

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 524 Session of 2015

INTRODUCED BY SCARNATI, YAW, GREENLEAF, ALLOWAY, FOLMER, WAGNER, VULAKOVICH, STEFANO, WHITE, RAFFERTY, WARD, HUGHES, YUDICHAK, TEPLITZ AND SCHWANK, FEBRUARY 19, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 22, 2015

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, establishing the Non-narcotic
3 Medication Assisted Substance Abuse Treatment Grant PILOT <--
4 Program; and, imposing powers and duties on the Department of
5 Corrections.

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

8 Section 1. Title 61 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 46

NON-NARCOTIC MEDICATION ASSISTED

SUBSTANCE ABUSE TREATMENT GRANT PILOT PROGRAM <--

13 Sec.

14 4601. Definitions.

15 4602. Establishment of PILOT program. <--

16 4603. County participation requirements.

17 4604. Use of grant funding.

18 4605. Powers and duties of department.

1 4606. Prior authorization.

2 4607. Report to General Assembly.

3 4608. CONSTRUCTION.

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4 § 4601. Definitions.

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

8 "Eligible offender." The term shall have the same meaning <--
9 given to it in section 4503 (relating to definitions) and who is
10 dependent on opioids or alcohol, or both.

11 "Program." "ELIGIBLE OFFENDER." A DEFENDANT OR INMATE <--
12 CONVICTED OF A CRIMINAL OFFENSE WHO WILL BE COMMITTED TO THE
13 CUSTODY OF THE COUNTY AND WHO MEETS ALL OF THE FOLLOWING
14 ELIGIBILITY REQUIREMENTS:

15 (1) DOES NOT DEMONSTRATE A HISTORY OF PRESENT OR PAST
16 VIOLENT BEHAVIOR.

17 (2) HAS NOT BEEN SUBJECT TO A SENTENCE THE CALCULATION
18 OF WHICH INCLUDES AN ENHANCEMENT FOR THE USE OF A DEADLY
19 WEAPON AS DEFINED UNDER LAW OR THE SENTENCING GUIDELINES
20 PROMULGATED BY THE PENNSYLVANIA COMMISSION ON SENTENCING OR
21 THE ATTORNEY FOR THE COMMONWEALTH HAS NOT DEMONSTRATED THAT
22 THE DEFENDANT HAS BEEN FOUND GUILTY OF OR WAS CONVICTED OF AN
23 OFFENSE INVOLVING A DEADLY WEAPON OR OFFENSE UNDER 18 PA.C.S.
24 CH. 61 (RELATING TO FIREARMS AND OTHER DANGEROUS ARTICLES) OR
25 THE EQUIVALENT OFFENSE UNDER THE LAWS OF THE UNITED STATES OR
26 ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
27 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
28 FOREIGN NATION.

29 (3) HAS NOT BEEN FOUND GUILTY OF OR PREVIOUSLY CONVICTED
30 OF OR ADJUDICATED DELINQUENT FOR OR AN ATTEMPT OR CONSPIRACY

1 TO COMMIT A PERSONAL INJURY CRIME AS DEFINED UNDER SECTION
2 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN
3 AS THE CRIME VICTIMS ACT, EXCEPT FOR AN OFFENSE UNDER 18
4 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT) WHEN THE OFFENSE
5 IS A MISDEMEANOR OF THE THIRD DEGREE, OR AN EQUIVALENT
6 OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ONE OF ITS
7 TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF
8 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
9 NATION.

10 (4) HAS NOT BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OR
11 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
12 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
13 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
14 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
15 PUERTO RICO OR A FOREIGN NATION:

16 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

17 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

18 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO INTERNET
19 CHILD PORNOGRAPHY).

20 RECEIVED A CRIMINAL SENTENCE PURSUANT TO 42 PA.C.S. §
21 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
22 COMMITTED WITH FIREARMS).

23 ANY OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER
24 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF
25 SEXUAL OFFENDERS).

26 (5) IS NOT AWAITING TRIAL OR SENTENCING FOR ADDITIONAL
27 CRIMINAL CHARGES, IF A CONVICTION OR SENTENCE ON THE
28 ADDITIONAL CHARGES WOULD CAUSE THE DEFENDANT TO BECOME
29 INELIGIBLE UNDER THIS DEFINITION.

30 "PILOT PROGRAM." The Non-narcotic Medication Assisted

1 Substance Abuse Treatment Grant PILOT Program established under <--
2 this chapter.

3 § 4602. Establishment of PILOT program. <--

4 The Non-narcotic Medication Assisted Substance Abuse
5 Treatment Grant PILOT Program is established in the department <--
6 to increase opportunities for counties to provide long acting
7 non-narcotic, nonaddictive medication combined with
8 comprehensive substance abuse treatment to eligible offenders
9 upon release from county correctional institutions. Grants shall
10 be LIMITED TO FISCAL YEAR 2015-2016 AND awarded to counties <--
11 eligible to participate in the PILOT program within six months <--
12 of the effective date of this section.

13 § 4603. County participation requirements.

14 In order to be eligible for grant funding under the PILOT <--
15 program, a county must:

16 (1) Make application to the department in a form and
17 manner as provided by the department.

18 (2) Have a county correctional institution with an
19 institutional substance abuse treatment program THAT SUPPORTS <--
20 OFFENDERS TRANSITIONING FROM A COUNTY CORRECTIONAL
21 INSTITUTION TO THE COMMUNITY OR OFFENDERS WHO ARE SENTENCED
22 TO SERVE INTERMEDIATE PUNISHMENT OR RESTRICTED INTERMEDIATE
23 PUNISHMENT SENTENCES, OR BOTH TYPES OF SUCH OFFENDERS.

