PRINTER'S NO. 1806

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1228 Session of 2015

INTRODUCED BY YAW, WOZNIAK, BARTOLOTTA, EICHELBERGER, BAKER, McGARRIGLE, TEPLITZ, RAFFERTY, VULAKOVICH, FOLMER, HUGHES, YUDICHAK, WHITE, COSTA, MENSCH, RESCHENTHALER, SCARNATI AND STEFANO, MAY 16, 2016

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 16, 2016

AN ACT

Providing for limitations on the dispensing of opioid analgesic drug products in emergency departments of hospitals and for use of prescription drug monitoring programs.

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

Section 1. Short title.

This act shall be known and may be cited as the Emergency Department Safe Prescribing Act.

Section 2. Definitions.

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

"Emergency department." An entity within a hospital that is organizationally distinct from other outpatient facilities and whose primary function is to provide emergency accident or emergency medical or surgical care.

"Health care practitioner." As defined in section 103 of the

act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, including a practitioner who provides services in an emergency department at a hospital and is authorized to prescribe medication under the laws of this Commonwealth.

"Hospital." As defined in section 802.1 of the Health Care Facilities Act.

"Opioid drug product." A drug product that contains an opioid agonist and is designated by the United States Food and Drug Administration for the treatment of pain.

Section 3. Prescribing practices in emergency departments.

(a) Limitation on quantity of opioid drug products.--A health care practitioner may only prescribe an opioid drug product to an individual seeking treatment in an emergency department if the quantity of the opioid drug product to treat the individual does not exceed seven days.

(b) Refills.--A health care practitioner in an emergency department may not authorize the refilling of a prescription for an opioid analgesic drug product that has been lost, stolen or destroyed.

Section 4. Referral to treatment.

A health care practitioner shall refer an individual for treatment if the individual is believed to be at risk for substance abuse while seeking treatment in an emergency department.

Section 5. Use of prescription drug monitoring program.

To determine whether a patient may be under treatment with an opioid drug product by another health care practitioner, the prescribing health care practitioner shall access the prescription drug monitoring program in accordance with section 8 of the act of October 27, 2014 (P.L.2911, No.191), known as

the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act.

Section 6. Regulations.

The Department of Health shall promulgate regulations to carry out this act.

Section 7. Penalty.

A health care practitioner who violates any provision of this act commits unprofessional conduct and shall be subject to disciplinary action under the licensure, certification, registration or permit provisions governing the respective health care practitioner.

Section 8. Effective date.

This act shall take effect in 60 days.