

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1054 Session of 2018

INTRODUCED BY BROOKS, RESCHENTHALER, RAFFERTY, STEFANO, WARD AND HUTCHINSON, FEBRUARY 16, 2018

SENATOR BAKER, HEALTH AND HUMAN SERVICES, AS AMENDED, MAY 22, 2018

AN ACT

1 Providing for ~~licensure~~ CERTIFICATION of buprenorphine office- <--
2 based prescribers; limiting the use of buprenorphine; and <--
3 ~~establishing penalties.~~ AND IMPOSING POWERS AND DUTIES ON THE <--
4 DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Buprenorphine
9 Medically Assisted Treatment Act.

10 Section 2. Definitions.

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

14 "Buprenorphine." A material, compound, mixture of
15 preparation containing buprenorphine or its salts used as
16 medically assisted treatment for opioid addiction.

17 "Buprenorphine office-based prescriber." A person that is
18 assigned a waiver from the Drug Enforcement Administration,

1 including a special identification number, commonly referred to
2 as the "X" DEA number, and provides office-based prescribing of
3 buprenorphine.

4 "Department." The Department of Drug and Alcohol Programs of
5 the Commonwealth.

6 Section 3. Buprenorphine medically assisted treatment.

7 (a) ~~Licensure~~ CERTIFICATION.--The department shall establish <--
8 a program for ~~licensure~~ CERTIFICATION of buprenorphine office- <--
9 based prescribers as qualified by training and experience to
10 prescribe buprenorphine.

11 (b) Fee.--A buprenorphine office-based prescriber shall pay
12 a fee ~~of \$10,000 for licensure by the department.~~ TO THE <--
13 DEPARTMENT IN ORDER TO RECEIVE CERTIFICATION UNDER SUBSECTION
14 (A). THE AMOUNT OF THE FEE SHALL NOT EXCEED \$500 DURING THE
15 FIRST YEAR IN WHICH THE FEE MAY BE IMPOSED AND THEREAFTER SHALL
16 NOT EXCEED AN AMOUNT SUFFICIENT TO REIMBURSE THE DEPARTMENT FOR
17 THE ADMINISTRATIVE COST TO ADMINISTER AND ENFORCE THIS ACT.

18 (c) Prohibition.--No buprenorphine office-based prescriber
19 shall prescribe buprenorphine to a patient unless all of the
20 following occur:

21 (1) The patient provides evidence demonstrating active
22 participation in an addiction treatment program licensed by
23 the department.

24 (2) The evidence of participation in the addiction
25 treatment program is documented in the patient's medical
26 record.

27 (3) The buprenorphine office-based prescriber is
28 ~~licensed~~ CERTIFIED by the department as provided under <--
29 subsection (a).

30 (d) Violations.--~~The State Board of Medicine shall~~ <--

1 ~~promulgate guidelines providing specific periods of license~~
2 ~~suspension or revocation for a buprenorphine office-based~~
3 ~~prescriber who dispenses or prescribes buprenorphine in~~
4 ~~violation of this act.~~

5 (1) THE DEPARTMENT SHALL REPORT A VIOLATION OF THIS ACT <--
6 TO THE APPROPRIATE LICENSURE BOARD.

7 (2) A PERSON WHO VIOLATES THIS ACT AND IS LICENSED BY A
8 LICENSURE BOARD UNDER ANOTHER ACT SHALL BE SUBJECT TO
9 DISCIPLINE BY THE LICENSURE BOARD UNDER THE OTHER ACT FOR THE
10 VIOLATION, INCLUDING LICENSE SUSPENSION OR REVOCATION OR AN
11 APPROPRIATE FINE OR OTHER PENALTY.

12 Section 4. Effective date.

13 This act shall take effect in 60 days.