24 (3) Be able to contract with a provider as required
25 under section 4604 (relating to use of grant funding).

26 (4) Meet any other requirements established by the
27 department.

28 § 4604. Use of grant funding.

29 A county awarded a grant under the PILOT program shall <--
30 contract with an entity, provider or organization that shall:

1 (1) Assess each offender, prior to re-entry into the
2 community, and determine if the offender is a candidate to
3 whom should be administered medication that prevents relapse
4 to opioid dependence or alcohol dependence, or both.

5 (2) Create an individualized program for each offender
6 identified under paragraph (1).

7 (3) Provide access to and administer long-acting
8 ~~injectable naltrexone~~ NON-NARCOTIC, NON-ADDICTIVE MEDICATION <--
9 ASSISTED TREATMENT.

10 (4) Provide ~~other types of counseling~~ CLINICALLY <--
11 APPROPRIATE INPATIENT OR OUTPATIENT SERVICES DETERMINED AS
12 NECESSARY TO SUPPORT EACH INDIVIDUAL'S TREATMENT PLAN.

13 (5) Cooperate with the county ~~board of probation and~~ <--
14 parole OFFICE as to the use of any drug under paragraph (1) <--
15 by any eligible offender.

16 (6) Create a discharge plan for each offender under
17 paragraph (1).

18 § 4605. Powers and duties of department.

19 The (A) GENERAL RULE.--THE department shall: <--

20 (1) Establish a form for counties to apply for grant
21 funding under the PILOT program. <--

22 (2) Establish ~~additional~~ criteria for counties making <--
23 application for grant funding under the PILOT program. <--

24 (3) Develop or approve training and instructional
25 materials for the law enforcement community about opioid and
26 alcohol addiction and the proper and effective use of non-
27 narcotic medication assisted substance abuse treatment in
28 consultation with the appropriate State agencies, including,
29 but not limited to, the Department of Drug and Alcohol
30 Programs, the Department of Human Services, the Department of

1 Health, the Pennsylvania Board of Probation and Parole and
2 the Pennsylvania Commission on Crime and Delinquency.

3 (4) Make a form available to providers to be used to
4 confirm that an offender is eligible for and enrolled in the
5 PILOT program. <--

6 (5) Promulgate any rules and regulations necessary to
7 implement this chapter.

8 (B) LIMITATION ON GRANT AWARDS.--GRANT AWARDS SHALL BE AT <--
9 THE DISCRETION OF THE DEPARTMENT AND SHALL BE LIMITED TO AMOUNTS
10 ANNUALLY APPROPRIATED TO THE DEPARTMENT FOR THE PILOT PROGRAM.
11 § 4606. Prior authorization.

12 Long acting injectable naltrexone shall be approved as part
13 of a prior authorization process by any Medicaid managed care
14 plan operating under contract with the Commonwealth for eligible
15 offenders enrolled in the PILOT program and receiving <--
16 comprehensive substance abuse treatment which includes the
17 monitoring of medication adherence upon their release from
18 county correctional institutions. Within 90 days of the
19 effective date of this section, the Department of Human Services
20 shall issue a bulletin notice to instruct Medicaid managed care
21 plans that approval for the use of long acting injectable
22 naltrexone must be granted if the eligible offenders are
23 enrolled in the PILOT program upon their release from county <--
24 correctional institutions.

25 § 4607. Report to General Assembly.

26 Within 18 months of the effective date of this section, the
27 department shall issue a report to the Judiciary Committee of
28 the Senate and the Appropriations Committee of the Senate and
29 the Judiciary Committee of the House of Representatives and the
30 Appropriations Committee of the House of Representatives

1 evaluating the effectiveness of the PILOT program. The report <--
2 shall include:

3 (1) The number of eligible offenders to whom long-acting
4 ~~injectable naltrexone~~ NON-NARCOTIC, NON-ADDICTIVE MEDICATION <--
5 ASSISTED TREATMENT was administered.

6 (2) The number of eligible offenders who completed the
7 ~~course of long acting injectable naltrexone~~ PROGRAM OF LONG- <--
8 ACTING NON-NARCOTIC, NON-ADDICTIVE MEDICATION ASSISTED
9 TREATMENT.

10 (3) Recidivism rates of eligible offenders to whom long-
11 ~~acting injectable naltrexone~~ NON-NARCOTIC, NON-ADDICTIVE <--
12 MEDICATION ASSISTED TREATMENT was administered.

13 (4) The average amount of grants awarded to counties.

14 (5) The number of providers available to meet the
15 requirements provided in section 4603 (relating to county
16 participation requirements) on a county-by-county basis.

17 (6) The impact of the use of long-acting ~~injectable~~ <--
18 ~~naltrexone~~ NON-NARCOTIC, NON-ADDICTIVE MEDICATION ASSISTED <--
19 TREATMENT on treatment outcomes and any potential cost
20 savings.

21 § 4608. CONSTRUCTION. <--

22 NOTHING IN THIS ACT SHALL BE CONSTRUED TO CREATE AN
23 ENTITLEMENT OR A RIGHT OF AN ELIGIBLE OFFENDER TO RECEIVE
24 TREATMENT UPON RELEASE FROM A COUNTY CORRECTIONAL INSTITUTION.

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