date the prescription was written.

28 (4) Date the prescription was dispensed.

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

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

8 (12) Dispensing entity's DEA registration number and
9 NPI.

10 (13) Source of payment for the prescription.

11 (14) Other relevant information as established by
12 department regulations.

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

16 (1) Pet's name.
17 (2) Owner's name.
18 (3) Pet's or owner's address.
19 (4) Practice's name.
20 (5) Dispensing veterinarian's name.
21 (6) DEA license number.
22 (7) Date the prescription was written.
23 (8) Date the prescription was dispensed.
24 (9) Name of the controlled substance.
25 (10) Quantity and strength of the medication.
26 (11) Dosage and frequency of the medication.

27 (c) Frequency.--

28 (1) Each dispenser shall submit the information required
29 by this chapter as frequently as specified by the department,
30 but not later than seven days after the dispensing of a

1 controlled substance monitored by PAMS. The department shall
2 implement a real-time reporting requirement as expeditiously
3 as possible.

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

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

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

13 (1) Identification of each person who requests or
14 receives information from PAMS.

15 (2) The information provided to each person.

16 (3) The date and time the information is requested and
17 provided.

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

26 § 2708. Access to prescription information.

27 (a) General rule.--Except as set forth in subsection (c),
28 prescription information submitted to the department and records
29 of requests to query the data shall be confidential and not
30 subject to disclosure under the act of February 14, 2008 (P.L.6,

1 No.3), known as the Right-to-Know Law.

2 (b) Privacy procedures.--The department shall maintain
3 procedures to ensure that the privacy and confidentiality of
4 patients and patient information collected, recorded,
5 transmitted and maintained is not disclosed to persons except
6 those enumerated in subsection (d).

7 (c) Queries.--

8 (1) A practitioner or dispensing veterinarian shall
9 query the data for all new patients.

10 (2) A practitioner may query the data for an existing
11 patient.

12 (3) A practitioner may query the data for prescriptions
13 written using his or her own DEA number.

14 (4) A Federal or State law enforcement official whose
15 duties include enforcing laws relating to controlled
16 substances and prescription drugs shall be provided access to
17 the information from PAMS relating to the person who is the
18 subject of an active investigation of a drug abuse offense,
19 including, but not limited to, violations of the act of April
20 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
21 Drug, Device and Cosmetic Act, insurance fraud, medicare
22 fraud or medicaid fraud pursuant to an active investigation.

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

26 (1) Personnel of the department specifically assigned to
27 conduct internal reviews related to controlled substances
28 laws under the jurisdiction of the department.

29 (2) Authorized department personnel engaged in analysis
30 of controlled substance prescription information as a part of

1 the assigned duties and responsibilities of their employment.

2 (3) Qualified personnel for the purpose of bona fide
3 research or education. Data elements that would reasonably
4 identify a specific recipient, prescriber, dispensing
5 veterinarian or dispenser shall be deleted or redacted from
6 such information prior to disclosure. Release of the
7 information shall only be made pursuant to a written
8 agreement between such qualified personnel and the department
9 in order to ensure compliance with this chapter.

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

19 (5) A pharmacist, or a designee employed by the
20 pharmacist, designated by the pharmacist pursuant to criteria
21 established by the department, having authority to dispense
22 controlled substances to the extent the information relates
23 specifically to a current patient to whom that pharmacist is
24 dispensing or considering dispensing any controlled
25 substance.

26 (6) A designated representative from the Commonwealth or
27 out-of-State agency or board responsible for licensing or
28 certifying prescribers, dispensing veterinarians or
29 dispensers who is involved in a bona fide investigation of a
30 prescriber, dispensing veterinarian or dispenser whose

1 professional practice was or is regulated by that agency or
2 board.

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

5 (8) A designated prescription monitoring official of a
6 state with which this Commonwealth has an interoperability
7 agreement may access prescription monitoring information in
8 accordance with the provisions of this chapter and procedures
9 adopted by the department.

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

15 (10) The Office of Attorney General of Pennsylvania or
16 the equivalent law enforcement officer of another state may
17 access information from the PAMS for an active investigation
18 of a criminal violation of law governing controlled
19 substances.

20 (11) Authorized personnel of the Department of Public
21 Welfare engaged in the administration of the medical
22 assistance program.

23 (12) Authorized personnel of the Department of Public
24 Welfare engaged in the administration of pharmacy services in
25 the medical assistance program. The Office of Medical
26 Assistance Program shall use any data or reports from the
27 PAMS for the purpose of identifying medical assistance
28 providers or recipients whose prescribing, dispensing or
29 utilization of controlled substances may be indicative of
30 inappropriate or illegal practices, or appropriately managed

1 by a single outpatient pharmacy or primary care provider.

2 (e) Dispenser access.--No person shall knowingly hinder a
3 pharmacist, dispensing veterinarian or practitioner who
4 dispenses who is eligible to receive information from PAMS from
5 requesting and receiving such information in a timely fashion.
6 § 2709. Unlawful acts and penalties.

7 (a) Knowing and intentional release or use.--A person may
8 not knowingly and intentionally use, release, publish or
9 otherwise make available any information obtained from PAMS for
10 any purpose other than those specified in section 2708(c)
11 (relating to access to prescription information). A person who
12 does knowingly and intentionally release or use information from
13 PAMS that is not authorized in section 2708(c) commits a felony
14 of the third degree and is subject to a civil penalty of not
15 less than \$5,000, or shall be sentenced to imprisonment of not
16 more than 90 days, or both, for each offense.

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

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

24 (d) Civil violation.--The procedure for determining a civil
25 violation of this subsection shall be in accordance with
26 department regulations. Civil penalties assessed under this
27 subsection shall be deposited in the General Fund, appropriated
28 to the department and dedicated to the controlled substance PAMS
29 operations.

30 (e) Failure to submit.--The failure of a dispenser or

dispensing veterinarian to submit information to PAMS as
required under this section, after the department has submitted
a specific written request for the information or when the
department determines the individual has a demonstrable pattern
of knowing that failure to submit the information as required,
is grounds for the appropriate licensing board to take the
following action in accordance with the appropriate licensing
act.

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

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

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

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

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

(6) Issue a cease and desist order.

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

§ 2710. Education and treatment.

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

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

(2) assist the State or regional chapter of the American
Society of Addiction Medicine, the Pennsylvania Medical
Society, the Pennsylvania Veterinary Medical Association, the

1 Pennsylvania Academy of Family Physicians and the
2 Pennsylvania Coalition of Nurse Practitioners to develop a
3 continuing education course for health care professionals on
4 prescribing practices, pharmacology and identification,
5 referral and treatment of patients addicted to or abusing
6 controlled substances monitored by PAMS; and

7 (3) implement, or assist other appropriate agencies to
8 implement, an educational program to inform the public about
9 the use, diversion and abuse of, addiction to and treatment
10 for the addiction to the controlled substances monitored by
11 PAMS, including the nature and scope of PAMS.

12 (b) Referral.--With the input and advice of the advisory
13 committee, the department shall refer prescribers, dispensing
14 veterinarians and dispensers it has reason to believe may be
15 impaired to the appropriate professional licensing or
16 certification agency, and to the appropriate impaired
17 professionals associations, to provide intervention, assessment
18 and referral to alcohol and other drug addiction treatment
19 programs, and ongoing monitoring and follow-up.

20 (c) Identification.--With the input and advice of the
21 advisory committee, the department shall work with the patient's
22 individual practitioner and the appropriate alcohol and other
23 drug addiction treatment professionals to provide that patients
24 identified through PAMS as potentially addicted to a controlled
25 substance are assessed and referred to alcohol and other drug
26 addiction treatment programs.

27 § 2711. Immunity.

28 An individual who has submitted to or received information
29 from PAMS in accordance with section 2706 (relating to
30 establishment of Pharmaceutical Accountability Monitoring

1 System) may not be held civilly liable or disciplined in a
2 licensing board action for having submitted the information or
3 for seeking or obtaining information from the prescription
4 monitoring program prior to prescribing or dispensing a
5 controlled substance to an ultimate user.

6 § 2712. Additional provisions.

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

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

13 (c) Use of data.--Except as provided in subsection (d), data
14 provided to, maintained in or accessed from PAMS that may be
15 identified to, or with, a particular person is not subject to
16 discovery, subpoena or similar compulsory process in any civil,
17 judicial, administrative or legislative proceeding, nor shall
18 any individual or organization with lawful access to the data be
19 compelled to testify with regard to the data.

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

22 (1) A criminal proceeding.

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

25 § 2713. Use of money collected.

26 (a) General rule.--The department may use the moneys
27 deposited in the General Fund and appropriated to the department
28 for the following purposes:

29 (1) Maintenance and replacement of PAMS equipment,
30 including hardware and software.

1 (2) Training of staff.

2 (3) Pursuit of grants and matching funds.

3 (b) Collections.--The department may collect any penalty
4 imposed under section 2709 (relating to unlawful acts and
5 penalties) and which is not paid by bringing an action in the
6 court of common pleas of the county in which the person owing
7 the debt resides or in the county where the department is
8 located.

9 (c) Legal assistance.--The department may seek legal
10 assistance from the Attorney General or the county or district
11 attorney of the county in which the action is brought to collect
12 the fine.

13 (d) Attorney fees and costs.--The court shall award
14 reasonable attorney fees and costs to the department for
15 successful collection actions under section 2709.

16 § 2714. Rules and regulations.

17 The department shall promulgate rules and regulations setting
18 forth the procedures and methods for implementing this chapter.
19 At a minimum, the rules and regulations shall include the
20 following:

21 (1) Effectively enforce the limitations on access to
22 PAMS prescribed in section 2708 (relating to access to
23 prescription information).

24 (2) Establish standards and procedures to ensure
25 accurate identification of individuals requesting information
26 or receiving information from PAMS.

27 (3) Allow adequate time following implementation of this
28 chapter for dispensers, dispensing veterinarians and
29 practitioners to make the changes to their operational
30 systems necessary to comply with this chapter.

1 (4) Allow for dispensers and dispensing veterinarians to
2 have ease of transition to comply with the requirements of
3 the Pharmaceutical Accountability Monitoring System.

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

6 (6) Dispensers, dispensing veterinarians and
7 practitioners licensed to practice in this Commonwealth shall
8 not be held liable for failure to comply with PAMS
9 requirements until all changes are fully operational and
10 dispensers, dispensing veterinarians and practitioners have
11 had adequate time to make necessary adjustments to operating
12 systems and to receive training to fully accommodate such
13 changes upon promulgation of the regulations, but not later
14 than one year after the effective date of this chapter.

15 (7) Dispensers and dispensing veterinarians who can show
16 good cause for not submitting data electronically may be
17 authorized to submit data manually if they lack Internet
18 access.

19 § 2715. Evaluation, data analysis and reporting.

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

22 (1) cost benefits of PAMS;

23 (2) the impact on efforts to reduce misuse, abuse,
24 overdose and diversion of, or addiction to, controlled
25 substances;

26 (3) the impact on prescribing practices for controlled
27 substances;

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

1 (5) the number of ultimate users in paragraph (4) that
2 received alcohol and other drug addiction treatment and the
3 names of the licensed alcohol and other drug addiction
4 treatment facilities in which the ultimate users were
5 treated;

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

8 (7) other information relevant to policy, research and
9 education involving controlled substances and drugs of
10 concern monitored by PAMS.

11 (b) Annual report.--The department shall annually report the
12 information specified in subsection (a) to the Public Health and
13 Welfare Committee of the Senate, the Human Services Committee of
14 the House of Representatives, the United States Department of
15 Justice, the Substance Abuse and Mental Health Services
16 Administration of the Office of National Drug Control Policy and
17 members of Pennsylvania's United States Congressional
18 delegation. Additionally, the department shall make the annual
19 report available to the public on its publicly accessible
20 Internet website.

21 § 2716. Concurrent jurisdiction.

22 The Attorney General shall have concurrent prosecutorial
23 jurisdiction with the county district attorney for violations of
24 this chapter. No person charged with a violation of this chapter
25 by the Attorney General shall have standing to challenge the
26 authority of the Attorney General to prosecute the case and, if
27 any such challenge is made, the challenge shall be dismissed and
28 no relief shall be available in the courts of this Commonwealth
29 to the person making the challenge.

30 Section 2. The provisions of this act are severable. If any

1 provision of this act or its application to any person or
2 circumstance is held invalid, the invalidity shall not affect
3 other provisions or applications of this act which can be given
4 effect without the invalid provision or application.

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